



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 40 of 1989

An Act to amend the Libraries Act, 1982.

[Assented to 4 May 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Libraries Act Amendment Act, 1989*.
- (2) The *Libraries Act, 1982*, is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Arrangement of Act

3. Section 3 of the principal Act is amended—
 - (a) by striking out "DIVISION VII—THE INSTITUTES STANDING COMMITTEE";
 - (b) by striking out "DIVISION VIII—THE INSTITUTES ASSOCIATION OF SOUTH AUSTRALIA";
 and
 - (c) by striking out "DIVISION IX—REGULATION OF INSTITUTES".

Interpretation

4. Section 5 of the principal Act is amended—
 - (a) by striking out the definition of "the Association";
 - (b) by striking out the definition of "institute";
 and
 - (c) by striking out the definition of "the Standing Committee".

Membership of the Board

5. Section 9 of the principal Act is amended by striking out subsections (1), (2), (3) and (4) and substituting the following subsections:

- (1) The Board is to consist of nine members appointed by the Governor of whom—
 - (a) two are members or officers of councils nominated by the Local Government Association of South Australia, one of whom must be a librarian employed

in a public library or a community information officer employed by a council;

- (b) one is a person with experience in local government (who may, but need not, be a member or officer of a council) nominated by the Local Government Association of South Australia;

and

- (c) six are persons nominated by the Minister, one of whom must have experience in local government (who may, but need not, be a member or officer of a council).

(2) The Governor may appoint one member of the Board to be the presiding member and another member to be the deputy presiding member of the Board.

Terms and conditions of membership

6. Section 10 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) Subject to subsection (4), a member of the Board may be appointed for a term not exceeding four years as specified in the instrument of appointment and is eligible for re-appointment at the expiration of a term of appointment.;

and

- (b) by striking out paragraph (d) from subsection (3) and substituting the following paragraph:

(d) in the case of a member qualifying for appointment to the Board by reason of being a member or officer of a council, the member ceases to be a member or officer of a council.;

Proceedings of the Board

7. Section 11 of the principal Act is amended by striking out from subsection (2) "Chairman" twice occurring and "Deputy Chairman" twice occurring and substituting, in each case, "presiding member" and "deputy presiding member" respectively.

Functions of the Board

8. Section 14 of the principal Act is amended—

- (a) by striking out from paragraph (c) "Archives" and substituting "Public Record Office of South Australia";

and

- (b) by striking out paragraphs (l) and (m).

Subsidies, etc.

9. Section 21 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) The Minister may, on the recommendation of the Board, pay such subsidies, or grant such other assistance, as the Minister thinks fit for the

establishment, maintenance and extension of public libraries, public library services and community information services;

and

(b) by striking out from subsection (2) "(not being a library administered by an institute)".

Repeal of ss. 23 to 30

10. Sections 23 to 30 (inclusive) of the principal Act and the headings preceding sections 23, 26 and 28 are repealed.

Copies of material published in South Australia to be lodged with the Board and Parliamentary Librarian

11. Section 35 of the principal Act is amended—

(a) by inserting the following word and paragraph immediately after paragraph (d) of subsection (5):

“and

(e) a record, cassette, film, video or audio tape, disc or other item made available to the public, designed to store and facilitate the reproduction of visual images, sound or information,”;

and

(b) by inserting in subsection (5) “or prescribed material, or material of a prescribed class” after “South Australia”.

Affiliated societies

12. Section 36 of the principal Act is amended by striking out paragraph (c) from subsection (1) and the word “and” preceding that paragraph.

Vesting of certain property in the Board

13. Section 37 of the principal Act is amended by striking out “, or the Association, or institutes generally,” and substituting “or the former Institutes Association of South Australia, or institutes generally which were formerly members of that Association,”.

Repeal of schedule

14. The schedule to the principal Act is repealed.

SCHEDULE 1

*Transitional Provisions***Membership of the Board**

1. A member of the Board who held office immediately prior to the commencement of this Act—

(a) ceases to hold that office on the commencement of this Act;

but

(b) is, subject to the provisions of the principal Act as amended by this Act, eligible for re-appointment to the Board.

SCHEDULE 2

The principal Act is further amended as follows:

Provision Amended	How Amended
Section 32 (1)	Strike out "Five hundred dollars" and substitute "Division 9 fine".
Section 32 (4)	Strike out "Five hundred dollars" and substitute "Division 9 fine".
Section 33 (2)	Strike out "penalty of not more than one hundred dollars" and substitute "Division 11 fine".
Section 35 (3)	Strike out "and liable to a penalty not exceeding one thousand dollars" and substitute "Penalty: Division 8 fine".
Section 39 (1)	Strike out "and liable to a penalty not exceeding two thousand dollars" and substitute "Penalty: Division 7 fine".
Section 40 (2)	Strike out "and liable to a penalty not exceeding two hundred dollars" and substitute "Penalty: Division 10 fine".
Section 43 (2) (e)	Strike out "five hundred dollars" and substitute "a Division 9 fine".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor