

**PUBLIC LIBRARY, MUSEUM, AND ART GALLERY,
AND INSTITUTES ACT, 1936.**

No. 2314 of 1936.

An Act to consolidate certain Acts relating to the Public Library, Museum, and Art Gallery, to the Adelaide Circulating Library, to The Institutes Association of South Australia, Incorporated, and to institutes.

[Assented to 26th November, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Public Library, Museum, and Art Gallery, and Institutes Act, 1936." Short title.
2. This Act shall come into force on a day to be fixed by proclamation. Commencement.
3. This Act is a consolidation of the Acts mentioned in the first schedule and the said Acts are hereby repealed to the extent therein mentioned. Consolidation and repeal.
4. The provisions of this Act are arranged as follows:— Arrangement of Act.
 - PART I.—Preliminary.
 - PART II.—The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia.
 - PART III.—The Adelaide Circulating Library.
 - PART IV.—The Institutes Association of South Australia, Incorporated—

DIVISION I.—Constitution of the association:

s. 2. This Act was proclaimed to commence on 1st June, 1937: *Gazette* 25th March, 1937, p. 645.

DIVISION II.—Meetings of the association:

DIVISION III.—The council.

PART V.—Urban, suburban, and country institutes—

DIVISION I.—Constitution, property, and government:

DIVISION II.—Mortgages of institute property:

DIVISION III.—Dealings with institute property otherwise than by mortgage:

DIVISION IV.—Discharge of existing trusts and creation of new trusts:

DIVISION V.—Dissolution of institutes:

DIVISION VI.—Sale of institute to local authority:

DIVISION VII.—Transfer of institute by local authority:

DIVISION VIII.—Amalgamation of institutes.

PART VI.—Disposal of public documents.

PART VII.—Miscellaneous.

Interpretation.
986, 1909,
s. 4.

5. In this Act, and in regulations and by-laws made under this Act, and in proceedings taken under this Act or such regulations or by-laws, except where the subject matter or the context requires a different construction—

“association” means The Institutes Association of South Australia, Incorporated:

“board” means the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia:

“council” means the council for the time being of the association:

“local authority” means any municipal council or district council, except the Municipal Council of the City of Adelaide:

“Minister” means the Minister controlling education or the Minister of the Crown for the time being

discharging the duties of the Minister controlling education:

“repealed Act” means any Act repealed by this Act or repealed by an Act repealed by this Act:

“this Act” includes rules, regulations, and by-laws made by or under this Act or any repealed Act.

PART II.

PART II.

THE BOARD OF GOVERNORS OF THE PUBLIC
LIBRARY, MUSEUM, AND ART GALLERY OF
SOUTH AUSTRALIA.

6. (1) The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia is hereby continued as the board under this Act.

Board of
Governors.
986, 1909,
s. 6.

(2) The board shall continue to be a body corporate with perpetual succession and a common seal, and shall, by the name of “The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia,” be capable of suing and being sued, of proving and compounding debts, and of doing and suffering, subject to this Act, all such other things as bodies corporate may by law do and suffer.

7. (1) The board shall consist of fourteen members, of whom—

Constitution
of board.
986, 1909,
s. 7.
2293, 1936,
s. 4.

- (a) the Governor shall appoint five members;
- (b) the council of the University of Adelaide shall elect two members;
- (c) the Royal South Australian Society of Arts (Incorporated) shall elect one member;
- (d) the Royal Society of South Australia (Incorporated) shall elect one member;
- (e) the Royal Geographical Society of Australasia (South Australian Branch), Incorporated shall elect one member;
- (f) the Adelaide Circulating Library shall elect one member; and
- (g) the association shall elect three members.

(2) No person shall be qualified to be elected a member of the board by any of the societies or bodies mentioned in subsection (1) (except the council of the University of Adelaide or the association) unless he is at the time of his election a member of the society or body electing him.

(3) No person shall be qualified to be elected a member of the board by the council of the University of Adelaide unless he is at the time of election a member of the said council or a member of the senate of the said university.

(4) No person shall be qualified to be elected a member of the board by the association unless he is at the time of his election a member of an institute.

(5) In the month of November in every year the Governor shall cause to be published in the *Government Gazette* a list of the members of the board for the time being. The *Government Gazette* containing any such list shall be *prima facie* evidence that the persons named in the list are the members of the board as therein specified.

Retirement
of members
appointed by
the Governor.
986. 1909,
s. 8.

8. (1) The names of all members of the board appointed by the Governor shall be entered upon a roll which shall be kept by the board for that purpose.

(2) The board shall, at its first meeting held after any appointment of members of the board by the Governor, determine the order in which the names of such members shall be entered on the said roll next after the names already on the said roll: Provided that in any case in which only one member is so appointed the name of the member shall be placed last on the said roll.

(3) On the first day of October in every year the two members whose names are first and second respectively upon the roll shall vacate their seats; and in the month of October in every year two members shall be appointed by the Governor in place of those members: Provided, however, that the members so vacating their seats shall be deemed to continue as members until their successors are appointed, and may be reappointed.

Election of
members by
the societies.
986. 1909,
s. 9.

9. (1) The elected members of the board shall be elected for one year.

(2) In the month of October in every year the several societies and bodies mentioned in section 7 (except the association) shall elect members of the board as provided by the said section.

(3) At the annual meeting of the association, or an adjournment thereof, three members of the board shall be elected.

(4) Every elected member of the board shall hold office until the election of his successor, and shall then retire, but may be re-elected.

10. (1) Subject as in this section provided, the elections of members of the board by the several societies and bodies mentioned in section 7 shall take place and be conducted in the manner provided by the second schedule.

Method of election of members by societies.
986, 1909, s. 10.
2293, 1936, s. 4.

(2) Each of the said societies and bodies is hereby empowered, with the approval in writing of the board, to make all such statutes, regulations, and rules, not being inconsistent with this Act, as it deems necessary or proper, either in substitution for, in alteration of, or in addition to the provisions contained in the second schedule applicable to the society or body, for the following purposes, or any of them, namely, for prescribing—

- (a) the time and mode of nominating candidates for election as members of the board;
- (b) the convening and holding of meetings for such elections;
- (c) subject to section 9, the times and places for holding such meetings;
- (d) the number of members or subscribers required to constitute a quorum at such meetings;
- (e) the conduct of the business and proceedings of such meetings;
- (f) provisions for the election of members of the board to fill vacancies arising otherwise than by effluxion of time; and
- (g) generally all such matters of every kind as the society or body deems it necessary or convenient to make for the purpose of electing members of the board.

(3) As regards the association the powers conferred by this section shall be exercised by the council.

11. All members of the board, whether appointed or elected, shall have and exercise the same rights, privileges, and powers, and be under and subject to the same liabilities.

Rights of members.
986, 1909, s. 11.

Casual vacancies.
986, 1909,
s. 12.
2293, 1936,
s. 4.

12. A casual vacancy in the office of a member of the board shall occur in any of the following circumstances:—

- i. The death of a member :
- ii. The resignation of the member by notice in writing, signed by the member and received by the president or the secretary of the board :
- iii. When the member is not a member of the society or body which elected him to the board, or, if so elected by the council of the University of Adelaide when he is not a member of the council or senate of the said university; or, if so elected by the association when he is not a member of an institute :
- iv. When the member has been absent from three consecutive ordinary meetings of the board without the permission of the board, which permission may be granted by the board at any time before the expiration of six weeks after the last meeting as aforesaid :
- v. If the member was appointed by the Governor the removal of the member by the Governor.

Filling of casual vacancy.
986, 1909,
s. 13.
2229, 1935,
s. 3.

13. (1) The Governor may appoint a member of the board upon any casual vacancy occurring in the office of any member of the board appointed by him.

(2) A casual vacancy in the office of an elected member of the board may be filled by the election of a member by the society or body which elected the member: Provided that a casual vacancy in the office of an elected member elected by the association or the council may be filled by the election of a member by the council. Any member of the board elected under this subsection shall hold office for the unexpired portion of the term of office of the member in whose place he is so elected.

(3) Every appointment or election under this section shall be notified by the Governor in the *Government Gazette*. The *Government Gazette* containing any such notification shall be *prima facie* evidence of the appointment or election so notified.

Procedure on failure to elect.
986, 1909,
s. 14.

14. (1) If any of the electing bodies mentioned in section 7 fails or neglects to exercise the right of election given to it by this Act, the Governor may appoint a member or members

of the board, who shall hold office for the same period and in all respects as if he or they had been elected by the electing body so making default.

(2) The provisions of this section shall also apply in the case of any casual vacancy which occurs in the office of any elected member of the board.

15. (1) The board may act and may exercise all its powers notwithstanding any vacancy in its membership, and no act or proceeding of the board shall be invalid or illegal in consequence only of any such vacancy existing at the time of any such act or proceeding.

Board may act, notwithstanding vacancy.
986, 1909,
s. 15.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any member thereof, or that any member was disqualified or disentitled to be a member or to act as such be as valid as if the member had been duly appointed and was qualified and entitled to be and to act as a member of the board.

16. At all meetings of the board any five members shall constitute a quorum.

Quorum of board.
986, 1909,
s. 16.

17. (1) There shall be a president and a vice-president of the board, who shall be elected by ballot by the members present at the first ordinary meeting of the board held in the month of November in every year.

President and vice-president of board.
986, 1909,
s. 17.

(2) The president and vice-president shall continue in office until the election of their successors respectively, and shall be eligible for re-election.

18. (1) At all meetings of the board the president, if present, and if not, then the vice-president, shall be chairman.

Chairman.
986, 1909,
s. 18.

(2) In the absence of the president and vice-president from any meeting or part of a meeting one of the other members present shall be elected by those present to be chairman of the meeting during such absence.

(3) The chairman shall have a deliberative vote only, and when the votes are equal for and against a motion no decision shall be deemed to have been arrived at.

19. (1) The parcels of land described in the third schedule, together with all buildings thereon, and any other lands or buildings which the Governor by proclamation so directs, shall be under the care, control, and management of the board.

Lands under control of the board.
986, 1909,
s. 19.

(2) The board shall, with the consent of the Governor, be capable of taking, purchasing, and holding lands, tenements, and hereditaments of all kinds, and shall, with the like consent, be capable of selling, exchanging, letting, and otherwise disposing of the same.

Vesting in
board of
personal
property.
986, 1909,
s. 20,
1623, 1924,
i. 3.

20. (1) All the goods and chattels vested in the board at the commencement of this Act shall continue to be vested in the board.

(2) All gifts and bequests before, at, or after the commencement of this Act made to or on behalf or for the benefit or purposes of the Public Library, the Museum, the Art Gallery, or the Art Museum, or the board, or the governing body of the said institutions, or any of them, shall be deemed gifts and bequests to or on behalf or for the benefit or purposes of the board.

(3) The board is hereby empowered to receive, take, or purchase any pictures or other works of art, objects of natural history, mineral specimens, exhibits, coins, medals, curiosities, books, maps, manuscripts, documents, pamphlets, or papers, or other goods or chattels whatsoever, and to sell, exchange, or otherwise dispose of the same or any of them; but no picture or other work of art shall be sold, exchanged, or otherwise disposed of without the consent of the Governor.

(4) The power conferred upon the board by subsection (3) to sell, exchange, or otherwise dispose of any such thing as is mentioned in that subsection shall apply to such things whether acquired before or after the commencement of this Act.

(5) The board is also hereby empowered to lend any of such pictures and works of art to art galleries, art museums, and other similar institutions beyond the limits of the State in exchange for loans of pictures or works of art.

(6) Subject to anything prescribed, the board is hereby further empowered to lend any personal property vested in the board to any person, association, or institution, upon such terms and conditions as the board thinks fit to impose.

Liability of
persons
damaging,
etc., any
chattel in
board's
possession.
1506, 1922,
s. 3 (part).

21. (1) If any person unlawfully damages, mutilates, destroys, or removes from the possession of the board any picture, print, exhibit, coin, medal, mineral specimen, curiosity, object of natural history, object or work of art, book, map, manuscript, document, pamphlet, paper, or other chattel in the possession of the board at the time of the damaging,

mutilation, destruction, or removal, he shall, without limiting or affecting any other liability thereby imposed on him by this Act or otherwise, be liable for and shall pay to the board the full amount of the value of the chattel so damaged, mutilated, destroyed, or removed.

(2) The said amount shall be recoverable summarily.

(3) Any proceedings under this section may be taken by the board or by any person purporting to be authorised in writing by the board.

(4) When any such damage, mutilation, destruction, or removal constitutes an offence against this Act, and in any proceedings in respect thereof a person is convicted, the court of summary jurisdiction convicting the said person may, in addition to imposing any penalty, order the said person to pay to the board the full amount of the value of the chattel damaged, mutilated, destroyed, or removed, and that amount shall be recoverable as if it were part of the penalty so imposed, notwithstanding that the total of the penalty and the amount exceeds the maximum penalty which may be imposed.

22. (1) The board may offer and pay a reward to any person who gives information to the board or any of its officers of the commission of an offence against this Act or of the damaging, mutilation, destruction, or removal from the possession of the board of any picture, print, exhibit, coin, medal, mineral specimen, curiosity, object of natural history, object or work of art, book, map, manuscript, document, pamphlet, paper, or other chattel in the possession of the board, whether the damaging, mutilation, destruction, or removal, is an offence against this Act or not.

Reward for
information
of commission
of offence.
1506, 1922,
s. 3 (part).
2229, 1935,
s. 4.

(2) When proceedings are taken before a court in respect of any such offence, damaging, mutilation, destruction, or removal, and a person is convicted by the court, or any order is made by the court against a person in respect thereof, the court may, in addition to imposing any penalty or pecuniary liability, order the person to pay to the board the amount of any reward paid or promised or engaged to be paid by the board in respect of the offence, damaging, mutilation, destruction, or removal, and the said amount shall be recoverable as if it were a penalty imposed under this Act.

(3) The total amount recoverable under subsection (2) hereof shall not exceed the sum of five pounds in respect of each offence, damaging, mutilation, destruction, or removal.

Officers of the board.
986, 1909,
s. 21.

23. The board may appoint such officers and servants as it deems necessary, and may pay them such salaries and wages as it deems proper.

Power to receive and dispose of moneys voted.
986, 1909,
s. 22.

24. The board shall have power to receive the moneys annually granted by the Parliament for the Public Library, Museum, and Art Gallery, and for any societies or bodies affiliated with the board, except the association, and to pay and apply those moneys.

Societies and bodies affiliated with the board.
986, 1909,
s. 23.

25. (1) The following societies shall continue to be affiliated with the board, namely:—

The Royal South Australian Society of Arts (Incorporated);

The Royal Society of South Australia (Incorporated);

The Royal Geographical Society of Australasia (South Australian Branch), Incorporated; and

The Astronomical Society of South Australia.

(2) The association is hereby affiliated with the board.

(3) The board shall have power to affiliate with itself any other educational, literary, or scientific societies or bodies, not being institutes, which desire to be so affiliated, upon such terms as are agreed upon between the board and the society or body desiring to be affiliated.

(4) No institute shall be affiliated with the board.

Association to be accommodated in buildings controlled by the board.
986, 1909,
s. 24.

26. (1) The board shall afford to the association, such accommodation in the buildings under the control of the board and shall permit the association to use such room or rooms in the said buildings and to use the same in such manner, as is or are for the time being necessary for the transaction and due performance of the business and duties of the association and of the council thereof.

(2) In case of dispute arising at any time between the board and the association or the council as to what accommodation the association or council should have, or what room or rooms should be used, or in what manner the same should be used, by the association or the council under this section, the matter shall be referred to the Minister, whose decision shall be final.

Assignment of rooms to the library.
986, 1909,
s. 32.

27. The board shall, from time to time, assign to the Adelaide Circulating Library for its use such rooms in the buildings under the control of the board as the board thinks fit.

28. The board may accord to any society or body affiliated with it, or to any society or body having for its object the encouragement of literature or the arts or sciences, or any of them, or to any institute, such privileges and such use of any lands, buildings, and other real and personal property vested in the board, or under its control, as the board thinks fit, and for such period and upon such terms as the board thinks fit.

Power to grant use of property to affiliated societies.

986, 1909,
s. 25.
1623, 1924,
s. 4.

29. (1) Notwithstanding the passing of this Act, all rules and regulations made by the board which were in force at the tenth day of February, nineteen hundred and ten, except such as relate to institutes, shall remain in force, except so far as repealed or altered under the power conferred upon the board by this section and by any repealed Act.

Regulations.

986, 1909,
s. 26.

(2) The board shall have power from time to time to make regulations, not inconsistent with this Act or with the power of any other society or body to make regulations as provided by this Act, for the following purposes:—

- i. For the conduct of its own business and proceedings:
- ii. For the due management of the affairs of the Public Library, Museum, and Art Gallery, and any other libraries, museums, galleries, and other institutions under the control of the board:
- iii. For the admission and for the exclusion or expulsion of the public or any individual to and from the Public Library, Museum, and Art Gallery, and any other libraries, museums, galleries, and other institutions under the control of the board, or any part thereof:
- iv. For specifying the conditions and restrictions upon and subject to which the public may be allowed—
 - (a) to read books, manuscripts, and other documents, or to make copies thereof or extracts therefrom:
 - (b) to inspect the pictures, works of art, and exhibits in the Art Gallery, the Museum, and any other galleries, museums, and other institutions under the control of the board, and to make drawings or copies thereof:
- v. For the effectual use of the pictures, exhibits, coins, medals, mineral specimens, curiosities, objects of

natural history, works of art, books, maps, manuscripts, documents, pamphlets, and papers for the purposes of public education and enjoyment:

- vi. For fixing penalties for any breach of any regulation of the board authorised by this Act to be made, or of any rule or regulation continued in force by this Act, not exceeding the sum of twenty pounds for any one offence:
- vii. For such other purposes as the Governor by proclamation allows:
- viii. Generally for carrying into effect the objects of this Part or any of such objects.

Publication and effect of regulations.
986, 1909, s. 27.
2293, 1936, s. 4.

30. (1) All regulations made by the board under the power conferred by the next preceding section shall—

- (a) be published in the *Government Gazette*;
- (b) take effect from the date of such publication, or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session.

(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after the regulation has been laid before it, the regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament as that in which the regulation is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2), notice of the resolution shall forthwith be published in the *Government Gazette*.

Annual report and audit.
986, 1909, s. 28.

31. (1) The board shall, on or before the thirtieth day of September in every year report its proceedings during the twelve months ending on the preceding thirtieth day of June

to the Governor. A copy of the report shall be laid as soon as practicable before both Houses of Parliament.

(2) The accounts of the board shall, once at least in every year, be audited by the Auditor-General, who shall, in respect of the said accounts, have all the powers conferred on him by the Audit Act, 1921, and any Act for the time being in force relating to the audit of public accounts. An abstract of the accounts, together with the report of the Auditor-General thereon, shall be laid as soon as practicable before both Houses of Parliament.

PART III.

PART III.

THE ADELAIDE CIRCULATING LIBRARY.

32. In this Part—

Interpreta-
tion.
986, 1909,
s. 30.

“library” means the Adelaide Circulating Library:

“committee” means the committee of the said library.

33. The library known as the Adelaide Circulating Library is hereby continued.

Adelaide
Circulating
Library
continued.
986, 1909,
s. 31.

34. The library shall participate in the annual grant of moneys voted by Parliament for institutes, to such extent as the Minister directs.

Grants.
986, 1909,
s. 33.

35. The library shall continue to be a body corporate by the name of the Adelaide Circulating Library, and shall have perpetual succession and a common seal, and by that name shall be capable of suing and being sued, of proving and compounding debts, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may do and suffer, and shall be subject to the rules in the fourth schedule, or other the rules for the time being in force in respect thereof.

Body cor-
porate.
986, 1909,
s. 34.

36. Persons subscribing, as provided by the rules in the fourth schedule, to the library, shall be members thereof: Provided that no person shall be allowed to vote as a member

Subscribers to
be members.
986, 1909,
s. 35.

at any meeting held in pursuance of this Act unless he has been a subscriber and has paid his subscription for the six months next preceding the time of the meeting.

Election of
committee.
986, 1909,
s. 36.
2293, 1936,
s. 4.

37. (1) The members of the library shall elect from among themselves five persons to be the committee of the library. The persons so elected shall retain office until the election of their successors.

(2) At all meetings of the committee any three members shall constitute a quorum.

Casual
vacancies.
986, 1909,
s. 37.

38. Any casual vacancy caused by the death or resignation of any member of the committee may be filled by the election of a member of the committee by the members of the library, in the manner prescribed by the next succeeding section. Any such member shall hold office for the unexpired portion of the term of office of the member in whose place he is so elected.

Election of
members of
committee.
986, 1909,
s. 23.
2293, 1936,
s. 4.

39. (1) The election of members of the committee shall be by ballot, which shall be taken in a place and on a day to be fixed by any general or special meeting of the members of the library, or by any adjournment of any such meeting.

(2) On the taking of the ballot, the secretary of the library, or such other officer as is appointed by the committee for that purpose, shall act as returning officer, and shall have the general management and control of the election.

(3) The ballot shall be open on the day fixed for election from eleven o'clock in the morning until all members of the library, who are present in place fixed for taking the ballot at eight o'clock in the evening, have had an opportunity of voting.

(4) No person shall be eligible as a member of the committee unless he has given to the secretary of the library, or such other person as is appointed as aforesaid, ten days' notice in writing of his intention to offer himself as a candidate for election.

(5) The result of the election shall be certified in writing to the committee by the said secretary or such other person as is appointed as aforesaid.

(6) If at any election no more candidates offer themselves for election than there are seats to be filled, the candidates so offering themselves shall be deemed to have been elected and no ballot shall be taken.

40. (1) The committee of the library may appoint a secretary, librarian, and such other officers as to the committee seems proper.

Appointment
of officers.
986, 1909,
s. 39.

(2) The salaries of the said officers, and all moneys disbursed by the committee in the purchase of books, and the general expenses of the library, shall be paid out of the subscriptions received from subscribers, and such moneys as are appropriated for the purposes of the library by the Minister under section 34.

41. (1) A general meeting of the members of the library shall be held annually in the month of October, on such a day and at such hour and place as are from time to time fixed by the committee, by giving seven days' notice in any two newspapers published and circulating in Adelaide.

Annual
general
meeting.
986, 1909,
s. 40.

(2) Not less than ten members (in addition to any members of the committee) shall be necessary to constitute a quorum at the meeting, and if a quorum is not present within an hour of the time fixed for the meeting, the committee, or the chairman of the meeting, shall adjourn the said meeting for such period, not exceeding one month from the date fixed for the meeting, and to such place, as they or he appoints, and thereafter in like manner until a quorum is obtained.

(3) At the general meeting—

(a) the time and place for the ballot for the election of the committee for the ensuing year shall be fixed:

(b) a report of the proceedings during the preceding year shall be laid before the meeting;

(c) the necessary steps shall be taken to elect a member of the board; and

(d) all matters connected with the affairs of the library may be discussed.

(4) The committee may at any time, upon giving seven days' notice in any two newspapers published and circulating in Adelaide, convene a meeting of the members of the library for the purpose of taking the necessary steps to elect a member of the board.

42. The committee may, and on the requisition of any two or more members of the committee, or of any thirty or more of the members of the library, shall, by giving fourteen days' notice in any two newspapers published and circulating in

Special
general meet-
ings.
986, 1909,
s. 41.

PART III.

Adelaide, and affixing a legible copy of the notice in a conspicuous place near the desk at which books are issued to subscribers, convene a special general meeting of the members for the purpose of considering such matters connected with the library as are set forth in the requisition.

Moneys of
library.
986, 1909,
s. 42.

43. (1) All sums of money received by the library shall be paid to its credit at such bank in Adelaide as the committee directs.

(2) All moneys above the sum of two pounds shall be paid by cheque, signed by two members of the committee and countersigned by the secretary or other person appointed by the committee for such purpose.

Power of
making rules,
and altering
the rules.
986, 1909,
s. 43.

44. (1) The committee may, from time to time, make rules for the library not inconsistent with this Act, in addition to, or in substitution for, or in amendment or alteration of, the rules contained in the fourth schedule.

(2) The provisions of section 30 as to regulations made by the board shall apply to all rules made under the power conferred by this section.

PART IV.

PART IV.

THE INSTITUTES ASSOCIATION OF SOUTH
AUSTRALIA, INCORPORATED.

DIVISION I.

DIVISION I.—CONSTITUTION OF THE ASSOCIATION.

Incorporation
of the
association.
986, 1909,
s. 102.

45. (1) The association shall continue to be a body corporate under the name of "The Institutes Association of South Australia, Incorporated," and shall have perpetual succession and a common seal, and by that name shall be capable of suing and being sued, of proving and compounding debts, and of doing and suffering, subject to this Act, all such other things as bodies corporate may by law do and suffer.

(2) The association shall, with the consent of the Governor, be capable of taking, purchasing, and holding lands, tenements, and hereditaments of all kinds, and shall, with the like consent, be capable of selling, exchanging, letting, and otherwise disposing of the same.

46. (1) The association shall consist of the institutes for the time being included in the fifth schedule.

Constitution
of associa-
tion.

2229, 1935,
s. 19.

(2) All such institutes included as aforesaid shall be members of the association.

(3) The Governor may by proclamation made on the recommendation in writing of the council include any institute in the said schedule.

(4) The Governor may by proclamation made on the like recommendation remove any institute from the said schedule.

47. Any institute shall, upon making application to the council in accordance with the next succeeding section, be entitled to be admitted to membership of the association, provided that it has at least ten members who have fully paid their subscriptions which have fallen due within the twelve months immediately preceding the date of the resolution mentioned in the next succeeding section.

Institutes
entitled to be
members.

986, 1909,
s. 104.

48. (1) No application by an institute for admission to membership of the association shall be considered by the council unless—

Conditions
precedent to
consideration
of application.

986, 1909,
s. 105.

(a) a resolution in favour of the application has been carried by a majority of the members present and voting at a general meeting of the members of the institute called for the purpose of considering the matter; and

(b) a copy of the resolution, and a statement of the number of members who voted for and against the same, signed and certified as correct by the chairman of the meeting mentioned in paragraph (a) or by the secretary of the institute, has been received by the secretary of the council.

(2) A document or documents purporting to be such copy and statement as mentioned in paragraph (b) of subsection (1), and purporting to be signed and certified as required by the said paragraph (b), may be accepted by the council as conclusive evidence of the matters therein set forth.

49. If an institute complies with the provisions of sections 47 and 48, the council shall at its first meeting held after the receipt by the secretary of the council of the copy of the resolution and statement referred to in section 48, recommend to the Governor the making of a proclamation under section 46 to include the institute in the fifth schedule.

Consideration
by council.

2229, 1935,
s. 20.

DIVISION II.

DIVISION II.—MEETINGS OF THE ASSOCIATION.

Meetings of
the associa-
tion.

986, 1909,
s. 107.
2229, 1935,
s. 21.

50. (1) An annual meeting of the association shall be held each year, during the month of September, or during such other month as is fixed by regulation made by the council.

(2) Subject as aforesaid, the annual and other meetings of the association shall be held at such times and places as are fixed by the council by at least fourteen days' notice, in writing, delivered or posted to every institute.

Representa-
tion at
meetings.

986, 1909,
s. 108.

51. (1) The meetings of the association shall be comprised of representatives of institutes.

(2) Every institute shall be entitled to representation at all meetings of the association in proportion to the number of its members, as follows:—

- I. Not over one hundred and fifty members, one representative:
- II. Over one hundred and fifty but not over four hundred and fifty members, two representatives:
- III. Over four hundred and fifty members, three representatives.

Election of
representa-
tives.

986, 1909,
s. 109.

52. (1) The appointment of the representatives of an institute to attend the meetings of the association shall be made by election at an ordinary general or special general meeting of the members of the institute, and the election shall be conducted in the same manner as the election of the officers of the institute, or in the manner prescribed by the rules of the institute.

(2) Every representative shall hold office for one year, provided that, in the case of the death or resignation of any representative, another representative may be elected to fill the vacancy, who shall hold office for the unexpired portion of the term of office of the representative so dying or resigning.

(3) A retiring representative may be re-elected.

(4) The result of any election held under this section shall forthwith be communicated to the secretary of the council by a certificate signed by the chairman of the meeting at which the election was held and the secretary of the institute.

53. Notwithstanding the next preceding section any institute may delegate to its committee its power to appoint representatives to attend the meetings of the association.

Delegation of power to appoint representatives. 986, 1909, s. 110.

54. (1) The delegation referred in the next preceding section shall be made by a resolution in the form prescribed in the sixth schedule, passed at an ordinary general or special general meeting of the members of the institute, of which meeting notice has been given, setting forth the intention to propose the resolution.

Method of delegation. 986, 1909, s. 111.

(2) A copy of the resolution shall be forthwith sent to the council, authenticated by a certificate signed by the chairman of the meeting at which it was passed and the secretary of the institute. The certificate shall be in the form prescribed in the sixth schedule.

(3) The resolution shall remain in force until a copy of a resolution rescinding the same, passed at an ordinary general or special general meeting of the members of the institute, the copy being authenticated as mentioned in subsection (2), has been received by the secretary of the council.

55. In the event of an institute availing itself of the power of delegation conferred by section 53, the committee of the institute shall appoint the representatives of the institute to attend the meetings of the association, and the provisions of subsections (2), (3), and (4) of section 52 shall apply, but reading the word "appointed" in place of the word "elected," the word "re-appointed" in place of the word "re-elected," the word "appointment" in place of the word "election," and the expression "appointment was made" in place of the expression "election was held."

Committee to appoint representatives. 986, 1909, s. 112.

56. (1) In case any representative appointed, as provided by section 52 or section 55, expects to be unable to attend one or more meetings of the association, he may give notice in writing of that fact to the president or chairman of the institute by or for which he was appointed. The president or chairman shall thereupon, by a certificate signed by him, appoint a representative to attend the meeting or meetings, as a substitute for the first-mentioned representative.

Substitute representatives. 986, 1909, s. 113.

(2) Upon presentation of the certificate to the chairman of any meeting which the substitute has been so appointed to attend, the substitute shall, if the said first-mentioned representative does not attend the meeting, be entitled to attend and act thereat as a representative of the institute.

PART IV.
DIVISION II.

Person may represent as many as three institutes.
986, 1909.
s. 114.

57. (1) Any person may be elected or appointed by not more than three institutes to represent them at the meetings of the association.

(2) Every representative shall have one vote for each institute for which he has been elected or appointed a representative.

Quorum at meetings of association.
986, 1909.
s. 115.

58. At all meetings of the association fifteen persons shall constitute a quorum. For the purpose of this section a person who represents more than one institute shall be counted as one person only.

DIVISION III.

DIVISION III.—THE COUNCIL.

Management of affairs of association.
986, 1909.
s. 116.

59. The affairs of the association shall, subject to this Act, be managed by the council.

Constitution of council.
2229, 1935.
s. 22 (part).

60. (1) The council shall consist of twelve members.

(2) Seven members shall be appointed by the association at the annual meeting or at any adjournment thereof in manner prescribed by regulation made by the council.

(3) Five members shall be appointed by the Governor.

(4) Only members of institutes may be appointed by the association to be members of the council.

(5) Not more than one member of any institute shall hold an appointment by the association as a member of the council at the same time. If at any election of members of the council more than one member of any institute is nominated for election by the association, or is elected by the association, the chairman of the meeting shall decide by lot which of the members so nominated or elected shall retire.

President and vice-president.
2229, 1935.
s. 22 (part).

61. The president and vice-president of the council shall in every year be elected by ballot by and from the members of the council at the first ordinary meeting of the council held after the appointment thereof.

Duration of office.
986, 1909.
s. 119.
2229, 1935.
s. 23.

62. (1) Every member of the council appointed by the association shall hold office for one year, but may be re-elected from time to time: Provided that, in case of the death or resignation of any such member before the expiration of his

term of office, the council may appoint another member to fill the vacancy, who shall hold office for the unexpired portion of the term of office of the deceased or resigned member.

(2) Every member of the council appointed by the Governor shall, subject to his earlier death or resignation, hold office for one year from the date of his appointment, but shall be removable at pleasure. Any member so appointed may be re-appointed from time to time.

63. (1) At all meetings of the council the president if present, and if not, then the vice-president, shall be chairman.

Chairman.
986, 1909,
s. 120.

(2) In the absence of the president and vice-president from any meeting or part of a meeting one of the other members present shall be elected by the votes of the majority of those present to be chairman of the meeting during such absence.

(3) The chairman shall have a deliberative vote only, and when the votes are equal for and against a motion no decision shall be deemed to have been arrived at.

64. At all meetings of the council any five members shall constitute a quorum.

Quorum.
986, 1909,
s. 121.

65. (1) The council may act and may exercise all its powers notwithstanding any vacancy in its membership; and no act or proceeding of the council shall be invalid or illegal in consequence only of the vacancy existing at the time of the act or proceeding.

Council may
act notwith-
standing
vacancy.
986, 1909,
s. 122

(2) All acts and proceedings of the council shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to be a member or to act as such, be as valid as if the member had been duly appointed and was qualified and entitled to be and to act as a member of the council.

66. The council may from time to time make, alter, and rescind regulations not being inconsistent with this Act, for the following purposes, or any of them, namely:—

Regulations
as to business
of council.
986, 1909,
s. 123.
2229, 1935,
s. 24.

- i. For prescribing the times and places and notices of its meetings, and of the annual and other meetings of the association:

- ii. For the conduct of its proceedings and business, and of the proceedings and business of the association:
- iii. For prescribing the method of appointment of members of the council by the association and the method of election of members of the board by the association and the council:
- iv. For prescribing the method of conducting ballots for the appointment of president and vice-president of the council:
- v. For prescribing the duties and powers of its officers; and for their control, supervision, and guidance:
- vi. For regulating the use of the common seal of the association:
- vii. For all or any of the purposes mentioned in section 10:
- viii. For fixing the penalties for any breach of any regulation made under this section, not exceeding the sum of twenty pounds for any one offence:
- ix. For such other purposes as the Governor by proclamation allows.

Publication and effect of regulations. 986, 1909, s. 124. 2293, 1936, s. 4.

67. (1) All regulations made by the council under the power conferred by the next preceding section shall—

- (a) be published in the *Government Gazette*;
- (b) take effect from the date of such publication, or from a later date to be specified therein; and
- (c) be laid before both Houses of Parliament within fourteen days after publication if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session.

(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after the regulation has been laid before it, the regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same session of Parliament as that in which the regulation is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2), notice of the resolution shall forthwith be published in the *Government Gazette*.

68. (1) The council shall appoint a secretary, who shall be the secretary of the council and of the association, and may appoint such (if any) other officers and servants as it deems necessary for the transaction and due performance of the business and duties of the council and of the association.

Secretary and other officers, and expenses. 986, 1909, s. 125.

(2) The salaries of the secretary and other officers and servants (if any) shall be fixed by the council, and the said salaries, and the other expenses of the council and of the association, may be paid out of any funds in the hands of the council, whether voted by Parliament or otherwise obtained, for the general purposes of the council or of the association or for the benefit of institutes generally.

69. It shall be the duty of the said secretary, so far as is consistent with the performance of other duties imposed upon him by the council—

Secretary to visit institutes. 986, 1909, s. 126.

(a) to visit institutes;

(b) to offer advice to institutes; and

(c) to furnish to the council reports as to such visits.

70. Except so far as provided by this Act the council shall not in anyway interfere with the control or management by any institute of its affairs or property.

Limitation of council's powers. 986, 1909, s. 127.

71. All moneys voted by Parliament for the support and maintenance of institutes shall, subject to subsection (2) of section 68 and unless otherwise provided by Parliament, be distributed and applied by the council for the benefit of institutes and the Adelaide Circulating Library in such manner as the Minister directs.

Distribution of moneys. 986, 1909, s. 128.

72. All books, pictures, boxes, and other things whatsoever which were on the tenth day of February, nineteen hundred and ten, vested in or in the custody of the council and were at that time used, or intended to be used for circulation among institutes or otherwise for the purposes of institutes or any of them, shall be used by the council in manner aforesaid.

Books, etc., for circulation amongst institutes. 986, 1909, s. 129.

Gifts for institutes generally to vest in and be applied by council.
1909, s. 130.

73. All gifts and bequests made to or on behalf or for the benefit or purposes of the association, or of the council, or of institutes generally, or of institutes without specifying any particular institutes, shall be deemed to be gifts and bequests to the association, and shall be applied by the council for the furtherance of the purposes of institutes generally in such manner as the council deems best suited to further those purposes.

Annual report and audit.
1909, s. 131.

74. (1) The council shall, on or before the thirtieth day of September in every year, report its proceedings during the twelve months ending on the preceding thirtieth day of June to the Governor. A copy of the report shall be laid, as soon as practicable, before both Houses of Parliament.

(2) The accounts of the council shall, once at least in every year, be audited by the Auditor-General, who shall, in respect of the said accounts, have all the powers which may be exercised by him under the Audit Act, 1921, and any Act for the time being in force relating to the audit of public accounts. An abstract of the accounts, together with the report of the Auditor-General thereon, shall be laid, as soon as practicable, before both Houses of Parliament.

Powers and duties of council.
1909, s. 132.

75. Without in any way, or to any extent, derogating from, limiting, or annulling any power or duty conferred or imposed upon or vested in the council by this Act, whether in this section specifically mentioned or not, it is hereby declared that the council shall have and may, or shall, exercise the following powers and duties in relation to all institutes, namely:—

- i. The power from time to time to call the attention of institutes to the requirements of sections 86, 88, 89, 90, and 91, and to the powers conferred by sections 92 and 93, and to any other provisions of this Act, and any other matters which, in the interests of individual institutes or institutes generally or of the association the council deems it expedient to bring before the notice of institutes:
- ii. The duty to consider rules made under section 92, and submitted to the council, and to report thereon to the Governor:
- iii. The duty to consider applications for reports under sections 98, 108, 112, 119, 129, and 135, and to

report thereon to the institutes applying for the same:

- iv. The duty to consider applications for consents to dealings with property of institutes under section 110, and to report thereon to the institutes applying for same.
 - v. The duty to consider decisions, submitted to the council, as to the disposal under section 116 of the property of dissolved institutes, and to report thereon to the trustees of the institutes submitting the same, with power, in the circumstances and to the extent mentioned in the said section to dispose of the property:
 - vi. The power, under section 117, to declare institutes dissolved and to deal, under that section, with the property of institutes so dissolved:
 - vii. The duty to consider applications of institutes for admission as members of the association:
 - viii. The duty to keep a roll of institutes, with the names of the representatives from time to time appointed by or for such institutes to attend the meetings of the association:
 - ix. The powers and duties specifically conferred or imposed upon or vested in the council by the preceding sections of this Division:
 - x. Such other powers and duties as are prescribed by regulations made under section 66; and
 - xi. Such, if any, other powers and duties as before the tenth day of February, nineteen hundred and ten, the board had and might or was required to exercise or discharge, in relation to institutes under any repealed Act.
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PART V.

PART V.

Cf. U.K.
54 & 55 Vict.
c. 22.
Cf. U.K.
1 Fdw. 7
c. 19.
Cf. U.K.
9 & 10 Geo. 5
c. 93.

URBAN, SUBURBAN, AND COUNTRY INSTITUTES.

DIVISION I.

DIVISION I.—CONSTITUTION, PROPERTY, AND GOVERNMENT.

Definition of
"institute."
2229, 1935,
s. 5.

76. In this Act, unless the subject matter or the context requires a different construction, "institute" means an association of persons (other than an association formed for the purposes of private profit for its members) one of the purposes of which is the provision of a library from which books are lent to the members, and which is an institute included for the time being in the fifth schedule.

Prohibition
against
incorpora-
tion.
986, 1909,
s. 46.

77. After the tenth day of February, nineteen hundred and ten, no institute shall be capable of becoming incorporated.

Provision as
to incorpor-
ated
institutes.
2229, 1935,
s. 6 (part).

78. (1) Notwithstanding the incorporation of any institute pursuant to the Associations Incorporation Act, 1890, or the Associations Incorporation Act, 1929, and notwithstanding any of the provisions of those Acts, the property of any such incorporated institute shall be vested in the trustees appointed by the institute as provided by this Act, and the provisions of this Act with respect to the property of the institute, the management of the said property, and the management of the institute shall apply to the institute and the provisions of the Associations Incorporation Act, 1929, relating to the said matters shall cease to apply to every such institute.

(2) The sealholders of any such incorporated institute holding office at the fifth day of December, nineteen hundred and thirty-five, shall, on complying with the provisions of section 86, be deemed to be trustees of the institute for the purposes of this Act, and shall continue in that office as provided by and subject to this Act.

(3) It shall not be necessary with respect to any such incorporated institute to comply with the provisions of section 87, and notwithstanding the provisions of The Real Property Act, 1886, the trustees of any such institute in respect of whom a memorial has been filed under section 86, may execute any document registrable under The Real

Property Act, 1886, in respect of any real property of the institute whether the real property is vested in the trustees or in the corporation, and the Registrar-General shall, without requiring compliance with section 87, register any such document if otherwise it complies with the law relating to such registration.

79. No member of any institute or any trustee or member of the committee thereof shall be under any personal liability to any person having any claim of any kind against the institute or against any such member or trustee as such arising after the fifth day of December, nineteen hundred and thirty-five, except as expressly provided by the rules of the institute: Provided that this section shall not apply to any claim arising out of any mortgage or charge of institute property granted before the fifth day of December, nineteen hundred and thirty-five.

Liability of
members.
2229, 1935,
s. 6 (part).

80. The management of an institute shall, subject to Division VI. of this Part, be vested in a committee constituted and elected as provided by the rules of the institute.

Management
vested in
committee.
986, 1909,
s. 47.

81. (1) The power to admit members or reject applications for membership, and the power to expel members of an institute, shall vest in the committee thereof.

Membership.
986, 1909,
s. 48.

(2) Any person, not being less than fifteen years of age at the date of applying for membership, shall be entitled to become a member of an institute on complying with the rules of the institute as to subscription and entrance fee (if any), and making an application in accordance with the said rules: Provided that the committee may reject any application or expel any member whom it deems unfit to be a member of the institute.

(3) Notwithstanding anything in this section, any person whose application for membership of an institute has been rejected, or who has been expelled from membership, may appeal against the rejection or expulsion to a general meeting of the members of the institute, in which case the committee shall act in accordance with the decision of the meeting, which decision shall be final.

82. The association shall be the trustee of any institute which has not, for the time being, a trustee or trustees appointed or elected by the institute under this Act or a repealed Act: Provided that the liability of the association

Association
to be trustee
unless trustees
appointed.
986, 1909,
s. 49,
1623, 1924,
s. 5.

in respect of any matter done or omitted to be done by it in its capacity as trustee under this section shall be limited to the amount of the property (not being land granted by the Crown for institute purposes) held by it as such trustee.

Trustees.

986, 1909,
s. 50.
2229, 1935,
s. 7.

83. (1) The members of an institute may from time to time, at a general meeting of the members duly convened by notice stating the object of the meeting, appoint or elect trustees of the institute.

(2) The trustees, having accepted office, shall continue to be trustees, subject, as to the duration of office and as to powers and duties, to anything prescribed in the rules of the institute.

(3) A trustee may by notice filed in the office of the Registrar of Companies resign his office.

Vesting of
property in
the trustees.
986, 1909,
s. 51.

84. (1) All real and personal property belonging to an institute shall be vested in the trustees of the institute for the time being for the use and benefit of the institute, and for the purposes thereof, subject, nevertheless, as to any property, to any express trusts affecting the same created by any instrument dealing with the property.

(2) After any change of trustees, whether by the death, resignation, or removal of any trustee or otherwise, the real and personal property of the institute shall, upon the filing of the memorial mentioned in section 86, and without any assignment, conveyance, or other assurance whatever, vest in the trustees for the time being for the same estates and interests as the former trustees had therein, and subject to the same trusts and for the same purposes.

(3) For the purposes of all actions or other matters, civil or criminal, in any court, or before any tribunal, the property of the institute shall be deemed the property of the person or persons for the time being holding the office of trustee or trustees of the institute, who may sue and be sued in respect of the property, in his or their proper name or names as trustee or trustees of the institute, without other description.

(4) No such action or other matter shall be discontinued or abate by any change in the trustees, whether by the death of any trustee or by his resignation or removal from the office of trustee, or otherwise; but the same may be proceeded with by or against the trustees for the time being in the proper names of the person or persons by or against whom the same was commenced. The trustees for the time being

shall receive or pay the like costs as if the action or other matter had been commenced by or against them in their names as trustees of the institute.

85. The trustees of an institute shall permit all and every part of the property of the institute vested in them as such trustees to be used for the purposes of the institute, and in such manner as the committee of the institute from time to time decides: Provided that if there is for the time being no such committee, the trustees shall use all and every part of the property in such manner, not being inconsistent with the purposes of the institute, as they deem best suited to further those purposes.

Use of
institute
property.
986, 1909,
s. 52.

86. (1) A memorial of the names of the persons in whom the property of an institute is vested as trustee thereof, in the form or to the effect set forth in the seventh schedule, signed by the trustees and verified on oath before a justice, or a commissioner for taking affidavits in the Supreme Court, shall be filed in the office of the Registrar of Companies within thirty days after the election or appointment of the trustees.

Filing of
memorials of
names of
trustees.
986, 1909,
s. 53.
1632, 1924,
s. 4.

(2) When any trustee of the institute is newly elected or appointed, a memorial of the name of the newly elected or appointed trustee, in the form or to the effect aforesaid, signed by the newly elected or appointed trustee, and by the continuing trustees of the institute, and verified as aforesaid, shall be filed in the office of the Registrar of Companies within thirty days next after the trustee is so elected or appointed.

(3) Any such memorial as in this section before-mentioned may be filed after the said thirty days and not later than six months on payment of a fine of ten shillings, and after six months on payment of a fine of five pounds.

(4) When the property of an institute becomes vested in the association as trustee by virtue of this Act the memorial required by this section shall be signed by the president, or any two members, and the secretary of the council, and may be filed without fee at any time whilst the property is so vested. The signatures to any such memorial shall not require verification.

(5) Until a memorial, or memorials if necessary, of the name or names of the trustee or trustees for the time being

of an institute is or are filed in the manner hereinbefore directed, no action, suit, or other proceeding shall be brought by the institute, or by the trustee or trustees thereof, under the authority of this Act.

Registrar-General to make necessary entries in register book.
986, 1909, s. 54,
1632, 1924, s. 4.

87. (1) Notwithstanding The Real Property Act, 1886, the Registrar-General shall, upon the filing with him of an office copy of any such memorial as mentioned in the next preceding section, certified under the hand of the Registrar of Companies, and without requiring any transfer or other assurance whatever, make such entries in the register-book, and do all such other acts and things, as are necessary to register the trustees of an institute, as shown by the office copy, as the proprietors of any land the property of the institute, which has been brought under the provisions of The Real Property Act, 1886.

(2) If in any such case the Registrar-General is not satisfied that any land is the property of the institute, the matter may be decided by the Supreme Court or a judge thereof upon originating summons taken out by the trustees for the time being of the institute, or by the committee of the institute, and served upon the Registrar-General: Provided that no costs of or incidental to or consequent upon the summons shall be ordered to be paid by the Registrar-General, but whatever is the result of the summons he shall be entitled to such (if any) costs as the said court or judge deems proper.

Returns of real property.
986, 1909, s. 55,
2229, 1935, s. 8.

88. (1) The person or persons in whom the real property of any institute becomes vested as trustee or trustees shall, within three months from the vesting of the real property in him or them, make out and deliver to the council a return containing the particulars set forth in the form in the eighth schedule.

(2) The persons in whom the real property of any institute from time to time remains vested shall make out and deliver, in like manner, a similar return before the last day of February in every year.

(3) Every person required by this section to make out and deliver any return who—

(a) fails to make out and deliver any such return within the time fixed by this section shall be guilty of an offence against this Act and liable to a penalty of not less than one pound nor more than five pounds:

- (b) makes out and delivers a false return, knowing it to be false, shall be guilty of an offence against this Act and liable to a penalty of not less than five pounds nor more than fifty pounds:

Provided that subsection (2) shall be deemed to have been complied with if the return thereby required has been made out and delivered, as therein mentioned, by any of the persons thereby required to make out and deliver the same.

- (4) Subsection (3) shall not apply to the association holding property as trustee under the provisions of section 82.

89. Any institute the trustees of which make default in delivering any return required by the next preceding section shall, whilst the default continues, be disqualified and debarred from receiving any grant of moneys voted by Parliament, or any part of any such grant, or any other benefit to which, but for this section, the institute might have been or become entitled.

Provision where trustees do not furnish returns. 986, 1909, s. 56.

90. Every institute shall, at such time and in such form and manner as are from time to time appointed by the council, furnish to the council all such just and true accounts, reports, statistical tables, and statements as are required to elucidate—

Duty to furnish accounts and reports. 986, 1909, s. 57. 2229, 1935, s. 9.

- (a) the state and proceedings of the institute;
- (b) the manner in which the purposes of the institute and the provisions of this Act have been carried into effect;
- (c) the manner in which grants of money voted by Parliament and received by the institute, or the parts of any such grants so received, have been expended; and
- (d) such other information relating to the institute as the council requires.

91. Any institute which fails (either by default of its officers or otherwise) to comply with the provisions of this Act, or any of them, shall, whilst the default continues, be disqualified and debarred from receiving any grant of moneys voted by Parliament, or any part of any such grant, or any

Institutes not complying with this Act. 986, 1909, s. 58.

other benefit to which, but for this section, the institute might have been or become entitled.

Rules.

986, 1909,
s. 59.
1623, 1924,
s. 6.
Cf. U.K.
1 Edw. 7
c. 19, s. 3.

92. (1) Every institute may, from time to time, with the consent of the majority of the members present at a general meeting, make rules not inconsistent with this Act, for the government of the institute, and may, subject to subsection (2), from time to time alter or rescind any rules so made.

(2) No such rule shall be altered or rescinded—

- (a) except with the consent of two-thirds of the members of the institute present at a general meeting; nor
- (b) unless a notice of the proposed alteration or rescission, signed by at least two foundation members or two members of not less than six months' standing, has been posted in the institute building immediately below the notice convening the meeting for at least one week.

(3) No such rule, nor any alteration or rescission thereof, shall have any force or effect unless the same has been recommended in writing by the council, nor until the same has been approved by the Governor, and a notification of the approval has appeared in the *Government Gazette*, but afterwards the rule, alteration, or rescission shall have the force of law.

By-laws.

986, 1909,
s. 60.

93. (1) The committee of any institute may from time to time make by-laws not inconsistent with this Act or with any of the rules of the institute for the time being in force, for the conduct of its own proceedings, and may from time to time alter or rescind any by-laws so made.

(2) No such by-law or any alteration or rescission thereof shall require any recommendation by the council, or any approval by the Governor, in order to give it force and effect.

Rules and
by-laws.

2229, 1935,
s. 10.

94. A copy of every rule and every by-law of an institute, and of every alteration or rescission thereof shall within one month after the making thereof be deposited by the committee of the institute with the council.

Fees for use
of institute.

986, 1909,
s. 61.

95. When the whole or any part of the premises of an institute is let to a candidate or candidates for election to the Federal or State Parliament for the purpose of holding

a meeting of electors, no higher fee shall be charged for the use thereof than is ordinarily charged by the institute for a public meeting.

96. (1) The council may require the accounts of any institute to be audited at any time the council thinks fit.

Audit of
institute
accounts.
2229, 1935,
s. 11.

(2) For the said purpose the council may arrange with the Auditor-General or any person holding a local government auditor's certificate pursuant to the Local Government Act, 1934, to conduct the audit (which in the case of the Auditor-General may be conducted by any of his officers) and may pay such fee as is agreed for the conduct of the audit.

(3) The committee and trustees of the institute and all officers thereof shall produce and lay before the person conducting the audit the accounts of the institute, together with proper vouchers in support of the same, and all books, papers, and writings in their custody or power and they shall answer all inquiries put to them by the said person relating to the accounts.

(4) The person conducting the audit shall on the conclusion thereof make a report to the council and the institute on the accounts and any matters arising out of the audit.

(5) The council may in any court of competent jurisdiction recover from the institute any fees paid by the council for the carrying out of the audit.

97. No property of any institute shall be liable to be assessed for the purpose of land tax, nor shall any institute, or the trustees thereof, or the trustees of any property thereof be liable to pay any land tax in respect of any property of the institute: Provided that this section shall not apply to any property of an institute which is for the time being let and not in the occupation of the institute.

Exemption
from land
tax.
986, 1909,
s. 62.
2156, 1934,
s. 893 (2).

DIVISION II.—MORTGAGES OF INSTITUTE PROPERTY.

DIVISION II.

98. (1) Notwithstanding anything to the contrary contained in the trust deed of an institute, or in any instrument whereby the property to be affected has been granted to or is vested in an institute or the trustees thereof, the trustees of the institute may, subject to the provisions of this section, mortgage or charge all or any of the real and personal property of the institute for the purpose—

Mortgage of
institute
property.
986, 1909,
s. 65.
2229, 1935,
s. 12.

(a) of acquiring land for the purposes of the institute;

- (b) of raising funds for erecting buildings on any of the said property;
 - (c) of making substantial and permanent additions to any buildings on any of the said property;
 - (d) of redeeming any mortgage or other charge on any of the said property; or
 - (e) of paying off any overdraft at any bank which was incurred before the fifth day of December, nineteen hundred and thirty-five, for the purposes of the institute and whether secured by any of the assets of the institute or not.
- (2) Any mortgage or charge made under the power conferred by this section shall contain such terms and conditions as are approved by the Minister, and may with the said approval contain a power of sale.
- (3) No mortgage or charge made under the power conferred by this section shall be valid unless—
- (a) a resolution approving of the proposal to make the mortgage or charge has been adopted by the majority of the members of the institute present at a general meeting of members called to consider the proposal, of which resolution and the adoption thereof, a certificate signed by the secretary of the institute shall be sufficient evidence; and
 - (b) the consent of the Minister, in writing, signed by him, is indorsed on the mortgage or charge prior to the advance of the money thereby secured.
- (4) The consent of the Minister shall not be given except on a report in writing of the council in favour of the making of the mortgage or charge.
- (5) The mortgage or charge shall be executed by the trustees in whom the property is vested, and may be in such form as is agreed, and the receipt of the trustees shall be a sufficient discharge for the money lent.

99. Upon any sale of any property of an institute under the power of sale contained in any mortgage or charge made under the power conferred by section 98, the purchaser shall hold the property absolutely freed and discharged from all trusts affecting the same.

100. A copy of every mortgage or charge of any property of an institute, given under the provisions of this Act, shall be deposited by the trustees making the same with the Minister within one month after the mortgage or charge is executed.

Copy of
mortgage to be
deposited.
986, 1909,
s. 66.

101. (1) A local authority which has acquired an institute and the real and personal property of the institute, or the real and personal property of an institute, under this Act or any repealed Act, shall be deemed to be the trustee of the institute within the meaning and for the purposes of this Division. The local authority may, subject to the preceding sections of this Division, validly execute a mortgage or charge of any property of the institute, and give a sufficient receipt for the money lent by affixing to the mortgage or charge and receipt the common seal of the local authority

Power of
local authority.
986, 1909,
s. 67.

(2) Notwithstanding the provisions of the Local Government Act, 1934, it shall not be necessary for the local authority to obtain the consent of the ratepayers before borrowing money on mortgage or charge of any property of an institute as such trustee as aforesaid.

102. In any case in which a mortgage deed or other instrument has, before the commencement of this Act, been executed by a local authority under the powers in that behalf contained in any repealed Act, or whenever a mortgage or charge is executed by a local authority as mentioned in the next preceding section, or whenever any property of an institute has been or is acquired by a local authority subject to any encumbrance affecting the same, as mentioned in Division VI. of this Part, then, in addition to the security comprised in the mortgage or charge, the general revenue, funds, and property of the local authority shall be liable for the repayment of the mortgage debt or charge.

Liability of
local authority
for repayment
of mortgages,
debts, &c.
986, 1909,
s. 68.

103. Nothing in this Division or in the corresponding provisions of any repealed Act shall impose, or be deemed to have imposed, any personal liability on the members composing the council of any local authority, or any of them.

Members of
local
authority not
personally
liable.
986, 1909,
s. 69.

104. A local authority, in addition to and without limiting the other powers provided by this Act, may borrow and raise, for the purposes mentioned in section 98, or any of them, such sum or sums by means of debentures on the security of the general rates of the local authority, declared or to be

Power to
raise
debentures.
986, 1909,
s. 70.

declared from time to time, as will be sufficient for the purposes for which the sum or sums are borrowed and raised: Provided that no sum shall be so borrowed and raised for such purposes unless the consent of the ratepayers has been first obtained in the same way (*mutatis mutandis*) as is provided in the case of loans for special purposes by the Local Government Act, 1934.

Establishment of sinking fund.
986, 1909,
s. 71.

105. (1) A local authority which has borrowed or raised, or hereafter borrows or raises, funds for the purposes mentioned in section 98, or any of them, shall provide for the establishment of a sinking fund, to insure the repayment within a period of thirty years of any funds so borrowed or raised, by setting aside annually out of the general revenue of the local authority and the income of the institute such sum or sums as will be sufficient for that purpose.

(2) The moneys comprising any such sinking fund shall be invested, subject to the approval of the Minister, in manner to be determined by the local authority, with power at any time and with the like approval to vary the investments, or apply the moneys, or any part thereof, towards the reduction of the capital of the funds so borrowed or raised.

Payment of interest.
986, 1909,
s. 72.

106. The interest accruing due by any local authority on any mortgage, charge, or debentures mentioned in this Act shall be paid by the local authority out of the general revenue of the local authority, and the income of the institute in respect of which the debt was incurred, or the debenture fund was applied, in such proportions as the local authority from time to time determines.

Limitation of right of foreclosure.
986, 1909,
s. 73.

107. (1) No person having any legal or equitable mortgage, encumbrance or lien of any sort upon or over any freehold or leasehold estate of any institute in real property, shall sell the estate in the said property, or in any part thereof, or foreclose any such mortgage or encumbrance, or enforce any such lien, without first giving to the Minister three months' notice in writing, setting forth the nature of the mortgage, encumbrance or lien, the intention to sell, foreclose, or enforce, as the case may be, and the amount of principal and interest claimed to be due on the date of the notice.

(2) When the Minister has received any such notice he may, in his discretion discharge the claim, or any part thereof, out of any public moneys or special grant, or part thereof, to which the institute is or may be entitled.

(3) In case the Minister does not exercise the power by this section vested in him within the said period of three months, the person giving the notice may, at the expiration of the said period of three months, if otherwise entitled so to do, sell, foreclose or enforce, as if this Act had not been passed.

DIVISION III.—DEALINGS WITH INSTITUTE PROPERTY OTHERWISE THAN BY MORTGAGE. DIVISION III.

108. (1) Notwithstanding anything to the contrary contained in the trust deed of an institute, or in any instrument whereby the property to be affected has been granted to or is vested in an institute or the trustees thereof, the trustees of the institute, including a local authority which has purchased an institute and the real property thereof, or the real property of an institute, pursuant to this Act or any repealed Act, may, subject to the provisions of this section, sell and convey or transfer or let any real property of the institute vested in the trustees or local authority. The property shall, upon such conveyance or transfer, be freed and discharged from the trusts thereof.

Power to sell
institute
property.
986, 1909,
s. 74.
2229, 1935,
s. 14.

(2) No sale or letting made under the powers conferred by this section shall be valid unless—

- (a) a resolution approving of the proposal to sell or let has been adopted by a majority of the members of the institute present at a general meeting of members called to consider the proposal, of which resolution, and the adoption thereof, a certificate purporting to be signed by the secretary of the institute shall be sufficient evidence;
- (b) a report in writing by the council in favour of the sale or letting has been submitted to the Minister; and
- (c) the Minister has, after the receipt of the report, consented to the sale or letting by writing signed by him.

(3) The provisions of subsection (2) shall not apply to the letting of any shop or other premises constructed for the purpose of being let for business purposes, nor to the letting of premises habitually used for business purposes and not used for the purposes of the institute.

(4) Any conveyance or other instrument whereby any sale or letting under this section is sought to be effected shall,

except in the cases provided for by subsection (3), be void unless the consent of the Minister is indorsed thereon.

Application of
purchase
money.
986, 1909,
s. 75.
1390, 1919,
s. 3.
2229, 1935,
s. 15.

109. (1) Any purchase-money arising from any sale made pursuant to the next preceding section shall be applied as directed by the committee of the institute—

- (a) in or towards the purchase or erection of other premises for the purposes of the institute;
- (b) in paying off or reducing any mortgage or charge on the real property of the institute;
- (c) in paying off any overdraft at any bank which was incurred before the fifth day of December, nineteen hundred and thirty-five, for the purposes of the institute and whether secured by any of the assets of the institute or not; or
- (d) in the making of improvements or additions to any real property of the institute.

(2) The premises so purchased or erected shall vest in the trustees of the institute, or, in the case of a sale by a local authority, in the local authority, upon the same trusts and for the same purposes as immediately before the sale affected the property sold, except as modified by this Act, or upon such other trusts, and for such other purposes, as may be agreed between the committee of the institute and the local authority.

Dealings with
personal
property.
986, 1909,
s. 76.
1623, 1924,
s. 7.
2229, 1935,
s. 16.

110. (1) Notwithstanding anything in this Act or any trust deed or other instrument contained, the committee of any institute may, with the consent in writing of the council first obtained, but not otherwise, deal with any personal property, the property of the institute in manner following, that is to say—

- (a) sell the same; or
- (b) exchange the same for other personal property; or
- (c) lend the same to any other institute; or
- (d) in the case of books of nominal value only, dispose of the same by gift or otherwise as the committee thinks fit.

All personal property so sold or disposed of by exchange shall thereupon cease to be subject to any trusts theretofore

affecting the same; and all money or personal property obtained by the sale or exchange shall be subject to the said trusts.

(2) All money obtained by the committee in consideration of any such dealing shall be used by the committee in the purchase or hire of books or other personal property for or for the use of the institute.

(3) The committee of an institute is hereby empowered, notwithstanding that the property is vested in trustees, to do all things necessary for giving effect to any transaction entered into by the committee in pursuance of this section, and for giving a valid title to any personal property sold or given in exchange by them under this section.

DIVISION IV.—DISCHARGE OF EXISTING TRUSTS AND CREATION OF NEW TRUSTS. DIVISION IV.

111. The committee of an institute may arrange with a local authority, which has purchased the institute and the real and personal property thereof or the real and personal property of the institute—

Power to arrange for discharge of existing trusts and creation of new trusts. 1390, 1919, s. 5 (part).

- (a) for the discharge of the trusts, in favour of the institute, affecting the real and personal property; and
- (b) for the creation of other trusts in favour of the institute, over the same, or any other, real and personal property.

112. (1) No such arrangement shall be valid unless—

Requisites to validity of arrangement. 1390, 1919, s. 5 (part).

- (a) a resolution approving of the proposed arrangement has been carried at a general meeting of the members of the institute, called in accordance with the rules of the institute to consider the matter;
- (b) a report in writing by the council in favour of the arrangement has been submitted to the Minister; and
- (c) the Minister has, after the receipt of the report, consented to the arrangement by writing signed by him.

(2) Where the carrying out of the arrangement would involve the expenditure by the local authority of moneys belonging to it, no such arrangement shall be valid unless a

resolution approving of the arrangement, and of the expenditure of the moneys thereon, has been carried at a meeting of the ratepayers of the local authority, called to consider the matter.

Members' votes.
1390, 1919.
s. 5 (part).

113. Every member of an institute shall (if present) be entitled to one vote, and no more, at any meeting of members held in pursuance of the next preceding section; but no member shall be allowed to be present, or to speak, or to vote, at any such meeting unless he has been a member of the institute for at least six months immediately prior to the day on which the meeting is held and his subscriptions due up to the day of the meeting have been paid.

Mode of giving effect to arrangement.
1390, 1919.
s. 5 (part).

114. (1) For the purposes of carrying into effect any such arrangement the local authority may, by a deed poll, registered and deposited in the General Registry Office—

- (a) discharge the real and personal property, held by the local authority upon trust for the institute, from the trusts affecting the same; and
- (b) declare such other trusts over the same real and personal property, or over other real and personal property, as may be necessary to give effect to the arrangement.

(2) No such deed poll shall be registered or deposited unless the consent of the Minister is indorsed thereon.

DIVISION V.

DIVISION V.—DISSOLUTION OF INSTITUTES.

Dissolution of institute.
986, 1909.
s. 77.

115. (1) No institute shall be dissolved unless a resolution approving of the proposed dissolution has been carried by not less than three-fourths of the members present at a general meeting of the institute called by notice to consider the matter.

(2) The notice shall not be valid unless it is signed by not less than one-sixth of the existing members and is published not less than one month before the day of meeting—

- (a) by posting the same in some conspicuous place in the reading-room or library of the institute;
- (b) by delivering a copy to the secretary of the council, or sending a copy to him by post; and
- (c) by advertisement in the *Government Gazette*.

116. Upon the dissolution of an institute, the property thereof shall be disposed of as follows, by the trustees thereof for the time being, namely:—

Disposal of
property
upon dissolution.
986, 1909,
s. 78.

- I. So much as is necessary for the payment of the debts of the institute shall be sold, and out of the proceeds of the sale the debts shall be paid;
- II. Any proceeds of the sale not required for the payment of the said debts, and the balance of the property, shall be devoted to such institutes, or such other institutions connected with education as the majority of the members present at the meeting mentioned in the next preceding section decide, by resolution carried at the meeting, provided that the council approves of the decision;
- III. If the council does not approve of the decision, or failing any such decision, or so far as the decision (if any) does not extend, the proceeds not required as aforesaid, and the balance of property as mentioned in subdivision II. shall be devoted to such institutes or other institutions connected with education as the council decides.

117. (1) When the number of the members of any institute, whose subscriptions are paid up to the date of the resolution in this section mentioned, is reduced to less than ten, the council may pass a resolution that, subject to this section, the institute shall be declared to be dissolved.

Dissolution of
institute when
less than ten
members.
986, 1909,
s. 79.
2229, 1935,
s. 17.

(2) A copy of the resolution, with a copy of this section, may thereupon be posted in a conspicuous place in the premises occupied by the institute at the date of the resolution, or, if there are no premises at that date so occupied, then in the premises last occupied by the institute.

(3) Unless at the end of three months from the posting of such copies as aforesaid, the council is satisfied that there are at least ten members of the institute whose subscriptions are then paid up, the council may declare that the institute is dissolved. Thereupon the property of the institute shall vest in the association as trustee, and, after payment of the debts of the institute, the property shall be transferred or otherwise assured by the association to such institutes as the council in the exercise of its discretion determines.

118. Upon the dissolution of an institute no dividend, gift, division, or bonus, in money or otherwise, of any property of the institute shall be paid or made to or among the members of the institute or any of them.

Property not
to be divided
among mem-
bers.
986, 1909,
s. 80.

DIVISION VI.

DIVISION VI.—SALE OF INSTITUTE TO LOCAL AUTHORITY.

Power to
sell institutes
to local
authorities.
986, 1909,
s. 81.

119. (1) The trustees of any institute may sell and convey or transfer all the real and personal property of the institute to the local authority of the locality in which the institute building is situated, and the local authority may purchase the same upon such terms and conditions as are agreed.

(2) No such sale or transfer shall be made unless—

- (a) a resolution approving of the proposed sale has been carried at a general meeting of members of the institute called to consider the matter, and has been confirmed at a subsequent general meeting of members held not less than seven days nor more than one month after the date of the before-mentioned meeting and called for the purpose of considering the confirmation of the resolution;
- (b) a report in writing by the council in favour of the sale had been submitted to the Minister; and
- (c) the Minister has, after the receipt of the report, consented to the sale by writing signed by him:

(3) No such purchase shall be made by the local authority unless a resolution approving of the proposed purchase has been carried at a meeting of the ratepayers of the local authority called to consider the matter.

Members'
votes.
986, 1909,
s. 82.

120. Every member of an institute shall (if present) be entitled to one vote, and no more, at any meeting of members held in pursuance of the next preceding section; but no member shall be allowed to be present or to speak or to vote at any such meeting unless he has been a member of the institute for at least six months immediately prior to the day on which the meeting is held, and his subscriptions due up to the day of the meeting have been paid.

Power to
demand
poll.
986, 1909,
s. 83.

121. A poll may be demanded at any meeting of ratepayers held in pursuance of section 119 in like manner as in any case where provision is made by law for the demanding of a poll at a meeting of ratepayers. If so demanded, the poll shall be held and taken in like manner as a poll with respect to the declaring of a special rate, and the result of the poll shall decide the question.

Resolution
of subscribers
as to transfer.
986, 1909,
s. 84.

122. Whenever the members of an institute have carried and confirmed a resolution, as provided in section 119, to sell the property of the institute to the local authority, the secretary of the institute shall send to the Minister a copy of the

resolution and a certificate in writing, signed by the secretary, stating that the resolution has been carried and confirmed at meetings held in conformity with the provisions of this Act.

123. Whenever at any meetings of ratepayers of any local authority, held in pursuance of section 119, or at any poll taken in pursuance of section 121, a resolution has been carried approving of the purchase of the property of any institute, the town clerk or district clerk of the local authority shall send to the Minister a copy of the resolution and a certificate in writing signed by the clerk, stating that the resolution has been carried in conformity with the provisions of this Act.

Resolution of
ratepayers
approving
purchase.
986, 1909,
s. 85.

124. Whenever the Minister receives the resolutions and certificates mentioned in the two next preceding sections he shall forward the same to the Registrar-General to be filed, and, notwithstanding the provisions of The Real Property Act, 1886, the Minister is hereby empowered at any time thereafter to transfer the real property affected by the resolutions to the local authority referred to, and to effect the transfer notwithstanding that the property to be transferred is vested in trustees. The Registrar-General, if the land is under The Real Property Act, 1886, shall make such entries in the register-book, and do all such other acts and things as are necessary for registering the transfer, and, if the land is not under The Real Property Act, 1886, shall do all such acts and things as are necessary for the registration of the conveyance.

Minister may
transfer real
estate.
986, 1909,
s. 86.
2293, 1936,
s. 4.

125. (1) Any purchase-moneys arising from any sale made pursuant to section 119, and which, but for this section, would be payable to the institute or the trustees as vendors, shall be paid to the committee of the institute, and shall be applied to the general purposes of the institute.

Disposition
of purchase-
moneys.
986, 1909,
s. 87.

(2) The receipt of the chairman, or any other two members, and the secretary of the committee shall be a valid discharge for the purchase-moneys.

126. (1) After any purchase has been completed pursuant to section 119, the local authority shall hold the real and personal property purchased, subject to any encumbrances affecting the same, upon trust to permit the same or a sufficient part thereof to be used for the purposes of the institute, and in such manner as the committee of the institute from time to

Purposes for
which local
authority to
hold the
property.
986, 1909,
s. 88.
1390, 1919,
s. 4.

time decides, and, subject to the preceding provisions of this section, upon trust for the local authority, to be let and managed at the discretion of the local authority in accordance with the provisions of this Act.

(2) This section shall apply to any property of an institute which has been purchased or has been agreed to be purchased by a local authority under any repealed Act.

Management
of transferred
institute.
986, 1909,
s. 89.
2229, 1935,
s. 18.

127. (1) Subject to the next succeeding section, the management of an institute, the property of which has been purchased by a local authority, and of any library and classes in connection with the institute, shall be vested in a committee, the number of members of which shall be fixed by the rules of the institute, and shall be not less than five.

(2) A majority of one of the committee shall be elected annually by the members of the institute from amongst the persons who have been members of the institute for at least six months immediately prior to the election, and the remainder who need not be members of the institute shall be elected by the local authority at a special meeting called for the purpose: Provided that any member of the committee elected by the local authority, not being a member of the institute when elected, shall so soon as is practicable pay the usual institute membership subscription, and thereupon but not before and without reservation the member shall be accepted as a fully qualified member of the institute and of the committee.

(3) The election by the local authority of its proportion of the committee shall take place within six weeks after the secretary of the institute has duly notified the local authority of the names of those members of the committee who have been elected by the members of the institute, and if in any year the local authority does not elect its proportion of the committee within such six weeks, the said proportion may be elected by the members of the institute and shall hold office as if they had been elected by the local authority.

(4) At all meetings of the committee any three members shall constitute a quorum.

Management
where com-
mittee not
procurable.
986, 1909,
s. 90.

128. Whenever in the case of an institute the property of which has been purchased by a local authority, a sufficient number of members qualified and willing to act on the committee cannot be obtained, the management of the institute shall vest in the local authority, which shall thereupon have

all the powers of a committee until a sufficient number of qualified members of the institute willing to act on the committee can be obtained.

DIVISION VII.—TRANSFER OF INSTITUTE BY LOCAL AUTHORITY. DIVISION VII.

129. (1) Any local authority to whom all the real and personal property of an institute has been sold and conveyed or transferred under section 119 may convey or transfer the said real and personal property to any persons as trustees upon such terms and conditions as are agreed.

Power of local authority to transfer institute.
1623, 1924, s. 8.

(2) No conveyance or transfer shall be made unless—

(a) a resolution approving of the proposed conveyance or transfer and of the proposed trustees has been carried at a general meeting of members of the institute called to consider the matter, and has been confirmed at a subsequent general meeting of members held not less than seven days nor more than one month after the date of the before-mentioned meeting and called for the purpose of considering the confirmation of the resolution;

(b) a report in writing by the council in favour of the conveyance or transfer has been submitted to the Minister; and

(c) the Minister has, after the receipt of the report, consented to the conveyance or transfer by writing signed by him.

(3) No such conveyance or transfer shall be made by the local authority unless a resolution approving of the proposed conveyance or transfer has been carried at a meeting of the ratepayers of the local authority called to consider the matter.

130. The provisions of section 120 shall apply, *mutatis mutandis*, in respect of a meeting of members of the institute held pursuant to the next preceding section; and the provisions of section 121 shall apply, *mutatis mutandis*, in respect of a meeting of ratepayers held pursuant to the said next preceding section.

Voting at meetings of members and of ratepayers.
1623, 1924, s. 9.

131. Whenever the members of an institute have carried and confirmed a resolution for the conveying or transferring of the property of the institute from the local authority to some persons as trustees, the secretary of the institute shall

Duty of secretary on resolution on transfer.
1623, 1924, s. 10.

send to the Minister a copy of the resolution and a certificate in writing, signed by the secretary stating that the resolution has been carried and confirmed at meetings held in conformity with the provisions of this Act.

Duty of town clerk or district clerk on resolution for transfer. 1623, 1924, s. 11.

132. Whenever at any meeting of ratepayers of a local authority held in pursuance of section 129 or at any poll taken in pursuance of section 130, a resolution has been carried approving of the transfer or conveyance of the property of any institute, the town clerk or district clerk of the local authority shall send to the Minister a copy of the resolution and a certificate in writing, signed by the clerk, stating that the resolution has been carried in conformity with the provisions of this Act.

Minister's power to transfer real estate. 1623, 1924, s. 12.

133. Whenever the Minister receives the resolutions and certificates mentioned in the two next preceding sections he shall forward the same to the Registrar-General to be filed, and, notwithstanding the provisions of The Real Property Act, 1886, the Minister is hereby empowered to transfer or convey the real property affected by the said resolutions to the trustees referred to, and to effect the transfer or conveyance notwithstanding that the property to be transferred is vested in the corporation. The Registrar-General, if the land is under The Real Property Act, shall make such entries in the register-book and do all such other acts and things as are necessary for registering the transfer, and, if the land is not under The Real Property Act, 1886, shall do all such acts and things as are necessary for the registration of the conveyance.

Effect of transfer. 1623, 1924, s. 13.

134. Upon the completion of a transfer or conveyance by the Minister under this Division, the persons to whom the property of the institute is conveyed or transferred shall be deemed for all purposes to be the trustees of the institute elected under section 83.

DIVISION VIII.

DIVISION VIII.—AMALGAMATION OF INSTITUTES.

Amalgamation. 986, 1909, s. 95.

135. (1) Any two or more institutes may amalgamate upon such terms and conditions as are mutually agreed upon, but no such amalgamation shall be made unless—

- (a) as regards each of the institutes, a resolution, or resolutions, approving of the proposed amalgamation and setting forth the terms and conditions thereof, has or have been carried at a general

meeting of members of the institute called to consider the matter, and has or have been confirmed at a subsequent general meeting of members of the institute, held not less than seven days nor more than one month after the date of the before-mentioned meeting, and called for the purpose of considering the confirmation of the resolution or resolutions;

- (b) a report in writing by the council in favour of the proposed amalgamation, and copies of the resolutions carried and confirmed at the meetings of the several institutes held in pursuance of paragraph (a), have been submitted to the Minister; and
- (c) the Minister has, after the receipt of the report and copies of resolutions, consented by writing signed by him to the proposed amalgamation upon the terms and conditions set forth in the resolutions.

(2) Any meeting to be held under paragraph (a) of subsection (1) shall be convened by a notice sent not less than seven days nor more than one month before the date of the meeting to every member of the institute, or by a notice given in the way prescribed for calling general meetings by the rules of the institute. All such notices shall contain a copy of the resolution or resolutions proposed to be submitted to the meeting for passing or confirmation (as the case may be). No other business shall be transacted at any such meeting.

136. Every member of an institute shall (if present) be entitled to one vote, and no more, at any meeting held in pursuance of the next preceding section; but no member shall be allowed to be present or to speak or vote at any such meeting unless he has been a member of the institute for at least six months immediately prior to the day on which the meeting is held, and his subscriptions due up to the day of the meeting have been paid.

Members' votes.
986, 1909.
s. 96.

137. (1) When all the provisions of section 135 have been fully complied with to the satisfaction of the Minister as regards any two or more institutes, he may grant a certificate under his hand to the effect that the amalgamation of the institutes has been duly completed under the name of the new institute.

Certificate of amalgamation.
986, 1909.
s. 97.

(2) The certificate granted by the Minister under this section shall be published once in the *Government Gazette*.

(3) The original certificate, or the *Government Gazette* containing a copy thereof shall be conclusive evidence that the amalgamation therein referred to has been duly effected.

138. Upon the Minister granting the certificate mentioned in the next preceding section—

(a) all the members of the amalgamated institutes shall become members of the new institute, and shall pay the same subscriptions as theretofore until otherwise provided by the rules of the new institute; and

(b) all the real and personal property of each of the amalgamated institutes shall be conveyed, transferred, and handed over by each of the institutes, or the trustees thereof, to the new institute or the trustees thereof, and shall thereupon vest in the new institute, or trustees (as the case may be), for the use and benefit of the new institute, in accordance with the provisions of this Act.

139. A general meeting of the members of the new institute shall be held as soon as practicable after the amalgamation has been completed. At the meeting a committee and, if necessary, trustees shall be appointed, and such other business shall be transacted as the meeting determines.

140. Rules for the government of the new institute may be made in the manner prescribed by section 92 at the first or any subsequent meeting of the new institute. Until such rules are made and come into force the new institute shall be governed by the rules of such one of the amalgamated institutes as is determined at the first meeting of the new institute, or failing such determination, then by such rules as are determined by the Minister.

141. The Minister shall have power to determine any question or matter in difference which arises between institutes which are desirous or have agreed to amalgamate, whether the matter or question arises before or after the amalgamation is completed, and, if requested so to do, shall have power generally to settle the terms and conditions on which any proposed amalgamation shall be effected and carried out.

Effect of
amalgama-
tion.
986, 1909,
s. 98.

First meeting
of new
institute.
986, 1909,
s. 99.

Rules of
new institute.
986, 1909,
s. 99.

Powers of the
Minister.
986, 1909,
s. 101.

PART VI.

PART VI.

DISPOSAL OF PUBLIC DOCUMENTS.

142. In this Part—

“public documents” means manuscripts, pamphlets, books, records, papers, maps, drawings, plans, photographs, prints, pictures, and all other documents whatsoever of record of any office, department, branch, board, or commission of the Government or of any municipal or district council, or of any corporate or unincorporate body which is or has been subsidised by the Government. The term also includes any documents deposited with the Registrar of Companies pursuant to section 297 of The Companies Act, 1934.

Interpreta-
tion
1683, 1925,
s. 3,
2229, 1935,
s. 28.

143. Any person who has the custody or possession of any public documents which are no longer required for current use may deposit any such documents with the board and the board is hereby empowered to receive any such public documents: Provided, however, that the board in its discretion may refuse to receive any such public documents.

Public
documents
may be
deposited with
the board.
1683, 1925,
s. 4.

144. (1) No public documents shall be sold, destroyed, or otherwise disposed of unless the person in whose custody or possession the public documents are gives to the board notice in writing by registered post of the existence of the public documents and of the intention to sell, destroy, or otherwise dispose of them, and until one month has elapsed since the giving of the notice to the board.

Destruction of
public
documents.
1683, 1925,
s. 5.

(2) In any case where notice is given as aforesaid, the board, or any officer of the board authorised in writing by the board, may inspect and take into the possession of the board any of such public documents, or the board may give notice in writing by registered post to the said person requiring the said person to deposit the said public documents with the board, and upon receipt of any such notice the said person shall forthwith deposit the said public documents with the board, and the board shall dispose of the said public documents as it may, in its discretion, decide.

(3) Any person who sells, destroys, or otherwise disposes of or causes to be sold, destroyed, or otherwise disposed of any public documents contrary to the provisions of this

section shall be guilty of an offence against this Act and liable to a penalty of not more than ten pounds.

Public documents in the custody or possession of unauthorised persons.

1683, 1925, s. 6.
2293, 1936, s. 4.

145. (1) If any person has the custody or possession of any public document other than in his capacity as an officer of an office, department, branch, board, or commission of the Government, or of a municipal or district council, or of a corporate or unincorporate body which is or has been subsidised by the Government, a court of summary jurisdiction may, on the complaint of the board, or of any officer of the board authorised in writing by the board, order that person to deposit the public document with the board.

(2) If any such person fails to deposit the public document with the board within the time limited in the order of the court of summary jurisdiction or, if no time is limited in the order, within fourteen days of the making of the order, he shall be guilty of an offence against this Act and liable to a penalty of not more than ten pounds and to a further penalty of one pound for every day during which the default continues.

(3) In any proceedings under this section the allegation that any person has the custody or possession of a public document other than in the capacity of an officer of an office, department, branch, board, or commission of the Government, or of a municipal or district council, or of a corporate or unincorporate body which is or has been subsidised by the Government, shall be deemed proved in the absence of proof to the contrary.

Inspection of public documents.

1683, 1925, s. 7.

146. The Minister may give directions in writing setting out under what circumstances the public documents in the custody or possession of the board may be inspected at the premises of the board by officers of any office, department, branch, board, or commission of the Government or of any municipal or district council. The board shall permit the inspection of the said public documents in accordance with the said instructions.

PART VII.

PART VII.

MISCELLANEOUS.

147. (1) The publisher of every book which is first published in South Australia after the fifth day of December, nineteen hundred and thirty-five, shall within one month after the publication deliver, at his own expense, a copy of the book to the board and also to the librarian of the library of the Parliament of South Australia, who in each case shall give a written receipt for it. In the case of any periodical publication it shall be sufficient if a receipt is given in the month of January for all copies thereof delivered to the board or the said librarian during the period of twelve months ending on the preceding thirty-first day of December.

Delivery of
copies of
books
published in
South
Australia.
2229, 1935,
s. 25;
2293, 1936,
s. 4.

(2) The copies delivered to the board and the said librarian shall be copies of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published and bound, sewed, or stitched together, and on the best paper on which the book is printed.

(3) If a publisher fails to comply with this section, he shall be guilty of an offence against this Act and liable to a penalty not exceeding five pounds and the value of the book.

If any such conviction is imposed by reason of the non-delivery of any book to the board, the penalty and any other amount ordered to be paid by the court before which the publisher is convicted shall be paid to the board.

(4) For the purposes of this section the expression "book" includes every part or division of a book, pamphlet, newspaper, sheet of letter-press, map, plan, chart, or table, separately published, but does not include any second or subsequent edition of a book unless that edition contains additions or alterations, either in the letterpress or in the maps, prints, or other engravings belonging thereto or include any book published by or on behalf of the Government of the State or any Government department.

148. Section 38 of the Acts Interpretation Act, 1915, shall not apply to any statutes, rules, regulations, or by-laws made pursuant to this Act.

Non-application
of s. 38
of Acts
Interpretation
Act, 1915.
2293, 1936,
s. 4.

149. All proceedings for offences against this Act shall be disposed of summarily.

Summary
proceedings.
986, 1909,
s. 134.
1683, 1924,
s. 8.

Complaints.
986, 1909,
s. 136.

150. A complaint for any offence against this Act may be laid by or at the instance of any person.

Payment to complainant.
986, 1909,
s. 137.

151. One moiety of every fine or penalty recovered for any offence against this Act may, if the court so directs, be paid to the complainant.

SCHEDULES.

THE FIRST SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Number and Year of Act.	Short Title.	Extent to which Repealed.
No. 986 of 1909 . . .	The Public Library, Museum, and Art Gallery, and Institutes Act, 1909.	The whole
No. 1390 of 1919 ..	Public Library, Museum, and Art Gallery, and Institutes Act Amendment Act, 1919.	The whole
No. 1506 of 1922. . .	Public Library, Museum, and Art Gallery, and Institutes Act Amendment Act, 1922.	The whole
No. 1623 of 1924 ..	Public Library, Museum, and Art Gallery, and Institutes Act Amendment Act, 1924	The whole
No. 1632 of 1924 ..	Registrar of Companies (Miscellaneous Functions) Act, 1924.	The whole
No. 1683 of 1925 ..	Public Library, Museum, and Art Gallery and Institutes Act, 1925.	The whole
No. 2156 of 1934 ..	Local Government Act, 1934	Section 893
No. 2229 of 1935 ..	Public Library, Museum, and Art Gallery, and Institutes Act, 1935.	The whole

986, 1909,
Second
Schedule.

2298, 1936,
s. 4.

THE SECOND SCHEDULE.

RULES AND REGULATIONS FOR THE ELECTION OF MEMBERS OF THE BOARD.

Election by the Council of the University of Adelaide.

1. In the month of October in every year the council of the University of Adelaide shall elect two members of the board, and whenever a casual vacancy occurs in any such office, the said council shall elect a member of the board to fill the vacancy. The election may be made at any ordinary or special meeting of the said council, and in any manner thought fit by the said council.

2. The result of every such election shall be certified to the Governor under the hand of the chancellor or vice-chancellor of the university, whose certificate shall be conclusive as to the matters stated therein, and as to the validity of the election.

Election by the Royal South Australian Society of Arts (Incorporated).

1. The member of the board to be elected by the Royal South Australian Society of Arts (Incorporated) shall be elected in the month of October in every year at the annual general meeting of the said society by ballot of the subscribers to the said society.
2. The member so elected shall be a fellow of the council of the said society.
3. The result of every such election shall be certified to the Governor under the hand of the president of the said society, whose certificate shall be conclusive as to the matters stated therein, and as to the validity of the election.

Election by the Royal Society of South Australia (Incorporated).

1. At a meeting in October in every year the council of the Royal Society of South Australia (Incorporated), shall elect one member of the board. The election shall be by ballot, if so required by a member.
2. No person shall be elected unless he is at the time of his election a member of the said society, nor shall he continue to hold office as such member of the board if he ceases to be a member of the said society.
3. The elected member shall hold office until the election of his successor, and shall then retire, but may be re-elected.
4. Every casual vacancy shall be filled at the next meeting of the said council (by ballot if demanded by any fellow).
5. The result of each election shall be certified to the Governor under the hand of the president of the said society, whose certificate shall be conclusive as to the matters stated therein, and as to the validity of the election.
6. The elected member shall be deemed to be the representative of the said society upon the board, and shall (subject to his duties to the board) report to the said council all matters concerning the said society which may be dealt with by the board, and shall make such representations on behalf of the said society as the said society or the council thereof may from time to time direct.

*Election by the Royal Geographical Society of Australasia (South Australian Branch),
Incorporated.*

1. The Royal Geographical Society of Australasia (South Australian Branch), Incorporated, shall elect a member of the board in manner following.
2. The election shall take place at a special general meeting of members of the said society in October, at a time and place to be fixed by the president of the society, or in his absence the vice-president, or by the council of the society.
3. Notice of the meeting and its purpose shall be advertised in two daily newspapers in Adelaide on or before the fourteenth day prior to the day of meeting.
4. Nomination of any candidate in writing, signed by two members and accompanied by the candidate's written consent to election, must be lodged at the society's office not later than forty-eight hours prior to the time fixed for the meeting.
5. The members present at the time appointed for the meeting may proceed with, conduct, and complete the election, though they may be less than a quorum.
6. If only one candidate is nominated in writing as aforesaid, he shall at the meeting be declared elected.
7. If several candidates are nominated as aforesaid the election may be made by a show of hands unless any member calls for a ballot, in which case it shall be by ballot. If three or more candidates are nominated no one shall be declared elected until he has received the vote of a majority of the members voting, the candidate receiving the lowest number of votes at each stage being excluded from the subsequent voting or counting. If the election be by ballot, the voting shall, if the chairman so direct, be by the voters denoting on the ballot papers the order of their preference between the candidates.
8. If no candidate be nominated in writing, any member may be elected at the meeting, and the proceedings shall be conducted in such manner as the chairman shall direct.
9. The result of every such election shall be certified to the Governor under the hand of the president of the said society, whose certificate shall be conclusive as to the matters stated therein, and as to the validity of the election.

Election by the Adelaide Circulating Library.

1. The member of the board to be elected by the Adelaide Circulating Library shall be elected by the members of the said library at a general or special meeting called for that purpose, or an adjournment thereof.
2. At the meeting it shall be competent for any member to propose a candidate for membership of the board, provided that the candidate is a member of the said library, and that his written consent to act as a member of the board, if elected, is produced to the meeting.

3. If one candidate only is proposed, he shall be declared by the chairman of the meeting to be duly elected by the said library as a member of the board.
4. If more than one candidate is proposed, the meeting shall fix a day upon which, and a place within the city of Adelaide at which, a poll shall be taken of the members of the said library.
5. On the day fixed for the poll, the secretary of the said library, or some person appointed for the purpose by the committee of the said library, shall attend at the polling-place from the hour of 11 o'clock in the forenoon to the hour of 8 o'clock in the evening, and act as returning officer.
6. On the taking of the poll the proposer or seconder of any candidate, or some person appointed in writing by the candidate, may act as a scrutineer on behalf of the candidate.
7. The voting on the taking of the poll shall be on voting papers prepared by the returning officer for that purpose, which shall be delivered to him on the polling day within the hours aforesaid, or shall be sent through the post and actually received by him prior to the hour of 8 o'clock in the evening of the polling day.
8. The returning officer shall accept the votes only of such persons as appear by the list of subscribers to the said library to be members thereof, and who are entitled to vote at meetings of the said library.
9. Every member shall be entitled to one vote and no more.
10. All the arrangements for the taking of the poll and the method of taking and recording the votes shall be made and prescribed by the returning officer.
11. At the close of the poll, or as soon as convenient thereafter, the voting papers shall be counted by the returning officer in the presence of such of the scrutineers as desire to attend; and the candidate for whom the greatest number of votes has been recorded shall be declared by the returning officer to be the member of the board elected by the Adelaide Circulating Library.
12. The returning officer shall enter in the minute-book of the said library the names of the candidates at every election, the number of votes recorded for them respectively, and the result of the election.
13. The result of every election by the said library of a member of the board shall be certified to the Governor under the seal of the said library; and the certificate shall be conclusive as to the matters stated therein, and as to the validity of the election.
14. These rules shall also apply to the election by the said library of a member of the board to fill a casual vacancy.

Election by the Institutes Association of South Australia, Incorporated.

1. (1) On or before the eighth day of May in every year the secretary shall send a notice in writing to each institute giving the names of the representatives of the association on the board retiring at the end of the current year, stating which of them are seeking re-election, inviting such institute to nominate in manner provided by its rules and regulations not more than three persons, being members of an institute, to fill the vacancies caused by the retirement of such representatives, and requiring such nomination to be in the hands of the secretary on or before the fifteenth day of June next ensuing.
- (2) On receipt of such notice each institute may nominate not more than three persons, being members of an institute, and submit their names to the secretary in accordance with the terms of such notice.
- (3) The secretary shall make a list, in alphabetical order, of all names submitted to him as aforesaid on or before the sixth day of July, and shall send a copy of such list to each institute with the notice of the annual meeting, and an intimation that the election of three members to represent the association on the board will take place at such annual meeting.
2. If only three persons be nominated as aforesaid, the president shall announce that fact at the annual meeting, and declare them duly elected. If more than three persons be nominated, then the meeting shall proceed to elect three out of the number by ballot, and the three persons receiving the highest number of votes shall be declared duly elected members of the board.
3. The president of the association shall forthwith certify to the Governor the names of the three persons elected members of the board by the association as aforesaid, and his certificate shall be conclusive evidence of the validity of the election of the members of the board named therein.
4. (1) Any casual vacancy occurring in the representation of the association on the board, caused through the death or resignation of a member, or from any other cause excepting effluxion of time, shall, as soon as is practicable, be filled by the council.
- (2) Any person, including a member of the council, eligible and desiring to be so appointed, shall notify the secretary in writing at least four clear days before the appointment is to be made. The names of all such persons shall be forwarded to each member

of the council with an intimation that if more than the required number have been submitted, the council shall proceed to elect the required number by ballot at its next meeting.

(3) The person receiving the highest number of votes shall be declared as elected. In the event of an equal number of votes being cast for any two candidates, no decision shall be deemed to have been reached, and a further ballot shall be taken at the next meeting following, and so on from time to time until one of the persons so nominated obtains a majority of the votes.

(4) The secretary shall forthwith certify to the Governor and to the board the names of the person or persons so elected.

THE THIRD SCHEDULE.

LAND UNDER THE CARE, CONTROL, AND MANAGEMENT OF THE BOARD.

986, 1909,
Third
Schedule.

All the land comprised in the whole of section 510, hundred of Adelaide, county of Adelaide.

THE FOURTH SCHEDULE.

RULES OF THE ADELAIDE CIRCULATING LIBRARY.

986, 1909,
Fourth
Schedule.
2229, 1935,
s. 26.
As altered by
resolution of
committee on
5/12/1918 ;
23/11/1922 ;
and 22/1/1932.

Persons shall be allowed to become and be subscribers to the Adelaide Circulating Library, subject to the following regulations :—

- I. Any person desiring to become a subscriber to the said library shall previously insert his name and full address, with particulars of his occupation, in a book to be kept for the purpose of the said library ; and shall also (if required) deposit with the secretary a certificate, signed by two householders of respectability, to the effect that such person is known to them, and is a fit person to be a subscriber to the said library ; and every subscriber shall pay an annual subscription of twenty-six shillings, payable in advance, or a quarterly subscription of seven shillings, also payable in advance, or such other sum as the committee from time to time determines :
- II. When any person desires to become a subscriber to the said library, the secretary or other officer appointed for the purpose, may admit such person as a subscriber, or may, if he sees fit, refuse to receive his subscription, pending the decision of the committee ; and the committee at their next or any subsequent meeting may, at their discretion, either receive the subscription and admit such person as a subscriber, or refuse to receive the subscription and to admit such person as a subscriber :
- III. The committee may, at their discretion, refuse to permit any subscriber to renew his subscription :
- IV. The committee may, if they see fit, at any time expel any subscriber guilty of misconduct :
- V. (a) Subscribers to the library shall be allowed to take out, at one time, one or more volumes of a single work or of two separate works, or of such greater number of separate works as the committee from time to time determines, for a fixed period, as specified in or on such volume or volumes : Provided that persons so taking out books shall, if required by the librarian or other officer appointed for the purpose, deposit a sum not exceeding the value of the work or works so taken out, to ensure their return, or to be forfeited if such work is not returned :
(b) If the period fixed for the retention of any book so taken out is exceeded the librarian may, if he sees fit, give notice thereof in writing to the subscriber so retaining such book, and such subscriber shall thereafter be subject to a fine of two pence for every day that he retains such book after the delivery of such notice :
(c) In the case of magazines or other periodicals, if at the time of issue thereof the outside cover bears a legible notice, stating the time within which the periodical must be returned, and also stating that failing such return a fine of two pence for every day thereafter until the return of the magazine or periodical will be imposed, then any subscriber retaining the same beyond the time so stated shall be subject to the said fines without further or other notice :
(d) The librarian may, in his discretion, at any time refuse to issue books to a subscriber who is in arrear with subscription or fines, without prejudice to the claim of the said library for payment of any subscription or fine then due or to become due.

- VI. The librarian may, in his discretion, refuse to issue any book to any subscriber who, or any member of whose family or household, he has reason to believe to be suffering or recovering from any infectious or contagious disorder :
- VII. Any subscriber lending a book belonging to the said library to any non-subscriber, not being a member of such subscriber's household, shall render himself liable to expulsion :
- VIII. If any subscriber loses any book the property of the said library, or has any such book out when it becomes damaged or defaced, he shall be required to pay for a new copy of the same ; and if the book so lost, damaged, or defaced is one volume of a set, and it is found impracticable to replace the said volume, such subscriber shall replace the whole work ; but in either case the said subscriber shall be entitled to the damaged or defaced volume or work as soon as it is so replaced :
- IX. No book shall be issued to any subscriber in an imperfect condition, unless a memorandum is made in such book stating the nature and extent of such imperfection ; but in the event of any book being so issued, or of its receiving damage while in the custody of any subscriber, he shall, on returning such book, call the attention of the librarian to any injury it has sustained ; and any subscriber failing to do so shall be held responsible for any such injury. Nothing in this rule shall be held to diminish the effect of the next preceding rule :
- X. Any annual subscriber shall be entitled, on payment of double subscription, to take out at one time one or more volumes, of twice the number of works that a subscriber of a single subscription may take out, and to retain such volumes so taken out for twice the number of days notified therein, or thereon respectively, except in case of a volume which has been added to the library within the preceding twelve months, in which case the ordinary number of days only shall be allowed :
- XI. All entries by the librarian, secretary, or other person appointed or authorised in that behalf, made in the issue-book of the library, relating to the loan of any book to any subscriber, shall be good and sufficient *prima facie* evidence that the book mentioned in such entry was lent at the time and to the person mentioned in such entry ; and if, within one month from the time at which such book ought to have been returned by such subscriber, there is no entry made in the issue-book of such return, such subscriber shall be conclusively deemed to have lost or kept such book :
- XII. If any subscriber carelessly or negligently permits or suffers any book belonging to the library to be sold or disposed of when in his possession or custody, he shall be subject to a fine of not less than one pound nor more than five pounds, which fine the committee is hereby empowered to impose by notice in writing to the subscriber :
- XIII. In the event of any subscriber making special application in writing for the use of several works, for the purpose of study, the secretary may, in his discretion, grant the same for a period not exceeding fourteen days :
- XIV. The committee may, if they see fit, once in every year, call in all books in circulation, and suspend the issue of books for a period not exceeding twenty-one days, and during that period close the said library :
- XV. The said library shall (subject to rule XIV.) be open to subscribers (except on public holidays) from half-past nine o'clock in the morning until six o'clock in the evening on every Monday, Tuesday, Wednesday, and Thursday, from half-past nine o'clock in the morning until nine o'clock in the evening on every Friday, and from half-past nine o'clock in the morning until one o'clock in the afternoon on every Saturday : Provided that the committee may from time to time appoint such other times as they deem fit during which the said library shall be open :
- XVI. All fines and penalties imposed under the foregoing rules in this schedule contained, or to which any person is subject under such rules, may be recovered by the committee as a debt due to the said library in any court of competent jurisdiction ; and the committee may, in their discretion, remit or mitigate any such fines or penalties, if the circumstances of the case appear to them to warrant such remission or mitigation :
- XVII. The committee may, from time to time, make any arrangements in writing which they in their discretion consider fit and reasonable, with any country and suburban institutes for the loan to such institutes of books belonging to the said library :

- xviii. (a) The committee may issue tickets, without charge, to scholars attending the public schools under the Education Act, 1915, situated within that part of the city of Adelaide which lies to the south of the River Torrens :
- (b) Each such ticket shall be tenable for one year from the date thereof :
Provided that the committee may cancel any such ticket if they deem the holder an unfit person to enjoy the privileges thereby conferred, whereupon such ticket shall cease to be in force :
- (c) Not more than two of such tickets shall be held at the same time by scholars attending the same school, and not more than one male scholar nor more than one female scholar attending the same school shall hold such tickets at the same time :
- (d) The holder of each such ticket shall, whilst the same is in force, be entitled to all the rights of a subscriber to the said library, except the rights of voting and holding office, and shall, except as aforesaid, be subject to all the rules of the said library as though he were a subscriber thereto :
- xix. In these rules, except where a contrary intention appears, " book " or " books " includes a magazine or periodical, or magazines and periodicals, as the case may require.

THE FIFTH SCHEDULE.

LIST OF INSTITUTES.

2229, 1935,
s. 27.

Alawoona	Cambrai	Farrells Flat	Kadina
Aldgate	Carrieton	Frances	Kalangadoo
Aldinga	Ceduna	Franklin Harbour	Kangarilla
Álford	Clare	Freeling	Kapunda
Ambleside	Clarence Park		Karoonda
American River	Clarendon		Keith
Angaston	Clements Gap .	Gawler	Keith Sheridan
Appila	Cleve	Gaza	(Lower North
Ardrossan	Cobdogla	Georgetown	Adelaide)
Ashbourne	Cockburn	Geranium	Kensington and
Ashwell	Colonel Light	Gladstone	Norwood
Athelstone	Gardens	Glencoe	Kersbrook
Auburn	Coobowie	Glenelg	Keyneton
	Coomandook	Glen Osmond	Kimba
Balaklava	Coonalpyn	Glossop	Kingscote
Balhannah	Coromandel Valley	Goodwood	Koolunga
Barmera	Cradock	Goolwa	Kyancutta
Beachport	Crafers	Grange	
Berri	Crystal Brook	Greenock	Laccpede Bay
Birdwood	Cummins	Gulnare	Lameroo
Blyth	Curramulka	Gumeracha	Laura
Booborowie	Currency Creek		Lipson
Booleroo Centre		Hallett	Littlehampton
Bordertown	Darkes Peak	Hamley Bridge	Lone Gum
Borrika	Dublin	Hanson	Long Plains
Bower		Hawker	Longwood
Bridgewater		Hilton	Loxton
Brighton	Eastern District	Hindmarsh	Lucindale
Brinkworth	(St. Morris)	Hope Valley	Lyndoch
Broadview	Echunga	Hoyleton	Lyrup
Bugle	Eden Valley		
Burra	Edithburgh		
Bute	Edwardstown	Iron Knob	Macclesfield
	Elliston		McLaren Vale
Caliph	Enfield		District
Caltowie	Eurelia	Jamestown	Magill

Fifth Schedule: By proclamation, *Gazette* 8th July, 1937, p. 29, the Cadell Institute was included in the list of institutes in the fifth schedule.

List of Institutes—continued.

Maitland	Noarlunga	Saddleworth	Victor Harbour
Mallala	North Adelaide	St. Peters	Virginia
Malpas	Nuriootpa	Salisbury	
Mannanarie		Seaton Park	
Mannum	O'Halloran Hill	Sedan	
Manoora	One Tree Hill	Smithfield	
Marama	Orroroo	Snowtown	Waikerie
Marmon Jabuk	Owen	South Western	Walkerville
Meadows		Memorial (West-	Walloo
Melrose		bourne Park)	Walloo Mines
Meningie	Parilla	Spalding	Wall Flat
Meribah	Parkside and	Springs (Hundred	Wanbi
Middleton	Eastwood	of Young)	Warnertown
Milang	Parrakie	Springton	Warooka
Millicent	Paruna	Stansbury	Warradale
Mindarie	Payneham	Stirling West	Wasleys
Minlaton	Peake	Stockport	Watervale
Mintaro	Penneshaw	Stockwell	Wauraltee
Mitcham	Penola	Strathalbyn	West Croydon and
Modbury	Peterborough	Streaky Bay	Kilkenny
Montacute	Pinnaroo	Summertown	Whyalla
Monteith	Pooraka	Swan Reach	Whyte-Yarcowie
Moonta	Port Adelaide		Wild Horse Plains
Moonta Mines	Port Augusta		Williamstown
Moorak	Port Broughton		Willowie
Moorlands	Port Elliot	Tailem Bend	Willunga
Morchard	Port Germein	Taldra	Wilmington
Morgan	Port Lincoln	Tantanoola	Windsor
Morphett Vale	Port MacDonnell	Tanunda	Winkie
Mount Barker	Port Noarlunga	Taplan	Wirrabara
Mount Bryan	Port Pirie	Tarcowie	Wolseley
Mount Gambier	Port Victoria	Tarlee	Woodside
Mount Pleasant	Port Vincent	Tea Tree Gully	Woodville
Mundalla	Port Wakefield		
Murray Bridge	Prospect	Terowie	
Murraytown		Thebarton	
Mylor	Quorn	Tintinara	
Mypolonga		Truro	
Myponga	Ramco	Tumby Bay	
	Redhill	Tweedvale	Yacka
	Rendlesham	Two Wells	Yaninee
Nadda	Renmark		Yankalilla
Nairne	Riverton	Unley	Yongala
Naracoorte	Robe	Uraidla	Yorketown
Narridy			Yurgo

THE SIXTH SCHEDULE.

PART I.

Form of Resolution.

That the Institute hereby delegates to its committee for the time being its power to appoint representatives to attend the meetings of the Institutes Association of South Australia, Incorporated.

[The terms of the resolution as prescribed must be adhered to.]

PART II.

Certificate of the Passing of the Resolution.

The Institute.
 At an ordinary (or special) general meeting of the members of the above-named institute, summoned and duly held according to the rules for the time being in force for the government of the institute, on the day of 19 , the following resolution was duly passed, namely :—

[Set out the resolution as passed.]

Dated this day of 19 .
 , Chairman of the Meeting.
 , Secretary of the above-named institute.

THE SEVENTH SCHEDULE.

986, 1909,
 Fifth
 Schedule.

Memorial of the name of trustee (or trustees, as the case may be) of the [name of institute] Institute pursuant to the Public Library, Museum, and Art Gallery, and Institutes Act, 1936.

Names of Trustee or Trustees.	Address.	Occupation.

[Signatures of trustees or trustee.]

..... } Trustees (or Trustee as
 } the case may be).
 }

I [full name and address and occupation] make oath and say that I was present and did see the foregoing memorial signed by the above-named trustee (or trustees respectively, as the case may be), whose names appear thereto.

Sworn at
 this day of 19 ,
 before me }

Justice of the Peace in and for the State of South Australia or Commissioner for taking affidavits in the Supreme Court of South Australia.

THE EIGHTH SCHEDULE.

986, 1909,
 Sixth
 Schedule.

PUBLIC LIBRARY, MUSEUM, AND ART GALLERY, AND INSTITUTES ACT, 1936.

Name of Institute.	Locality.	Description of real estate, stating number or distinguishing mark of allotment, acre, or section, and name of county and hundred or city, town or township where situated; also area.	Description of buildings thereon.	Names, addresses, descriptions, and occupations of the trustees.	Encumbrances. [State nature of encumbrances and the amount thereof; or if none, state the fact.]

Dated the day of 19 .

[Signatures of trustees or trustee.]

..... } Trustees or Trustee.
 }

Rules and Regulations.

The following rules and regulations were in force under this Act on 24th May, 1937:—

FOR THE CONDUCT OF THE BUSINESS OF THE BOARD—

Gazette—30th March, 1911, p. 566.
8th September, 1921, p. 508.

FOR THE MANAGEMENT OF THE PUBLIC LIBRARY—

Gazette—16th July, 1914, p. 123.

FOR THE MANAGEMENT OF THE PUBLIC READING ROOM—

Gazette—16th July, 1914, p. 123.

FOR THE MANAGEMENT OF THE MUSEUM—

Gazette—16th July, 1914, p. 124.

FOR THE MANAGEMENT OF THE ART GALLERY—

Gazette—16th July, 1914, p. 124.

FOR THE MANAGEMENT OF THE ARCHIVES DEPARTMENT—

Gazette—5th August, 1920, p. 244.

RELATING TO THE ASSOCIATION—

Gazette—6th October, 1910, p. 714.
23rd April, 1936, p. 890.