

TASMANIA.

THE LIBRARIES ACT 1943.

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1943.

ANNO SEPTIMO

GEORGII VI. REGIS.

No. 47.



A.D.

1943.

AN ACT to provide for the establishment, maintenance, and management of libraries and library services; for the co-ordination of library services at present subsidised by the State; for the constitution of a Tasmanian Library Board and the establishment of a State Library; and for matters incidental thereto. [16 November, 1943.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

- 1**—(1) This Act may be cited as the *Libraries Act 1943*.
 (2) This Act shall be incorporated and read as one with the *Hobart Corporation Act 1929*, the *Launceston Corporation Act 1941*, and the *Local Government Act 1906*.

Short title and
incorporation
with 20 Geo.
V. No. 44,
4 and 5 Geo.
VI. No. 91,
and 6 Ed. VII.
No. 31.

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A.D. 1943. **2** The Acts enumerated in the first schedule are hereby repealed.

Repeal.

Interpretation.

3 In this Act, unless the contrary intention appears—

“Board” means the Tasmanian Library Board constituted under this Act:

“Book” includes any periodical, newspaper, or other printed matter, and any map, plan, music, manuscript, picture, print, motion picture, sound recording, photographic plate, or photographic film; and any other matter or thing whereby words or sounds are recorded or reproduced:

“State Library” means the State Library of Tasmania established under this Act:

“State Librarian” means the State Librarian appointed under this Act.

Establishment of State Library.

4 For the purpose of promoting and advancing free library service in this State, there shall be established a library to be called the State Library of Tasmania.

PART II.

THE TASMANIAN LIBRARY BOARD.

Division I.—Constitution and Incorporation of the Board.

Constitution of the Board.

5—(1) There shall be constituted for the purposes of this Act a board, to be called the Tasmanian Library Board, which shall consist of twelve persons as hereinafter provided.

(2) The members of the Board shall be appointed by the Governor and shall comprise—

- I. Three persons nominated by the Minister, of whom one, at least, shall be a woman:
- II. Two persons nominated by the Hobart City Council:
- III. One person nominated by the Municipal Association of Tasmania:
- IV. Two persons nominated by the Launceston City Council:
- V. One person nominated by the Council of the University of Tasmania:
- VI. One person nominated by the executive committee of the body known as the Free Library Movement:
- VII. The Under-Treasurer, or an officer of the Treasury nominated by him: and
- VIII. The Director of Education, or an officer of the Education Department nominated by him.

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(3) In the case of the first appointment of members of the Board, the Governor shall appoint one of the members thereof to be chairman, and one of the members to be vice-chairman of the Board; but thereafter the chairman and vice-chairman shall be appointed, as and when prescribed, by the members of the Board. A.D. 1943.

(4) Any officer of the Public Service may be appointed as a member of the Board, and may hold office as a member thereof in conjunction with his office as an officer.

(5) The members of the Board, as such, shall not be subject to the provisions of the *Public Service Act 1923*.

(6) No member of the Board, as such, shall be an employee for the purposes of the *Superannuation Act 1938*.

(7) Where any casual vacancy occurs in the office of any member, the Governor may, on the nomination of the relevant person or body, appoint a member to fill such office; and the member so appointed shall hold office for the unexpired portion of the term of office of the member in whose place he is appointed.

(8) If any nomination required by this section is not made—

I. In the case of the first appointment of members of the Board, within thirty days after the commencement of this Act: or

II. In any other case, within such time as may be prescribed—

the Governor may appoint a member to represent the relevant person or body without such nomination.

6—(1) The Board shall be a body corporate having perpetual succession and a common seal, and may sue and be sued by its corporate name. Incorporation of Board.

(2) The seal of the Board shall not be affixed to any document except by resolution of the Board, and every such sealing shall be authenticated by the signatures of two members and the secretary.

Division II.—Provisions Relating to the Members of the Board.

7—(1) Except as otherwise expressly provided, all members of the Board shall hold office for a term of four years. Terms of office of members.

(2) Of the members, other than the chairman, first appointed to the Board at the commencement of this Act, six shall hold office only for two years.

(3) The Board shall, for the purposes of subsection (2) hereof, at its first meeting determine, by ballot of members, which of its members shall hold office for two years, and which of its members shall hold office for four years.

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Vacation of
office.

8 The office of a member of the Board shall become vacant if the holder thereof—

- I. Dies:
- II. Resigns his office by writing under his hand addressed to the Governor:
- III. Is absent, without leave duly granted by the Board, from four consecutive meetings of the Board:
- IV. Becomes bankrupt, or makes any assignment or arrangement for the benefit of his creditors:
- V. Becomes of unsound mind:
- VI. Being a person appointed under paragraph VII. or paragraph VIII. of subsection (2) of section five, ceases to possess the qualification by virtue of which he was appointed: or
- VII. Is removed from office by the Governor because of incapacity or misconduct.

Payment of
expenses of
members.

9 Members of the Board shall not receive any remuneration or allowance, but shall be entitled to be paid such travelling and other out of pocket expenses as may be prescribed.

*Division III.—Proceedings of the Board.*Proceedings
of the Board.

10—(1) The Chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board, and shall have a deliberative vote only.

(2) Any six members of the Board shall constitute a quorum for the transaction of the business of any meeting of which due notice has been given, personally or by post, to all the members, and the Board may function, notwithstanding any vacancy in its membership, if a quorum remains.

(3) If the chairman and vice-chairman are both absent from any meeting of the Board, the members present shall elect one of their number to preside at such meeting.

(4) Any question arising at any meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and, in the event of an equality of votes, the question shall pass in the negative.

(5) The Board, by resolution, may delegate to any member of the Board, either generally or in any particular case, such of the powers, authorities, duties, and functions of the Board as may be specified in the resolution.

(6) Any such delegation may be revoked by the Board at any time, and shall not prevent the exercise of any power, authority, duty, or function by the Board.

(7) Subject to this section, the Board may regulate its own procedure.

*Libraries.**Division IV.—Powers and Duties of the Board.*

A.D. 1943.

11—(1) It shall be the duty of the Board to—Powers and
duties of the
Board.

- I. Direct the extension of library service throughout the State:
- II. Make, or cause to be made, careful inquiry into the administration and management of every library and library service which is provided, controlled, and managed by a council which has adopted this Act, and to inspect, or cause to be inspected, at such periods as the Board may determine, any such library and library service:
- III. Subject to section nineteen, determine the cases in which, and the conditions under which, State aid shall be granted to councils providing, controlling, and managing libraries under this Act, and to advise such councils on the management of such libraries:
- IV. Undertake the care and control of—
 - (a) The State Library and of all lands and buildings owned or occupied by the Board: and
 - (b) All books and other personal property owned by, or in the possession of, the Board: and
- v. Generally, to exercise and discharge such other powers, authorities, duties, and functions as may be prescribed.

(2) The Board may—

- I. Provide, control, and manage libraries and library services:
- II. Make arrangements with the Parliamentary Library Committee for the provision of a legislative reference service and other library services for the use of members and officers of Parliament:
- III. Make arrangements with departments and instrumentalities of the State for the purpose of providing libraries and library services for such departments and instrumentalities:
- IV. Subject to the provisions of the *Public Records Act* 1943, collect, and make available for use by the public, books relating to the history and development of the State:
- v. Devise and initiate improved methods to be followed in, or in connection with, the provision, control, and management of libraries and library services:
- VI. Collate and disseminate information relating to libraries and library services:
- VII. Make provision for the training of librarians and library assistants:

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- VIII. Keep, in the prescribed manner, a register of persons to whom certificates of competency as librarians and library assistants have been issued:
- IX. Lend, or make available, to any person, or to any society, institution, or body, in this State or elsewhere, upon such terms and conditions as the Board thinks fit, any books or other personal property of which the Board has the care and control:
- X. Provide, on such terms and conditions as the Board may determine, such library services in addition to the State Library, as the Board thinks desirable:
- XI. Permit any person, or any society, institution, or other body, upon and subject to such terms and conditions as the Board may determine, to make use of the State Library or to occupy any premises owned or occupied by, or under the control of, the Board:
- XII. Purchase such freehold or leasehold property as may be required by it for the purposes of this Act and, subject to subsection (3) hereof, sell or dispose of any such property:
- XIII. Receive or purchase, any books or other personal property, and sell, exchange, or otherwise dispose of the same:
- XIV. Appoint such committees of its members as the Board thinks fit, and regulate the powers, functions, and duties of such committees:
- XV. Prepare and maintain a general catalogue of libraries in this State, and, for this purpose, make such arrangements as it thinks desirable with any person, or with any society, institution, or other body: and
- XVI. Generally, do all such acts and things, and exercise such powers, authorities, duties, and functions as may be necessary for giving effect to the purposes of this Act.

(3) The Board shall not sell or dispose of any real property without the consent of the Governor.

Annual report.

12—(1) Within three months after the close of each financial year, the Board shall submit to the Minister a report of its activities during the financial year then last past.

(2) The Minister shall cause a copy of such report to be laid on the table of each House of Parliament within the first fourteen sitting days after the same is received by him.

Libraries.

PART III.

A.D. 1943.

OFFICERS OF THE STATE LIBRARY.

13—(1) The Governor, under and subject to the provisions of the *Public Service Act 1923*, may appoint a State Librarian and such and so many officers as he thinks necessary for the purposes of this Act. Appointment of State Librarian and officers.

(2) The length of service of any officer of the Education Department who is appointed as an officer under this section shall, for all purposes, be computed from the date upon which he was permanently appointed as an officer of that Department.

(3) With the approval of the Governor, upon the recommendation of the Public Service Commissioner, the Board may make use of the services of any officer of the Public Service for the purposes of this Act.

(4) The services of any officer employed in the State Library may be used for the purposes of the library services of any department or instrumentality of the State, or of any council, society, institution, or body.

(5) While the services of any officer are being used as provided in subsection (4) hereof, such officer shall, for all purposes, be deemed to remain an officer of the Public Service.

14 The State Librarian shall be the secretary of the Board, and of all committees appointed by the Board, and shall perform such duties as the Board, subject to the provisions of the *Public Service Act 1923*, may at any time require or direct. Powers and duties of State Librarian.

PART IV.

LIBRARIES AND LIBRARY SERVICES.

Division I.—Adoption of Act.

15—(1) This Act may be adopted by any council by a special resolution of the council. Adoption of Act.

(2) Notice of the adoption of this Act shall be given to the Board by the council concerned as soon as practicable after such adoption.

(3) Where a council revokes the adoption of this Act, it shall, as soon as practicable, give notice of such revocation to the Board, and thereupon an adjustment shall be made, as hereinafter provided, of the interests of the council and the Board in any property in the provision of which the Board has assisted.

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*Division II.—Provisions Applicable where Act Adopted.*Application
of provisions.

16 The provisions of this division of this part shall apply to, and in respect of, councils which have adopted this Act.

Requirements
to be observed
by council in
relation to
libraries.

17—(1) A council shall comply with and observe the following requirements in relation to the provision, control, and management by it of any library—

- I. Any person may, without charge, but otherwise subject to any by-law relating to the library, borrow any book of the library for use by him on the library premises:
- II. Any person who is a resident within the district of the council or is a ratepayer for that district, may without charge, but otherwise subject to any by-law relating to the library, borrow for use by him away from the library premises, any book of the library, and any book lent to the council by the Board under section nineteen; but the Board may, if it thinks fit, authorise the making of a charge for the borrowing from any library of the council of any book included in any class of books specified by the Board: and
- III. Any person may, subject to any by-law relating to the library, and upon payment of the charges, if any, prescribed by any such by-law, borrow from the library, for use by him away from the library premises, any book of the library.

(2) Nothing contained in subsection (1) hereof shall preclude a council from determining that the use of any particular book or of any book included in a class of books shall be subject to such limitations, restrictions, or conditions as may be prescribed by by-law.

(3) Notwithstanding anything contained in any enactment other than this Act, no by-law made by any council in relation to any library which is provided, controlled, and managed by such council under this Act shall have any force or effect until it has been approved by the Board.

(4) Nothing contained in this Act shall derogate from or affect any power to provide or establish libraries or library services or to make any by-laws in relation thereto, conferred upon any council by any enactment other than this Act.

(5) For the purposes of this section “charge” means any charge made directly or indirectly in respect of the borrowing by any person of any books from a library, and includes any fee payable in respect of—

- I. The registration of any person as a borrower: or
- II. Any certificate, form, ticket, or token which authorises any person to borrow books from a library,

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or which is used for the purpose of recording A.D. 1943.
 borrowings or applications therefor—

but does not include a prescribed fee for the late return of a book, or any charge made for the loss of, or damage to, a book.

18—(1) Any council may enter into an agreement with the Board whereby the Board undertakes the function of providing, controlling, and managing libraries and library services, or of exercising any specified powers or duties in relation thereto, within the whole or any part of the district of such council; and, with the approval of the Board, two or more councils may enter into a like agreement providing for the undertaking of the like function or the exercise of the like powers or duties by one of such councils within the districts of all or any of the other councils, or within any part of any such district.

Agreements
 relating to
 libraries and
 library ser-
 vices.

(2) Any such agreement shall specify the terms and conditions upon which the libraries or library services shall be provided, controlled, and managed, or such powers or duties shall be exercised, and the period for which such agreement shall remain in force.

(3) Upon the termination of any such agreement as aforesaid, an adjustment shall be made, as hereinafter provided, of the interests of the several parties to such agreement in any property to the provision of which they have contributed.

19—(1) Any council within the district of which any library or library service is provided, controlled, and managed under and in accordance with this Act, shall, subject to this section, be eligible for State aid as hereinafter provided.

State aid.

(2) A council shall become eligible for State aid under this section at any time during any financial year if it satisfies the Board that it is expending, upon the provision, control, and management within its district of libraries and library services under this Act, such amounts that the total amount so expended in that financial year will be not less than the prescribed amount.

(3) No State aid shall be granted to any council under this section unless all amounts expended by the council as hereinbefore provided are expended, in a manner approved by the Board, wholly upon libraries and library services.

(4) Except as provided in subsection (5) hereof, any State aid granted to a council under this section shall consist of the loan, in pursuance of an agreement entered into, as prescribed, between the Board and the council, of a collection of books, the value of which, expressed in terms of money, is not less than the prescribed amount.

(5) Where, in respect of any library which is provided, controlled, and managed by any council, the Board is satisfied that, by reason of the situation, equipment, and facilities of

Libraries.

A.D. 1943. — that library or of any other matter which the Board considers it proper to take into account, such library is capable of providing a library service complementary to the library service provided by the State Library, the Board may determine that the State aid for which such council becomes eligible under this section shall consist—

- I. Wholly of a cash subsidy, comprising an amount which is not less than the prescribed amount: or
- II. Partly of a cash subsidy and partly of the loan of a collection of books in pursuance of an agreement entered into, as prescribed, between the Board and the council; and in such case the cash subsidy, together with the value of the books, expressed in terms of money, shall, in the aggregate, be not less than the prescribed amount.

(6) Every agreement under this section shall provide for the exchange, at specified intervals, of all books lent to a council in pursuance thereof, and for the basis upon which the value of such books shall be determined.

(7) In determining the extent of the State aid to be granted to any council under this section, the Board shall have regard to any special disabilities experienced by such council in providing libraries or library services in its district.

(8) The Board, in each financial year, shall expend in the provision of library services to councils by which this Act is adopted an amount at least equal to the aggregate of the amounts expended by such councils upon libraries and library services.

(9) Applications for State aid under this section shall be lodged with the Board as and when prescribed.

(10) In this section, "the prescribed amount" means the amount which would be produced if a rate of one-half of one penny in the pound were made and collected upon the annual value of all ratable property within a municipal district.

Division III.—Provisions Relating to Adjustments.

Method of
making
adjustments
under this
Part.

20—(1) Any adjustment required under this Part shall be made in such manner as may be mutually agreed upon between the several parties to be affected thereby.

(2) In default of such agreement as aforesaid, or in the event of any dispute arising in relation to such adjustment, the same shall be determined by an arbitrator in accordance with the provisions of the *Arbitration Act 1892*.

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PART IV.

A.D. 1943.

MISCELLANEOUS.

21 The agreements set forth in the second schedule are hereby ratified and confirmed.

Validation of certain agreements.

22—(1) As from a date to be proclaimed—

Transitory provisions.

- I. The library heretofore known as the Tasmanian Public Library shall, for the purposes of this Act, become and shall be known as the State Library of Tasmania:
- II. All books and other personal property of the trustees of the Tasmanian Public Library shall, by the operation of this section, be transferred to, and vested in, the Board:
- III. All contracts and arrangements entered into, and obligations incurred, prior to the commencement of this Act, by—
 - (a) The trustees of the Tasmanian Public Library in relation to the said library: or
 - (b) The body known as the Rural Libraries Advisory Board (hereinafter referred to as “the Advisory Board”) in relation to the library services provided by it—

and which are subsisting at the commencement of this Act, shall be deemed to have been entered into or incurred by the Board, and the Board shall take and exercise in respect thereof all the powers, duties, rights, liabilities, and immunities of the said trustees and the Advisory Board respectively: and

- IV. All persons who, at the commencement of this Act, are employed in a permanent capacity by the said trustees shall be deemed to be transferred to the Public Service.

(2) Within thirty days after the commencement of this Act, all books and records used for the purposes of, or in connection with, the library services of the Advisory Board shall be transferred to, and deposited in, the State Library.

(3) The length of service of every person who is transferred to the Public Service under subsection (1) hereof shall, for all purposes, be computed from the date upon which he was permanently appointed as an officer of the trustees.

(4) If any doubt or difficulty arises in relation to any of the matters specified in this section, or if, in the opinion of the Governor, this section omits to make adequate provision for any matter or thing necessary to be provided for in relation to any such matter as aforesaid or any question arising therefrom or incidental thereto, the Governor, by order-in-council published in the *Gazette*, may make such

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A.D. 1943. provision as he thinks just and reasonable in the circumstances for the purpose of removing such doubt or difficulty or rectifying such omission or determining such question and, upon being so published, such order-in-council shall have effect as if it had been enacted in this Act.

Power of trustees, &c., of certain institutions to transfer their libraries to municipal councils.

23 Notwithstanding anything to the contrary contained in any enactment other than this Act, or in any trust deed or other instrument whereby any property has been granted to, or vested in, the trustees or other governing body of any mechanics' institute, school of arts, or other like institution by which any library is conducted, such trustees or governing body may, with the approval of the Governor, transfer such library, together with the books, furniture, and fittings thereof and any records relating thereto, either alone or together with the land upon which the library premises are erected, to the council of the city or municipality within which such library is situated.

Certain books to be delivered to Librarian.

24—(1) The publisher of every book published (within the meaning of the *Copyright Act* 1912-1935 of the Commonwealth) in this State shall, within one month after the publication thereof, deliver at his own expense a copy of such book to the State Librarian.

(2) The copy of a book so delivered as aforesaid shall be a copy of the whole book with all maps and illustrations belonging thereto, coloured, finished, and bound in the same manner as the best copies of the book are published and on the best paper on which the book is printed.

(3) The State Librarian shall give a written receipt for every book so delivered as aforesaid; but in the case of a periodical publication it shall be sufficient if a receipt is given in the month of January for all copies delivered during the year then last ended.

(4) A receipt under subsection (3), shall be *prima facie* evidence that the publisher has complied with the requirements of this section.

(5) The Governor, on the recommendation, in writing, of the Board, may make regulations exempting from the provisions of this section any books or class of books the delivery of which to the State Librarian is, in the opinion of the Board, unnecessary; and it shall not be necessary for the publisher of any book or class of book specified in any such regulation to deliver the same as provided in this section unless, in respect of any particular book, a written demand for the delivery thereof is made by the State Librarian within six months after the publication of such book.

(6) If the publisher of any book fails to comply with the provisions of this section, he shall be liable to a penalty of five pounds and the value of the book.

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(7) Any penalty imposed under this section in respect of the non-delivery of any book shall be paid to the Board. A.D. 1943.

(8) In this section, "book" includes any part or division of a book, newspaper, pamphlet, libretto, sheet of letterpress, sheet of music, map, plan, chart, table, print, or engraving separately published; but does not include any second or subsequent edition of a book of which an earlier edition has already been delivered to the State Librarian as hereinbefore provided unless such second or subsequent edition contains additions or alterations either in the letterpress or in the maps, prints, or other illustrations belonging thereto.

25 As from the commencement of this Act, any gift, devise, or bequest, whenever made, to, or for the benefit of, the trustees of the Tasmanian Public Library, shall be deemed to be a gift, devise, or bequest to, or for the benefit of, the Board, and shall, by virtue of the provisions of this section, vest in the Board for the purposes of this Act. Certain gifts, &c., to trustees to be deemed to be made to Board.

26—(1) The Board shall, in each financial year, prepare and submit to the Minister an estimate of its expenditure (hereinafter referred to as "the estimate"). Financial provisions.

(2) There shall be included in the estimate a separate amount which shall become available for expenditure only in accordance with the provisions of subsection (3) hereof.

(3) Upon being satisfied that any council, after the date upon which the estimate is submitted to the Minister—

I. Adopts this Act as hereinbefore provided: or

II. Having already adopted this Act, has made provision for an additional expenditure upon libraries and library services—

the Treasurer may authorise the expenditure by the Board, out of the moneys to be provided for the purposes of this section, of an amount not exceeding the proposed expenditure, or, as the case may be, additional expenditure, of such council upon libraries and library services.

27 Any receipts of the Board may be paid to the credit of such of its appropriation items as the Board determines, and except as aforesaid all moneys required to be expended under this Act shall be defrayed out of moneys provided by Parliament for that purpose. Moneys to be expended out of moneys provided by Parliament.

28 The accounts of the Board shall be subject to the provisions of the *Audit Act* 1918. Audit of accounts.

29—(1) For the purpose of improving the collections of books in the State Library and of making the most effective arrangements for the exchange of publications with Governments and institutions outside this State, the Governor may appoint an advisory committee to be called the State Exchanges Committee. State Exchanges Committee.

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A.D. 1943. (2) The said Committee shall consist of such persons, and shall exercise such powers, and carry out such duties and functions, as may be prescribed.

Regulations.

30—(1) The Governor may make regulations under this Act, and in addition to any other matter which may be prescribed, any such regulation may—

- I. Provide for, and regulate, the training of persons as librarians and library assistants and prescribe courses of study for such persons:
- II. Regulate the issue of certificates of competency as librarians and library assistants; and prescribe the cases in which, and the circumstances under which, such certificates may be cancelled:
- III. Prescribe the cases in which, and the conditions under which, councils shall be required to employ librarians and library assistants who are holders of certificates of competency:
- IV. Regulate the use of the State Library so as to protect the fittings, furniture, and contents thereof, and regulate the conduct of persons using the Library and prescribe and provide for the cases in which, and the conditions under which, any persons may be removed or excluded therefrom:
- V. Provide for, and prescribe, the payment of charges in specified circumstances for the use of the State Library or for any library services provided by the Board:
- VI. Prescribe the terms, conditions, and restrictions upon and subject to which persons may be permitted to read any books of the State Library or to make copies of, or extracts therefrom: and
- VII. Generally, provide for such matters and things as may be necessary for carrying this Act into effect.

(2) The regulations may provide for the application of this Act, with such adaptations and modifications as may be prescribed, to any library or library service provided, controlled, or managed by the Hydro-Electric Commission in any area or district in which any works of the Commission are constructed or are in course of construction.

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THE FIRST SCHEDULE.

A.D. 1943.

(Section 2.)

ACTS REPEALED.

Regnal Year and Number.	Title of Act Repealed.
2 Ed. VII. No. 49 ...	<i>The Tasmanian Public Library Act 1902</i>
8 Geo. V. No. 29 ...	<i>The Deposit of Publications Act 1917</i>

THE SECOND SCHEDULE.

(Section 21.)

THIS INDENTURE made the eighth day of October one thousand nine hundred and forty-three BETWEEN THE TRUSTEES OF THE TASMANIAN PUBLIC LIBRARY a body corporate constituted under the *Tasmanian Public Library Act 1902* (hereinafter called "the Trustees") of the first part THE LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF HOBART (hereinafter called "the Lessors") of the second part and THE HONOURABLE ROBERT COSGROVE the Premier of Tasmania as trustee for and on behalf of the Tasmanian Library Board a body whose incorporation is to be provided for by Act of Parliament of Tasmania (hereinafter called "the Premier") of the third part:

WHEREAS these presents are supplemental to an Indenture (hereinafter referred to as "the Lease") dated the twenty-second day of June one thousand nine hundred and four and registered in the office of the Registrar of Deeds at Hobart on the twenty-fourth day of June one thousand nine hundred and four No. 10/9682: AND WHEREAS a Bill is to be introduced by the Premier in the Parliament of the State of Tasmania to provide for the establishment maintenance and management of libraries and library services; for the co-ordination of library services at present subsidised by the State; for the constitution of a Tasmanian Library Board and the establishment of a State Library; and for matters incidental thereto AND WHEREAS for the implementation of the Act if such Bill becomes law the parties hereto have agreed to execute an Assignment of the Lease in manner hereinafter appearing.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the Trustees by and with the consent of the Lessors hereby assign to the Premier ALL AND SINGULAR the hereditaments and premises comprised in and demised by the Lease: TO HOLD the same to the Premier for the residue now unexpired of the term of ninety-nine years created by the Lease subject to the payment of the rent and the performance and observance of the covenants conditions and stipulations in the Lease reserved and contained and henceforth on the part of the Premier and on its incorporation on the part of the Tasmanian Library Board to be paid performed and observed AND the Premier covenants with the Trustees and with the Lessors henceforth during the continuance of the said term to pay the rent reserved by and perform and observe the covenants conditions and stipulations contained in the Lease and on the part of the Trustees to be performed and observed and to keep indemnified the Trustees against

Libraries.

A.D. 1943. all actions claims and demands whatsoever in respect of the said rent covenants conditions and stipulations or anything relating thereto: AND it is hereby mutually agreed that this Assignment is subject to ratification by the Parliament of the State of Tasmania and that if Parliament shall refuse to ratify the same then the parties and each of them shall and will do all things necessary to place the other party or parties in the same position in relation to the Lease and the existing library building as before the execution of these presents.

IN WITNESS whereof the Common Seals of the parties hereto of the first and second parts were hereunto affixed and the party hereto of the third part hereunto set his hand and seal the day and year first hereinbefore written.

THE COMMON SEAL of the TRUSTEES OF THE
TASMANIAN PUBLIC LIBRARY was here- } (L.S.)
unto affixed in the presence of—

B. E. SAUNDERS, Chairman.
J. D. A. COLLIER, Secretary.

THE COMMON SEAL of the LORD MAYOR
ALDERMEN AND CITIZENS OF THE CITY } (L.S.)
OF HOBART was hereunto affixed in the
presence of—

J. SOUNDY, Lord Mayor.
H. J. R. COLE, Town Clerk.

SIGNED SEALED AND DELIVERED by the said
the HONOURABLE ROBERT COSGROVE in } ROBERT COSGROVE. (L.S.)
the presence of—

E. PARKES.

Consent to the above Indenture was given by me in Executive Council this seventh day of October one thousand nine hundred and forty-three.

E. CLARK, Governor.

THIS INDENTURE made the eighth day of October one thousand nine hundred and forty-three BETWEEN the HONOURABLE ROBERT COSGROVE Premier of Tasmania being and as the Minister of the Crown for the time being administering the *Education Act 1932* (hereinafter called "the Premier") of the one part and the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF HOBART (hereinafter called "the City Council") of the other part: WHEREAS these presents are supplemental to an Indenture (hereinafter referred to as "the lease") dated the twenty-second day of June one thousand nine hundred and four and registered in the office of the Registrar of Deeds at Hobart on the twenty-fourth day of June one thousand nine hundred and four No. 10/9682 and made between the City Council of the one part and the Trustees of the Tasmanian Public Library of the other part and also supplemental to an Indenture (hereinafter referred to as "the Assignment") of even date herewith and made between the Trustees of the Tasmanian Public Library of the first part the City Council of the second part and the Premier of the third part.

NOW THIS INDENTURE WITNESSETH as follows:—

1. The Premier hereby undertakes—

(a) During the first session of the Parliament of Tasmania held next after the execution of this Indenture to bring in a Bill in the said Parliament to provide for the

Libraries.

establishment maintenance and management of libraries and library services for the co-ordination of the library services at present subsidised by the State for the constitution of a Tasmanian Library Board and the establishment of a State Library and for matters incidental thereto; A.D. 1943.

- (b) Subject to the said Bill being passed by the said Parliament to cause a new State Library Building to be erected as an urgent post-war measure and upon the completion of the said building to transfer thereto the proposed State Library with the whole of its moveable assets and property; and
- (c) Upon the transfer to the said new State Library Building of such moveable assets and property as aforesaid, to execute a surrender to the City Council of the lease.

2. THE City Council hereby undertakes, subject to the implementation by the Premier of his undertaking in clause 1 hereof to release the Premier from the provisions of the Lease and the Assignment and from all actions claims and demands whatsoever in relation thereto.

3. It is mutually agreed that this Agreement is subject to ratification by the Parliament of the State of Tasmania and that if Parliament shall refuse to ratify the same then the parties and each of them shall and will do all things necessary to place the other party in the same position in relation to the premises as before the execution of these presents.

IN WITNESS whereof the party hereto of the first part hereunto set his hand and seal and the Common Seal of the party hereto of the second part was hereunto affixed the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED by the said
the HONOURABLE ROBERT COSGROVE in
the presence of—

ROBERT COSGROVE. (L.S.)

E. PARKES.

THE COMMON SEAL of the LORD MAYOR
ALDERMEN AND CITIZENS OF THE CITY
OF HOBART was hereunto affixed in the
presence of—

(L.S.)

J. SOUNDY, Lord Mayor.

H. J. R. COLE, Town Clerk.

