



ELIZABETHAE SECUNDAE REGINAE

No. 41 of 1968

An Act Relating to the Supreme Court Library

[ASSENTED TO 11TH DECEMBER, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short Title. This Act may be cited as the *Supreme Court Library Act 1968*.

2. Interpretation. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them:—

“ Bar Association of Queensland ”—means the company registered under that name; or such other company or association as may be declared by Rule made under this Act to be recognized by the Committee as the representative association of the practising barristers of the Supreme Court of Queensland;

- “Barristers’ Board”—means the Barristers’ Board constituted under Rules relating to the Admission of Barristers of the Supreme Court of Queensland of 27th November, 1896; or if that Board is reconstituted or replaced, such other Board, Body or Corporation as may be declared by Rule made under this Act to be recognized by the Committee as carrying out functions similar to those performed by that Board;
- “Chief Justice”—shall include any Acting Chief Justice;
- “Committee”—the body corporate constituted by this Act under the name the “Supreme Court Library Committee”;
- “property”—real and personal property of every description including money;
- “Rules”—the rules made by the Committee pursuant to the powers conferred by this Act;
- “Solicitors’ Board”—means the Solicitors’ Board constituted under The Solicitors’ Admission Rules, 1968; or if that Board is reconstituted or replaced, such other Board, Body or Corporation as may be declared by the Rule made under this Act to be recognized by the Committee as carrying out functions similar to those performed by that Board;
- “Supreme Court Library”—all property which vests in the Committee at any time whether pursuant to section 7 of this Act or otherwise whilst it is so vested.

3. Supreme Court Library Committee. (1) There shall be constituted a body to be called the “Supreme Court Library Committee.”

(2) The Committee shall be a body corporate with perpetual succession and a common seal and may sue and be sued in all Courts and shall for the purposes and subject to the provisions of this Act be capable of acquiring, holding, alienating and disposing of property and of doing and suffering all such acts and things that a body corporate may in law do or suffer.

(3) All Courts, Judges, Justices and persons acting judicially shall take judicial notice of the seal of the Committee affixed to any document or notice and shall, unless the contrary shall be proved, presume that it was duly affixed.

4. Constitution of Committee. (1) The Committee shall consist of a Chairman and eight appointed members. The Attorney-General or his nominee shall be *ex-officio* a member of the Committee.

(2) The Chairman shall be the Chief Justice or a Judge of the Supreme Court of Queensland to be appointed by the Chief Justice. If the Chairman be absent from any meeting after a quorum has been formed, the members present shall elect a Chairman for that meeting.

(3) The eight appointed members of the Committee shall be—

- (a) four practising Barristers of at least three years’ standing two of whom shall be appointed by the Chief Justice and two by the Bar Association of Queensland; and

- (b) four practising Solicitors of at least three years' standing two of whom shall be appointed by the Chief Justice and two by the Council of The Queensland Law Society Incorporated.

(4) The said appointments shall be made in the month of December each year for the period of the following year. The Committee so constituted shall hold office from the first day of January to the thirty-first day of December in the same year. If the Chairman or an appointed member resigns or dies or is absent from meetings of the Committee for a continuing period of six months without the leave of the Committee or is disbarred or struck off the roll of Solicitors or suspended from practice he shall cease to be a member of the Committee and his place shall be filled by the nomination of the Chief Justice of another Judge, Barrister or Solicitor of like standing who shall hold office until the next ensuing thirty-first day of December. In December the Chief Justice if he appoints a Judge as Chairman for the following year may also appoint another Judge to take his place while on leave. The Chief Justice may also at any time appoint a Judge to act as Chairman during the absence on leave of the Chairman or during his inability to act for any reason.

(5) The circumstance that the number of the Committee has for any reason whatever fallen below ten shall not invalidate any act of the Committee provided that the presence of at least four members of the Committee shall be necessary to constitute a quorum at meetings of the Committee.

(6) The Chairman shall have a casting vote.

5. Appointment of first Committee. The first members of the Committee (other than the Attorney-General or his nominee) shall be—
Chairman—

The Honourable Mr. JUSTICE GRAHAM LLOYD HART, a Judge of the Supreme Court of Queensland;

Other Members—

ARNOLD LUCAS BENNETT, Esquire, B.A., Q.C.;

PETER DAVID CONNOLLY, Esquire, LL.B., Q.C.;

JAMES DAVID DUNN, Esquire, B.A., LL.B., Q.C.;

IAN VITALY GZELL, Esquire, B.A., LL.B., Barrister-at-Law;

JAMES HENRY LALOR, Esquire, Solicitor;

EDWARD SHOLTO DOUGLAS, Esquire, Solicitor;

RICHARD RYAN STEPHENS, Esquire, M.C., Solicitor;

STEWART CLARENCE FOOTE, Esquire, B.A., Solicitor;

who shall take office upon the enactment of this Act and remain in office until the thirty-first day of December, 1969.

6. Certificate of Committee to be evidence. A certificate sealed with the seal of the Committee purporting to deal with the acts or proceedings of the Committee shall be receivable in all Courts and Judicial proceedings as evidence of the truth of the matters certified to therein.

7. Property to vest in Committee. (1) The following property shall vest in the Committee:—

- (a) all property which has heretofore been treated or should have been treated as belonging to, or forming part of, or being for the benefit of, any one or more or all, of the Libraries of the Supreme Court of Queensland at Brisbane, Rockhampton, and Townsville.
- (b) without derogating from the generality of paragraph (a) hereof:—
 - (i) all property including all books, reports, manuscripts, pamphlets, papers, documents and chattels presently or normally regarded or treated as belonging to or forming part of any one or more or all of the said Libraries of the Supreme Court of Queensland at Brisbane, Rockhampton, and Townsville including such as be presently or normally contained in (notwithstanding the present whereabouts of the same) all rooms or premises known or used as or utilized for the purposes of the said Libraries.
 - (ii) all Commonwealth Treasury Bonds, all Commonwealth Government Special Bonds, and all Commonwealth Securities held at the Bank of New South Wales, Queen and George Streets, Brisbane in the names of The Honourable Sir William George Mack and Margaret Alison Golliker.
 - (iii) all Inscribed Stock and the interest thereon and rights in relation thereto in Southern Electric Authority Loan No. 264 maturing on the thirty-first day of October, 1974, in the names of Sir William George Mack and Graham Lloyd Hart.
 - (iv) all moneys in or to be credited to the current account in the name of the Supreme Court Library Fund at the Bank of New South Wales, Queen and George Streets, Brisbane.
 - (v) all moneys in or to be credited to an account in the name of Northern Supreme Court Library Committee at the Commonwealth Savings Bank of Australia, Townsville Branch, Account Number S 3198.
 - (vi) all moneys in or to be credited to an account in the name of Central Supreme Court Library at the Commonwealth Savings Bank of Australia, Rockhampton Branch, Account Number S 3954.

(2) All persons in or by whom any property referred to in subsection (1) of this section, shall be vested or held shall do and effect all such deeds, acts and things as may be necessary to vest the same in the name of the Committee.

(3) All such property together with all other property which may be acquired by or devolve upon the Committee shall be held administered and appropriated by the Committee under this Act.

(4) Nothing in this section applies to any property on loan from any Department of the Government of Queensland, but whilst any such property is on loan to the Committee the Committee shall be deemed to be the owner thereof and to have an insurable interest in its full value and all other rights of ownership.

8. Trusts upon which Committee holds property. The trusts on which property vests in the Committee shall be public charitable trusts and the Committee shall be a body constituted for public charitable purposes.

9. Investment of Funds. The Committee shall keep its funds in cash or shall bank them or invest them in such securities as are declared by the law of Queensland from time to time, to be trustee securities, and shall have power within these limits to decide from time to time in what form they shall be held.

10. Functions of Committee. Subject to this Act the Committee shall have the management and control of the Supreme Court Library and of the affairs and concerns thereof and may act in all matters therein in such manner as appears to it best calculated to promote the purposes or interests thereof including doing and performing all such acts and things as may be considered by the Committee necessary, expedient or desirable for the benefit, preservation, maintenance, upkeep, expansion, improvement and housing of the Supreme Court Library.

11. Fees received from Barristers' Board and Solicitors' Board.

(1) All moneys including admission and examination fees received by the Barristers' Board and Solicitors' Board shall be paid to the Committee.

(2) The Committee shall make such disbursements to or on behalf of the Barristers' Board and the Solicitors' Board as are necessary for the proper functioning of such Boards and shall apply any remainder of such moneys pursuant to the powers conferred upon it by this Act for the benefit of the Supreme Court Library.

12. Provision by Crown towards expenses of Committee. The Crown may, in any year by way of grant, make such contribution towards the expenses incurred by the Committee in carrying this Act into effect as is deemed proper.

13. Employees of Committee. Until the Committee otherwise determines, a person who immediately prior to the commencement of this Act was employed by the body then known as the Supreme Court Library Committee shall continue in office as an employee of the Committee upon the same terms and conditions as were applicable to him immediately prior to that commencement.

14. Power to make Rules. (1) The Committee may from time to time make such Rules not inconsistent with this Act as it thinks necessary or desirable for the administration of the Act and such Rules upon the approval of the Chief Justice shall be published in the Gazette and thereafter shall be judicially noticed. Without limiting the generality of the foregoing in this section contained Rules may be made in respect of all or any of the following purposes, matters or things:—

(a) The management and control of the affairs of the Committee.

(b) The appointment and constitution of subcommittees (which may consist of or include persons not members of the Committee) for such purposes and so constituted and with such powers and duties (including powers of delegation and co-option) as the Committee may determine.

- (c) The provision of grants of property upon or without conditions to any part or branch of the Supreme Court Library.
- (d) The appointment or engagement of employees or other persons upon such terms and subject to such conditions as the Committee thinks fit and the establishment and maintenance or the procurement of the establishment and maintenance of any contributory or non-contributory pension or superannuation fund or scheme for the benefit of any such employees or other persons or any dependants of the same.
- (e) The use and custody of the Common Seal.
- (f) The manner and time of convening holding and adjourning meetings of the Committee and the proceedings at such meetings.
- (g) The management control and investment of property vested in the Committee.
- (h) The admission exclusion or expulsion of the public or any person from the Supreme Court Library or any part thereof.
- (i) The conditions and restrictions upon and subject to which any use benefit or loan of any property (including books documents and manuscripts) vested in the Committee be permitted or allowed.
- (j) The fixing and enforcement of penalties (not exceeding forty dollars) for any breach of any Rules of the Committee.
- (k) All matters required or permitted by this Act to be prescribed.
- (l) Any purpose matter or thing which appears to the Committee necessary desirable or expedient in the interests or for the benefit or use of the Supreme Court Library.

(2) Any functions conferred upon the Committee under this Act may be exercised notwithstanding that Rules have not been made pursuant to the powers conferred by this section and the power to make Rules with respect to any purpose, matter or thing shall not be taken as limiting any function conferred upon the Committee by any provision of this Act (other than this section).

15. Transitional, Savings, Validation. (1) All Rules and Regulations and all Rules of Court and Orders in Council relating to the management and control of the Supreme Court Libraries at Brisbane, Rockhampton and Townsville not inconsistent with the provisions of this Act shall continue in Force, but such Rules, Regulations, Rules of Court and Orders in Council may be repealed, altered or modified by Rules made under this Act.

(2) Upon the date of coming into operation of this Act, all persons holding office on the Committee of the Supreme Court Libraries at Brisbane, Rockhampton and Townsville by virtue of such Rules, Regulations, Rules of Court and Orders in Council, shall cease to hold such offices and such offices are hereby determined.

(3) All acts, payments, purchases, sales and any other things done by the Committees of the Supreme Court Library at Brisbane, Rockhampton or Townsville, in good faith, and purporting to be done under the authority of the said Rules, Regulations, Rules of Court or Orders in Council, are hereby ratified and no action shall lie against any member of the said Committees in relation thereto.

16. Annual Report. The Committee shall no later than thirty-first day of March in each year submit to the Chief Justice a report of its proceedings during the preceding year expiring on thirty-first day of December, such report to contain an account of the income and expenditure of the Committee.