

## LIBRARIES ACT 1984

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 No. 109 of 1984
 

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LIBRARIES ACT 1984

*Amended by Act No. 100 of 1986.*

No. 109 of 1984

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AN ACT to provide for the establishment, maintenance, and management of library services in Tasmania and to repeal the Libraries Act 1943.

[Royal Assent 21 December 1984]

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**—This Act may be cited as the *Libraries Act 1984*.

Short title.

**2**—This Act shall commence on the day fixed by proclamation under section 2 (2) of the *Tasmanian State Service Act 1984*.

Commencement.

## Interpretation.

**3**—In this Act, unless the contrary intention appears—

- “ Advisory Committee ” means a Regional Library Advisory Committee established under section 14;
- “ Board ” means the Tasmanian Library Advisory Board constituted under section 11;
- “ book ” means any book, periodical, newspaper, printed matter, map, plan, music, manuscript, picture, print, motion picture, sound recording, photographic negative or print, microphotograph, video recording, and any other matter or thing whereby words, sounds, or images are recorded or reproduced;
- “ functions ” includes duties;
- “ Management Committee ” means the Allport Library and Museum of Fine Arts Management Committee established under section 19;
- “ State Librarian ” means the State Librarian appointed pursuant to section 5 (1);
- “ State Library Service ” means the system of libraries and library services operated throughout the State and established by this Act;
- “ Trust ” means the State Library and Archives Trust established under section 16.

## State Library Service.

**4**—For the purpose of providing, promoting, and advancing, a free library service in Tasmania there is established a State Library Service.

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## PART II

### STATE LIBRARIAN

## Appointment of State Librarian and other persons.

**5**—(1) Subject to and in accordance with Part V of the *Tasmanian State Service Act* 1984, a State Librarian may be appointed for the purposes of this Act.

(2) A person who, immediately before the commencement of this Act, held the office of State Librarian is deemed to be appointed under subsection (1).

(3) Subject to and in accordance with the *Tasmanian State Service Act* 1984, persons may be appointed or employed for the purposes of this Act.

(4) The State Librarian may make arrangements with the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, for employees employed in that Agency to be made available to him to enable him to perform his functions under this Act and such employees may, in conjunction with their positions in the State Service, serve the State Library Service in any capacity.

(5) The services of any employee employed in the State Library Service may be used for the purposes of the library services of any Agency, within the meaning of the *Tasmanian State Service Act 1984*, or of any council, society, institution, or body.

(6) While the services of any employee are being used as provided in subsection (5), that employee shall, for all purposes, be deemed to remain an employee within the meaning of the *Tasmanian State Service Act 1984*.

**6**—(1) The functions of the State Librarian are as follows:— Functions of  
the State  
Librarian.

- (a) to provide free library services in the State;
- (b) to co-ordinate, direct, and control the management of the State Library Service in the State;
- (c) subject to the *Archives Act 1983*, to collect and make available for use by the public books relating to the history and development of the State;
- (d) to undertake the care and control of—
  - (i) any land or premises occupied for the purposes of the State Library Service; and
  - (ii) the books and other personal property in the ownership or possession of the State Library Service;
- (e) such other functions as the Minister may, from time to time, determine.

(2) The State Librarian shall take such measures as he considers necessary to ensure the provision of an efficient library service in the State.

**7**—(1) The State Librarian may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of his functions under this Act. Powers of  
State Librarian.

(2) Subsection (1) is not limited by any other provision of this Act conferring a power on the State Librarian.

(3) The State Librarian has power, for or in connection with the performance of his functions—

- (a) to make arrangements with the Parliamentary Library Committee for the provision of legislative reference services and other library services for the officers and members of Parliament;
- (b) to make arrangements with any Agency, within the meaning of the *Tasmanian State Service Act* 1984, or any other body, for the purpose of providing libraries and library services for that Agency or body on such terms and conditions as may be agreed from time to time;
- (c) to make arrangements with local government authorities for the purpose of providing libraries and library services for officers and employees of such authorities on such terms and conditions as may be agreed from time to time;
- (d) to lend or make available to any person, society, institution, or body, on such terms and conditions as he thinks fit, any books or other personal property, other than property referred to in clause 4 of Schedule 5, of which he has the care and control;
- (e) to provide, on such terms and conditions as the Minister may determine, library services in addition to those referred to above, as may be desirable;
- (f) to provide, on such terms and conditions as the Minister may determine, acquisition, cataloguing, and processing services, consultative and advisory services, and information services, to any library in the State;
- (g) to permit any person, society, institution, or body, on and subject to such terms as he may determine, to make use of any premises under his control;
- (h) to receive or purchase any books or other personal property for the purposes of this Act;
- (i) to accept the transfer to the State of any library on such terms and conditions as the Minister agrees;
- (j) subject to section 18, to dispose of by way of sale, exchange, or otherwise, books or other personal property no longer required for the purposes of this Act on such terms and conditions as the Minister may determine; and

(k) to collate and disseminate information relating to libraries and library services.

**8**—Before exercising any of his powers under this Act, the State Librarian may consult with— Consultation with Board, &c.

- (a) the Board;
- (b) the Advisory Committees;
- (c) any relevant committee appointed under this Act;
- (d) any Head of an Agency within the meaning of the *Tasmanian State Service Act 1984*;
- (e) any public or local authority; or
- (f) any other person or body.

**9**—(1) The State Librarian shall not later than 30th September in each financial year, submit to the Minister, in relation to that financial year, an annual report of the affairs and activities of the State Library Service which shall include the reports of the Board, the Trust, and the Management Committee. Annual report of State Librarian.

(2) The Minister shall cause a copy of the report of the State Librarian to be laid on the table of each House of Parliament within the first 14 sitting days after the receipt by him of the report.

**10**—(1) The corporation of each municipality in the State shall, in respect of each financial year, pay an amount determined as provided by this section, by way of contribution towards the provision of free library services. Contributions payable by corporations of municipalities.

(2) The amount payable by the corporation of each municipality in respect of each financial year pursuant to subsection (1) is an amount equivalent to one quarter of one cent in the dollar of the total of the assessed annual value of all rateable land in that municipality as at 1st July of the immediately preceding year less the prescribed amount.

(3) For the purposes of subsection (2), “the prescribed amount” means an amount equivalent to such a percentage, not exceeding 3 per cent of the amount payable under subsection (2), as the corporation of a municipality determines is sufficient to take account of any costs incurred by that corporation in making and levying a rate in respect of the contribution payable by it under this section.

(4) Subsection (2) shall expire on 30th June 1986.

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## PART III

THE TASMANIAN LIBRARY ADVISORY BOARD AND REGIONAL  
LIBRARY ADVISORY COMMITTEES

Constitution of  
Tasmanian  
Library  
Advisory  
Board.

**11**—(1) There is constituted by this Act a Board to be known as the Tasmanian Library Advisory Board.

(2) The Board shall consist of 16 members of whom—

- (a) one shall be a person nominated by the Minister who shall be the chairman of the Board;
- (b) subject to subsection (4), 7 shall be persons nominated by each of the Advisory Committees;
- (c) one shall be a person nominated by the Director-General of Education;
- (d) one shall be a person nominated by the council of the University of Tasmania;
- (e) one shall be a person nominated by the Tasmanian Council of Advanced Education;
- (f) one shall be a person nominated by the Director of Further Education;
- (g) 3 shall be persons nominated by the Minister; and
- (h) one shall be the State Librarian as executive member.

(3) Of the persons referred to in subsection (2) (b)—

- (a) one shall be a person nominated by the Advisory Committee established in the Channel region;
- (b) one shall be a person nominated by the Advisory Committee established in the Derwent region;
- (c) one shall be a person nominated by the Advisory Committee established in the Hellyer region;
- (d) one shall be a person nominated by the Advisory Committee established in the Mersey region;
- (e) one shall be a person nominated by the Advisory Committee established in the Northern region;
- (f) one shall be a person nominated by the Advisory Committee established in the Tasman region; and
- (g) one shall be a person nominated by the Advisory Committee established in the Hobart region.

(4) An Advisory Committee shall not nominate as member of the Board a person appointed as member of that Advisory Committee on the nomination of the Minister.



(5) Subsection (2) (c) and subsection (2) (f) do not preclude the Director-General of Education or the Director of Further Education from nominating himself as a member of the Board.

(6) The members of the Board referred to in subsection (2) (a), (b), (c), (d), (e), (f), and (g) shall be appointed by the Governor.

(7) If a nomination required by subsection (2) (b), (c), (d), (e), or (f) is not made within 30 days after the relevant body is required to make the nomination, the Governor, on the recommendation of the Minister, may appoint a person as a member of the Board to represent that body.

(8) A member of the Board is not, as such, subject to the *Tasmanian State Service Act* 1984, but an employee within the meaning of that Act may hold office as a member of the Board in conjunction with his position in the State Service.

(9) Schedule 1 has effect with respect to the membership and meetings of the Board.

**12**—The functions of the Board are as follows:—

- (a) to consider and report on matters referred to it by the State Librarian and any Advisory Committee;
- (b) to advise the Minister and the State Librarian on the administration of this Act;
- (c) to advise the Minister and the State Librarian on such other matters as it thinks fit;
- (d) to make recommendations to the Minister in respect of such matters as it thinks fit or in respect of such matters as the Minister may require;
- (e) to visit at least one library in each region referred to in section 13 at least once in each year;
- (f) to submit to the State Librarian, as soon as practicable after 30th June in each financial year, a report of its affairs and activities in relation to that financial year.

Functions of the Board.

**13**—For the purposes of this Act, the State is divided into the following regions:—

- (a) the Channel region, which shall consist of the municipalities of Bruny, Esperance, Huon, Kingborough, and Port Cygnet;
- (b) the Derwent region, which shall consist of the city of Glenorchy and the municipalities of Bothwell, Brighton, Green Ponds, Hamilton, New Norfolk, and Oatlands;

Regions.

- (c) the Hellyer region, which shall consist of the municipalities of Burnie, Circular Head, Gormanston, King Island, Penguin, Queenstown, Strahan, Waratah, Wynyard, and Zeehan;
- (d) the Mersey region, which shall consist of the city of Devonport and the municipalities of Kentish, Latrobe, and Ulverstone;
- (e) the Northern region, which shall consist of the city of Launceston and the municipalities of Beaconsfield, Campbell Town, Deloraine, Evandale, Fingal, Flinders, George Town, Lilydale, Longford, Portland, Ringarooma, Ross, Scottsdale, St Leonards, and Westbury;
- (f) the Tasman region, which shall consist of the municipalities of Clarence, Glamorgan, Richmond, Sorell, Spring Bay, and Tasman;
- (g) the Hobart region, which shall consist of the city of Hobart.

Regional  
Library  
Advisory  
Committees.

**14**—(1) There is established in respect of each region an Advisory Committee to be known as a Regional Library Advisory Committee.

(2) The members of each Advisory Committee shall be appointed by the Minister.

(3) The membership of an Advisory Committee shall not exceed—

- (a) in the case of an Advisory Committee established in the Channel region, 7 persons;
- (b) in the case of an Advisory Committee established in the Derwent region, 9 persons;
- (c) in the case of an Advisory Committee established in the Hellyer region, 9 persons;
- (d) in the case of an Advisory Committee established in the Mersey region, 6 persons;
- (e) in the case of an Advisory Committee established in the Northern region, 9 persons;
- (f) in the case of an Advisory Committee established in the Tasman region, 8 persons; and
- (g) in the case of an Advisory Committee established in the Hobart region, 4 persons.

(4) The membership of an Advisory Committee shall consist of—

(a) in the case of an Advisory Committee established in the Channel region—

(i) 5 persons, of whom—

(A) one shall be a person nominated by the corporation of the municipality of Bruny;

(B) one shall be a person nominated by the corporation of the municipality of Esperance;

(C) one shall be a person nominated by the corporation of the municipality of Huon;

(D) one shall be a person nominated by the corporation of the municipality of Kingborough; and

(E) one shall be a person nominated by the corporation of the municipality of Port Cygnet; and

(ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business;

(b) in the case of an Advisory Committee established in the Derwent region—

(i) 7 persons, of whom—

(A) one shall be a person nominated by the corporation of the city of Glenorchy;

(B) one shall be a person nominated by the corporation of the municipality of Bothwell;

(C) one shall be a person nominated by the corporation of the municipality of Brighton;

(D) one shall be a person nominated by the corporation of the municipality of Green Ponds;

- (E) one shall be a person nominated by the corporation of the municipality of Hamilton;
  - (F) one shall be a person nominated by the corporation of the municipality of New Norfolk; and
  - (G) one shall be a person nominated by the corporation of the municipality of Oatlands; and
- (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business;
- (c) in the case of an Advisory Committee established in the Hellyer region—
- (i) 7 persons, of whom—
    - (A) one shall be a person nominated by the corporation of the municipality of Burnie;
    - (B) one shall be a person nominated by the corporation of the municipality of Circular Head;
    - (C) one shall be a person nominated by the corporation of the municipality of King Island;
    - (D) one shall be a person nominated by the corporation of the municipality of Penguin;
    - (E) one shall be a person nominated by the corporation of the municipality of Wynyard;
    - (F) one shall be a person nominated by the corporations of the municipalities of Gormanston, Queens-town, and Strahan to represent those municipalities; and

- (G) one shall be a person nominated by the corporations of the municipalities of Waratah and Zeehan to represent those municipalities; and
  - (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business;
- (d) in the case of an Advisory Committee established in the Mersey region—
- (i) 4 persons, of whom—
    - (A) one shall be a person nominated by the corporation of the city of Devonport;
    - (B) one shall be a person nominated by the corporation of the municipality of Kentish;
    - (C) one shall be a person nominated by the corporation of the municipality of Latrobe; and
    - (D) one shall be a person nominated by the corporation of the municipality of Ulverstone; and
  - (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business;
- (e) in the case of an Advisory Committee established in the Northern region—
- (i) 7 persons, of whom—
    - (A) one shall be a person nominated by the corporation of the city of Launceston;
    - (B) one shall be a person nominated by the corporation of the municipality of St Leonards;

- (C) one shall be a person nominated by the corporations of the municipalities of Beaconsfield and George Town;
  - (D) one shall be a person nominated by the corporations of the municipalities of Deloraine, Longford, and Westbury;
  - (E) one shall be a person nominated by the corporations of the municipalities of Lilydale, Ringarooma, and Scottsdale;
  - (F) one shall be a person nominated by the corporations of the municipalities of Campbell Town, Evandale, and Ross; and
  - (G) one shall be a person nominated by the corporations of the municipalities of Fingal, Flinders, and Portland; and
- (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business;
- (f) in the case of an Advisory Committee established in the Tasman region—
- (i) 6 persons, of whom—
    - (A) one shall be a person nominated by the corporation of the municipality of Clarence;
    - (B) one shall be a person nominated by the corporation of the municipality of Glamorgan;
    - (C) one shall be a person nominated by the corporation of the municipality of Richmond;

- (D) one shall be a person nominated by the corporation of the municipality of Sorell;
  - (E) one shall be a person nominated by the corporation of the municipality of Spring Bay; and
  - (F) one shall be a person nominated by the corporation of the municipality of Tasman; and
- (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business; and
- (g) in the case of an Advisory Committee established in the Hobart region—
- (i) not more than 2 persons nominated by the corporation of the city of Hobart; and
  - (ii) not more than 2 persons nominated by the Minister who, in the opinion of the Minister, have the knowledge, experience, or interest appropriate to the region with respect to education, industry, or business.

(5) If a nomination required by subsection (4) is not made within 30 days after the nomination is required to be made, the Minister may appoint a person as a member of an Advisory Committee.

(6) A member of an Advisory Committee is not, as such, subject to the *Tasmanian State Service Act 1984*, but an employee within the meaning of that Act may hold office as a member of an Advisory Committee in conjunction with his position in the State Service.

(7) The members of each Advisory Committee shall elect one of their number to be chairman of that Advisory Committee.

(8) The State Librarian, or a person nominated by him for that purpose, may attend any meeting of any Advisory Committee.

(9) Schedule 2 has effect with respect to the membership and meetings of Advisory Committees.

**15**—(1) The functions of each Advisory Committee are as follows:—

- (a) to keep under review and advise the Board and the State Librarian on library services provided under the Act in the region in respect of which the Advisory Committee is established; and
- (b) to advise the Board and the State Librarian on such other matters as it thinks fit.

(2) An Advisory Committee shall report on any matters it has considered pursuant to subsection (1) not less than twice in each financial year.

(3) The State Librarian shall make arrangements to render available to an Advisory Committee such accommodation and assistance as he considers necessary to enable the Advisory Committee to perform its functions under this Act.

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#### PART IV

##### STATE LIBRARY AND ARCHIVES TRUST

**16**—(1) There is established by this Act a Trust to be known as the State Library and Archives Trust.

(2) The Trust shall consist of 5 persons of whom—

- (a) one person shall be the chairman of the Board who shall be the chairman of the Trust;
- (b) one shall be a person nominated by the Public Trustee;
- (c) one shall be a person who, in the opinion of the Minister, has knowledge of and experience in law;
- (d) one shall be the State Librarian; and
- (e) one shall be the State Archivist.

(3) The members of the Trust referred to in subsection (2) (b) and (c) shall be appointed by the Minister.

(4) If a nomination required by subsection (2) (b) is not made within 30 days after it is required to be made, the Minister may appoint a person as a member of the Trust.

(5) A member of the Trust is not, as such, subject to the *Tasmanian State Service Act* 1984, but an employee within the meaning of that Act may hold office as a member of the Trust in conjunction with his position in the State Service.



(6) Schedule 3 has effect with respect to the membership and meetings of the Trust.

**17**—(1) The Trust may, with the approval of the Minister, acquire on behalf of the Crown by gift, bequest, or devise any property for the purposes of this Act and may agree to any condition to which any such gift, bequest, or devise may be subject. Powers of the Trust.

(2) The rule of equity known as the rule against perpetuities or the rule against remoteness of vesting does not apply to a condition to which a gift, bequest, or devise is subject and to which the Trust has agreed.

(3) The *Deceased Persons' Estates Duties Act 1931* and the *Stamp Duties Act 1931* do not apply to or in respect of any gift, bequest, or devise made to the Trust.

(4) This section does not apply to any gift, bequest, or devise of any property to the Allport Library and Museum of Fine Arts referred to in the *Allport Library and Museum of Fine Arts Agreement Act 1966*.

**18**—The functions of the Trust are as follows:—

Functions of the Trust.

- (a) to administer any property acquired by it by gift, bequest, or devise according to the terms, if any, of the instrument which gives effect to any such gift, bequest, or devise;
- (b) to ensure that any condition to which such a gift, bequest, or devise is subject is complied with; and
- (c) to submit to the State Librarian, as soon as practicable after 30th June in each financial year, a report of its affairs and activities in relation to that financial year.

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## PART V

### ALLPORT LIBRARY AND MUSEUM OF FINE ARTS MANAGEMENT COMMITTEE

**19**—(1) There is established by this Act a Management Committee to be known as the Allport Library and Museum of Fine Arts Management Committee. Allport Library and Museum of Fine Arts Management Committee.

(2) The Management Committee shall consist of 5 members of whom—

- (a) 2 persons shall be nominated by the trustees of the will of Henry Allport referred to in the *Allport Library and Museum of Fine Arts Agreement Act 1966*;
- (b) one person shall be nominated by the Trustees of the Tasmanian Museum;
- (c) one shall be a person who, in the opinion of the Minister, has knowledge or expertise in rare books or fine arts; and
- (d) one shall be the State Librarian.

(3) Of the 2 persons nominated pursuant to subsection (2) (a), at least one shall be one of the trustees of the will of Henry Allport referred to in the *Allport Library and Museum of Fine Arts Agreement Act 1966*.

(4) The members of the Management Committee referred to in subsection (2) (a), (b), and (c) shall be appointed by the Minister.

(5) If a nomination required by subsection (2) is not made within 30 days after the relevant body is required to make the nomination, the Minister may appoint a person as a member of the Management Committee to represent that body.

(6) A member of the Management Committee is not, as such, subject to the *Tasmanian State Service Act 1984*, but an employee within the meaning of that Act may hold office as a member of the Management Committee in conjunction with his position in the State Service.

(7) The members of the Management Committee shall elect one of their number to be chairman of the Committee.

(8) Schedule 4 has effect with respect to the membership and meetings of the Management Committee.

**20**—(1) The Management Committee may, with the approval of the Minister, acquire by gift, bequest, or devise any property for the benefit of the Management Committee and may agree to any condition to which any such gift, bequest, or devise may be subject.

(2) The rule of equity known as the rule against perpetuities or the rule against remoteness of vesting does not apply to a condition to which a gift, bequest, or devise is subject and to which the Management Committee has agreed.

(3) The *Deceased Persons' Estates Duties Act 1931* and the *Stamp Duties Act 1931* do not apply to or in respect of any gift, bequest, or devise made to the Management Committee.

(4) Any gift, bequest, or devise acquired by the Management Committee pursuant to this section shall not be deemed to be a gift, bequest, or devise to or for the benefit of the Crown.

**21**—The functions of the Management Committee are as follows:—

Functions of  
the Manage-  
ment  
Committee.

- (a) to administer the funds and property of the Allport Library and Museum of Fine Arts and of the Allport Bequest referred to in the *Allport Library and Museum of Fine Arts Agreement Act 1966*;
- (b) to give effect to the provisions and general purpose of the will of Henry Allport referred to in that Act;
- (c) to submit to the State Librarian as soon as practicable after 30th June in each financial year, a report of its affairs and activities in relation to that financial year.

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## PART VI

### MISCELLANEOUS

**22**—(1) The publisher of every book published in the State shall, within one month after the publication of that book, deliver at his own expense a copy of that book to the State Librarian.

Certain books  
to be  
delivered  
to State  
Librarian.

(2) The copy of a book delivered pursuant to subsection (1) shall—

- (a) in the case of a printed book, 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; or
- (b) in the case of any other book, be the best copy published.

(3) The State Librarian shall give a written receipt for every book delivered pursuant to subsection (1), 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 a period of 12 months ending on the immediately preceding 31st December.

(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 may make regulations exempting from the provisions of this section any book or class of books.

(6) A publisher of a book who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

**Regulations.**

**23**—(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting subsection (1), the regulations may—

- (a) regulate the use of any land or premises under the care and control of the State Librarian so as to protect fittings, furniture, and contents of the land or premises;
- (b) regulate the conduct of persons using a library administered under this Act;
- (c) prescribe the conditions subject to which and the circumstances in which a person may be removed or excluded from any such land or premises;
- (d) prescribe the terms and conditions subject to which a person may read any book of a library administered under this Act; and
- (e) prescribe penalties in respect of failure to comply with, or contravention of, regulations made under this Act.

(3) Regulations under subsection (1) may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(4) Regulations under subsection (1) may provide that it is an offence, punishable on summary conviction, for a person to contravene or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(5) A regulation under subsection (1) may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

**24**—(1) The State Librarian shall pay to the Treasurer the amount of any penalty prescribed under section 23 (2) (e) and paid in respect of the late return of any book.

Certain amounts payable into the Sir John Morris Memorial Fund.

(2) The Treasurer shall pay any amount received pursuant to subsection (1) into the Fund, known as the Sir John Morris Memorial Fund, vested in and belonging to, the Trust under clause 3 of Schedule 5.

**25**—The provisions set out in Schedule 5 have effect with respect to transitional provisions and savings.

Transitional and savings provisions.

**26**—The Acts specified in Schedule 6 are repealed.

Repeal.

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## SCHEDULE 1

## Section 11

PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF TASMANIAN  
LIBRARY ADVISORY BOARD

## Interpretation.

1—In this Schedule—

“appointed member” means a member of the Board referred to in paragraphs (a) to (g) of section 11 (2);

“Board” means the Tasmanian Library Advisory Board established under section 11;

“member” means a member of the Board.

2—(1) An appointed member shall be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment.

(2) An appointed member shall, if qualified, be eligible for re-appointment for such term or terms, not exceeding 3 years, as is specified in the instrument of his re-appointment.

## Provisions relating to members.

3—(1) Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office as a member or from accepting and retaining any remuneration payable to a member under clause 4.

(2) The office of a member shall not, for the purposes of any Act, be deemed to be an office of profit under the Crown.

## Remuneration of members.

4—Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine, but no such determination shall apply in respect of an employee within the meaning of the *Tasmanian State Service Act 1984* without the approval of the Public Service Board.

## Appointment of substitute to act during absence of chairman.

5—(1) The Minister may appoint any person (including a member other than the chairman) to act in the office of the chairman or appoint any person to act in the office of a member other than the chairman while the chairman or that member, as the case may be, is absent from his office through illness or any other cause.

(2) A member other than the chairman shall, for the purposes of subclause (1), be deemed to be absent from his office if he is acting in the office of the chairman pursuant to subclause (1).

(3) A member shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 7.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member,

and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

6—(1) The office of an appointed member becomes vacant—

Vacation of  
office.

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Board of which he is a member of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Minister or, unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;
- (d) if he becomes liable to be detained under the *Mental Health Act* 1963 in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in this State of an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in this State of an offence which, if committed in this State, would be a crime or an offence so punishable, or has been convicted, whether in this State or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;
- (f) if he is convicted of an offence against this Act;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (h) if he is removed from office by the Governor under subclause (2).

(2) The Governor may remove an appointed member from office for misbehaviour or incompetence.

(3) The Governor may remove from office an appointed member if he is satisfied, having regard to the information supplied by the body which nominated that member, that the member is no longer qualified to represent the body on the Board and the Governor may appoint a person nominated by the relevant nominating body to fill the office for the remainder of the term for which the member removed from office was appointed.

7—On the occurrence of a vacancy in the office of an appointed member, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office.

Filling of  
casual  
vacancies.  
etc.

8—(1) No act or proceeding of the Board or of any person acting pursuant to any direction of the Board is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member.

Validity of  
proceedings,  
etc.

(2) All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if that member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

**Presumptions.** 9—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Board.

**Convening of meetings of the Board.** 10—Meetings of the Board may be convened by the chairman of the Board or by any 5 members of the Board.

**Procedure at meetings.** 11—(1) Nine members of the Board shall form a quorum at any duly convened meeting of the Board.

(2) Any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(3) A question arising at a meeting of the Board shall be determined by a majority of votes of the members of the Board present and voting, and in the event of an equality of votes, the matter stands adjourned to the next meeting of the Board at which, if there is an equality of votes, the matter shall be deemed to have passed in the negative.

**Chairman.** 12—(1) The chairman of the Board shall preside at all meetings of the Board at which he is present.

(2) If the chairman of the Board is not present at a meeting of the Board, a member of the Board elected by the members present shall preside at that meeting.

**General procedure.** 13—The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Schedule, be as determined by the Board.

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## SCHEDULE 2

## Section 14

PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF REGIONAL  
LIBRARY ADVISORY COMMITTEES

1—In this Schedule, “ member ” means a member of an Advisory Com- Interpretation.  
mittee.

2—(1) A member shall be appointed for such term, not exceeding 3 Terms of  
years, as is specified in the instrument of his appointment. office.

(2) A member shall, if qualified, be eligible for re-appointment for such term or terms, not exceeding 3 years, as is specified in the instrument of his re-appointment.

3—Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office as a member. Provisions relating to members.

4—Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine, but no such determination shall apply in respect of an employee within the meaning of the *Tasmanian State Service Act 1984* without the approval of the Public Service Board. Remuneration of members.

5—(1) The office of a member becomes vacant—

(a) when he dies;

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

(c) if he is absent from 3 consecutive ordinary meetings of the Advisory Committee of which he is a member of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the State Librarian or, unless before the expiration of 4 weeks after the last of those meetings, he is excused by the State Librarian for his absence from those meetings;

(d) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;

(e) if he is convicted in this State of an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in this State of an offence which, if committed in this State, would be a crime or an offence so punishable, or has been convicted, whether in this State or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;

(f) if he is convicted of an offence against this Act;

Vacation of office.

- (g) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts the resignation;
- (b) if he is removed from office by the Minister under subclause (2);  
or
- (i) when he no longer has the qualifications by virtue of which he was nominated to represent a municipality.

(2) The Minister may remove a member from office for misbehaviour or incompetence.

Filling of  
casual  
vacancies.

6—On the occurrence of a vacancy in the office of a member, the Minister may appoint a person to the vacant office for the balance of his predecessor's term of office.

Convening  
of meetings.

7—The chairman of an Advisory Committee shall convene a meeting of the Advisory Committee not less than twice in each financial year, or whenever required to do so by the Minister.

Procedure at  
meetings.

8—(1) The number of members who shall form a quorum at any duly convened meeting of an Advisory Committee shall be—

- (a) in the case of an Advisory Committee which has 2 or 3 members,  
2 members;
- (b) in the case of an Advisory Committee which has 4 or 5 members,  
3 members;
- (c) in the case of an Advisory Committee which has 6 or 7 members,  
4 members; or
- (d) in the case of an Advisory Committee which has 8 or 9 members,  
5 members.

(2) Any duly convened meeting of an Advisory Committee at which a quorum is present shall be competent to transact any business of the Advisory Committee.

(3) Questions arising at a meeting of an Advisory Committee shall be determined by a majority of votes of the members present and voting.

Chairman.

9—(1) The chairman of an Advisory Committee shall preside at all meetings of the Advisory Committee at which he is present.

(2) If the chairman of an Advisory Committee is not present at a meeting of the Advisory Committee, a member elected by the members present shall preside at that meeting.

General  
procedure.

10—The procedure for the calling of, and for the conduct of business at, meetings of an Advisory Committee shall, subject to any procedure that is specified in this Schedule, be as determined by the Advisory Committee.

## SCHEDULE 3

## Section 16

PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF STATE  
LIBRARY AND ARCHIVES TRUST

1—In this Schedule—

Interpretation.

“Trust” means the State Library and Archives Trust established under section 16;

“appointed member” means a member of the Trust referred to in section 16 (2) (b) or (c);

“member” means a member of the Trust.

2—(1) An appointed member shall be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment. Terms of office.

(2) An appointed member shall, if qualified, be eligible for re-appointment for such term or terms, not exceeding 3 years, as is specified in the instrument of his re-appointment.

3—(1) Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office as a member of the Trust or from accepting and retaining any remuneration payable to a member under clause 4. Provisions relating to members.

(2) The office of a member shall not, for the purposes of any Act, be deemed to be an office of profit under the Crown.

4—Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine, but no such determination shall apply in respect of an employee within the meaning of the *Tasmanian State Service Act 1984* without the approval of the Public Service Board. Remuneration of members.

5—(1) The office of an appointed member becomes vacant—

Vacation of office.

(a) when he dies;

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

(c) if he is absent from 3 consecutive ordinary meetings of the Council of which he is a member of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the State Librarian or, unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the State Librarian for his absence from those meetings;

- (d) if he becomes liable to be detained under the *Mental Health Act* 1963 in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in this State of an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in this State of an offence which, if committed in this State, would be a crime or an offence so punishable, or has been convicted, whether in this State or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;
- (f) if he is convicted of an offence against this Act;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Minister accepts the resignation; or
- (h) if he is removed from office by the Minister under subclause (2).

(2) The Minister may remove an appointed member from office for misbehaviour or incompetence.

Filling of  
casual  
vacancies.

6—On the occurrence of a vacancy in the office of an appointed member, the Minister may appoint a person to the vacant office for the balance of his predecessor's term of office.

Validity of  
proceedings,  
&c.

7—(1) No act or proceeding of the Trust or of any person acting pursuant to any direction of the Trust is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member.

(2) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust are, notwithstanding the subsequent discovery of any defect in the appointment of any member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if that member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Trust had been fully constituted.

Presumptions.

8—In any proceedings by or against the Trust, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Trust;
- (b) any resolution of the Trust;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Trust.

Convening of  
meetings.

9—The chairman of the Trust shall convene a meeting of the Trust not less than twice in each period of 12 months, or whenever required to do so by the State Librarian.

Procedure at  
meetings.

10—(1) Three members shall form a quorum at any duly convened meeting of the Trust.

(2) Any duly convened meeting of the Trust at which a quorum is present shall be competent to transact any business of the Trust.

(3) Questions arising at a meeting of the Trust shall be determined by a majority of votes of the members present and voting.

11—(1) The chairman of the Trust shall preside at all meetings of the Trust at which he is present. <sup>Chairman.</sup>

(2) If the chairman of the Trust is not present at a meeting of the Trust, a member elected by the members present shall preside at that meeting.

12—The procedure for the calling of, and for the conduct of business at, meetings of the Trust shall, subject to any procedure that is specified in this Schedule, be as determined by the Trust. <sup>General procedure.</sup>

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## SCHEDULE 4

## Section 19

PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF ALLPORT  
LIBRARY AND MUSEUM OF FINE ARTS MANAGEMENT COMMITTEE

Interpretation.

1—In this Schedule—

“appointed Member” means a member of the Management Committee referred to in section 19 (2) (a), (b), or (c);

“member” means a member of the Management Committee.

Terms of office.

2—(1) An appointed member shall be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment.

(2) An appointed member shall, if qualified, be eligible for re-appointment for such term or terms, not exceeding 3 years, as is specified in the instrument of his re-appointment.

Provisions relating to members.

3—(1) Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office as a member of the Management Committee or from accepting and retaining any remuneration payable to a member under clause 4.

(2) The office of a member shall not, for the purposes of any Act, be deemed to be an office of profit under the Crown.

Remuneration of members.

4—Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Governor may from time to time determine, but no such determination shall apply in respect of an employee within the meaning of the *Tasmanian State Service Act 1984* without the approval of the Public Service Board.

Vacation of office.

5—(1) The office of an appointed member becomes vacant—

(a) when he dies;

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

(c) if he is absent from 3 consecutive ordinary meetings of the Management Committee of which he is a member of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the State Librarian or, unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the State Librarian for his absence from those meetings;

(d) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;

- (e) if he is convicted in this State of an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in this State of an offence which, if committed in this State, would be a crime or an offence so punishable, or has been convicted, whether in this State or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;
- (f) if he is convicted of an offence against this Act;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Minister accepts the resignation; or
- (h) if he is removed from office by the Minister under subclause (2).

(2) The Minister may remove a member from office for misbehaviour or incompetence.

6—On the occurrence of a vacancy in the office of an appointed member, the Minister may appoint a person to the vacant office for the balance of his predecessor's term of office.

Filling of casual vacancies.

7—(1) No act or proceeding of the Management Committee or of any person acting pursuant to any direction of the Management Committee is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member.

Validity of proceedings, &c.

(2) All acts and proceedings of the Management Committee or of any person acting pursuant to any direction of the Management Committee are, notwithstanding the subsequent discovery of any defect in the appointment of any member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if that member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Management Committee had been fully constituted.

8—In any proceedings by or against the Committee, unless evidence is given to the contrary, no proof shall be required of—

Presumptions.

- (a) the constitution of the Management Committee;
- (b) any resolution of the Management Committee;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Management Committee.

9—The chairman of the Management Committee shall convene a meeting of the Management Committee not less than once in each period of 6 months, or whenever required to do so by the State Librarian.

Convening of meetings.

10—(1) Three members shall form a quorum at any duly convened meeting of the Management Committee.

Procedure at meetings.

(2) Any duly convened meeting of the Management Committee at which a quorum is present shall be competent to transact any business of the Management Committee.

(3) Questions arising at a meeting of the Management Committee shall be determined by a majority of votes of the members present and voting.

**Chairman.**

11—(1) The chairman of the Management Committee shall preside at all meetings of the Management Committee at which he is present.

(2) If the chairman of the Management Committee is not present at a meeting of the Management Committee, a member elected by the members present shall preside at that meeting.

**General  
procedure.**

12—The procedure for the calling of, and for the conduct of business at, meetings of the Management Committee shall, subject to any procedure that is specified in this Schedule, be as determined by the Management Committee.

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## SCHEDULE 5

## Section 25

## TRANSITIONAL PROVISIONS AND SAVINGS

1—In this Schedule—

Interpretation.

“proclaimed date” means the day fixed by proclamation under section 2 (2);

“Tasmanian Library Board” means the Board constituted under section 5 of the *Libraries Act 1943*.

2—On and from proclaimed date—

Transfer of property, &c., to Crown.

(a) all real and personal property, other than the property referred to in clauses 3 and 4 and all rights and interests in that property and all management and control of that property that immediately before that date vested in or belonged to the Tasmanian Library Board shall vest in and belong to the Crown;

(b) all money and liquidated and unliquidated claims that, immediately before that date, was or were payable to or recoverable by the Tasmanian Library Board shall be money and liquidated and unliquidated claims payable to or recoverable by the Crown; and

(c) all debts, money, and liquidated and unliquidated claims that, immediately before that date, were due or payable by, or recoverable against, the Tasmanian Library Board shall be debts due by, money payable by, and claims recoverable against, the Crown.

3—On and from the proclaimed date, the Fund established by the Tasmanian Library Board and known as the Sir John Morris Memorial Fund and all the rights and interests in that Fund and all the management and control of that Fund that, immediately before that date, vested in or belonged to the Tasmanian Library Board shall vest in and belong to the Trust.

Transfer of property to Trust.

4—On and from the proclaimed date—

Transfer to Management Committee.

(a) the funds and property of the Allport Library and Museum of Fine Arts and of the Allport Bequest referred to in the *Allport Library and Museum of Fine Arts Agreement Act 1966*;

(b) the rights and interests in the funds and property; and

(c) the custody, management, and control of the funds and property, that immediately before that date, vested in or belonged to the Tasmanian Library Board shall vest in and belong to the Management Committee.

5—Any contract, agreement, arrangement, or undertaking entered into by the Tasmanian Library Board in relation to—

Contracts, agreements, &c.

(a) the Allport Library and Museum of Fine Arts;

(b) the Allport Bequest; and

(c) the provisions of the will of the late Henry Allport,

as referred to in the *Allport Library and Museum of Fine Arts Agreement Act* 1966 and in force immediately before the proclaimed date shall, on and from that date, be deemed to be a contract, agreement, arrangement, or undertaking entered into by the Management Committee.

Construction  
of certain  
references.

6—On and from the proclaimed date, a reference in the *Allport Library and Museum of Fine Arts Agreement Act* 1966 or in any other instrument or document relating to the Allport Library and Museum of Fine Arts or the Allport Bequest, referred to in that Act, being a reference to, or a reference to be read or construed as a reference to, or deemed or taken to refer to, the Tasmanian Library Board shall be read and construed as a reference to the Management Committee.

Gifts, &c.,  
to Tasmanian  
Library  
Board.

7—On and from the proclaimed date, any gift, bequest, or devise of any property to or for the benefit of the Tasmanian Library Board shall be deemed to be a gift, bequest or devise to or for the benefit of the Crown and may be acquired by the Trust pursuant to section 17.

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## SCHEDULE 6

## Section 26

Year and number of Act	Short title of Act
7 Geo. VI No. 47	<i>Libraries Act 1943</i>
No. 1 of 1966	<i>Libraries Act 1966</i>
No. 57 of 1971	<i>Libraries Act 1971</i>
No. 64 of 1975	<i>Libraries Act 1975</i>

