

Queensland



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ELIZABETHAE SECUNDAE REGINAE



No. 29 of 1988

**An Act to provide for the State Library of Queensland and  
the Queensland State Archives and to promote libraries  
and archives and preserve public records**

[ASSENTED TO 11TH APRIL, 1988]

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:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Libraries and Archives Act 1988*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

The date so appointed is in this Act referred to as the commencement of this Act.

**3. Parts of Act.** This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-6);

PART II—THE STATE LIBRARY OF QUEENSLAND (s. 7);

PART III—THE LIBRARY BOARD OF QUEENSLAND (ss. 8-47);

*Division 1—Constitution and Membership*  
(ss. 8-20);

*Division 2—Functions and Powers* (ss. 21-28);

*Division 3—Proceedings and Business* (ss. 29-37);

*Division 4—Financial Provisions* (ss. 38-47);

PART IV —LOCAL AUTHORITIES (ss. 48-49);

PART V—PUBLIC RECORDS (ss. 50-61);

PART VI—PRESERVATION OF QUEENSLAND  
PUBLICATIONS (ss. 62-67);

PART VII—MISCELLANEOUS (ss. 68-73);

SCHEDULE.

**4. Repeal.** The following Acts are hereby repealed:—

*The Libraries Act of 1943*

*The Oxley Memorial Library of Queensland Act of 1946*

*The Libraries Act Amendment Act of 1949*

the *Libraries Act Amendment Act 1974*

the *Libraries Act Amendment Act 1977*

the *Libraries Act Amendment Act 1979*.

Upon the commencement of this Act, the Oxley Memorial Library Advisory Committee constituted under *The Oxley Memorial Library of Queensland Act of 1946* shall cease to exist and its members shall cease to hold office.

**5. Interpretation.** (1) In this Act, unless the contrary intention appears—

“appointed member” means a member of the Board appointed pursuant to paragraph (c) of section 9;

“Board” means the Library Board of Queensland constituted under section 8 of this Act;

“departmental head” means the permanent head for the time being of the department of State by which the Minister administers this Act: the term includes a person who for the time being occupies the office or performs the duties of the permanent head;

“financial year” means the period of 12 months ending on 30 June in each year;

“Joint Local Authority Board” means a Joint Local Authority Board constituted under the *Local Government Act 1936-1987*;

“library facility” means any facility whereby library material is made available to the public and includes any act or service intended to encourage or facilitate access to and use of library material by the public;

“Local Authority” means a Local Authority as defined in section 3 of the *Local Government Act 1937-1987* and includes Brisbane City Council;

“Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any Minister performing temporarily the duties of the Minister;

“public authority” means an office, department, sub-department, board, commission, institution or instrumentality of the State and includes—

(a) a Court established by or under any Act;

(b) a Commission within the meaning of that term in the *Commissions of Inquiry Act 1950-1987*;

(c) a Local Authority;

(d) a statutory body within the meaning of that term in the *Statutory Bodies Financial Arrangements Act 1982-1984*.

(2) In this Act, “public records” means the documentary, photographic, electronic, mechanical or other records of a public authority and includes—

(a) records brought into existence by a public authority as records for future reference;

(b) a matter or thing kept by a public authority as a record of its activities or consequent upon a function, power or duty to keep records;

(c) public records of one public authority held by another public authority.

(3) For the purposes of this Act, a public record in existence at the commencement of this Act, or that comes into existence after the commencement of this Act shall, while it exists, remain a public record until, other than by means of a disposal carried out in contravention of section 55, it—

- (a) ceases to be the property of any public authority;  
and
- (b) ceases to be in the possession of any public authority.

A public record disposed of in contravention of section 55, while the record exists, shall remain a public record for the purposes of this Act notwithstanding the disposal.

(4) For the purposes of this Act, a person is in possession of a thing if he has it under control in any place whatever, whether for his use or benefit or of another person and although another person has the actual possession of the thing.

(5) A reference in this Act to a conviction for an offence includes a reference to a determination of guilt by a court for an offence whether or not the offender is dealt with for committing the offence by means of a sentence or order that is a conviction for any other purpose.

**6. Crown bound.** This Act binds the Crown in right of the State of Queensland, subject to the following:—

- (a) the Crown shall not be liable to a penalty for a failure to comply with, or a contravention of, the provisions of this Act;
- (b) an agent of the Crown who fails to comply with, or contravenes a provision of this Act, shall be liable for any penalty prescribed by this Act in relation to such a failure or contravention.

## PART II—THE STATE LIBRARY OF QUEENSLAND

**7. Continuance of organization.** The organization formerly known as the Public Library of Queensland and known at the commencement of this Act as the State Library of Queensland shall upon the commencement of this Act continue in existence under the name and style of the “State Library of Queensland”.

## PART III—THE LIBRARY BOARD OF QUEENSLAND

### *Division 1—Constitution and Membership*

**8. The Board.** (1) The body corporate constituted by section 5 (1) and section 8 (1) of the *Libraries Act 1943-1979* under the name and style of “The Library Board of Queensland” is hereby preserved, continued in existence and constituted as a body corporate under the name and style of the “Library Board of Queensland”.

(2) The Board, by the name assigned to it by subsection (1), shall have perpetual succession and a common seal and, subject to this Act, be capable of—

- (a) suing and being sued;
- (b) compounding or proving in any court of competent jurisdiction all debts and sums of money due to it;
- (c) acquiring, holding, dealing with and alienating (by exchange, sale, demise or otherwise) real and personal property or any interest therein whether situated in Queensland or elsewhere;
- (d) doing and suffering all such other acts and things as bodies corporate may, in law, do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

(4) The Board—

- (a) represents the Crown in right of Queensland;
- (b) has and may exercise all the powers, privileges, immunities, rights and remedies of the Crown.

**9. Membership of Board.** The Board shall consist of not more than 9 members of whom—

- (a) one shall be the departmental head for the time being or his nominee;
- (b) one shall be the Director and State Librarian for the time being;  
and
- (c) not more than 7 shall be persons appointed by the Governor in Council on the nomination of the Minister by notification published in the Gazette:

Provided that every member of the Board holding office immediately prior to the commencement of this Act pursuant to his appointment as such by the Governor in Council under the *Libraries Act 1943-1979* shall, upon commencement of this Act and without further appointment, be deemed to have been appointed a member pursuant to paragraph (c) for the balance of his term of appointment under the *Libraries Act 1943-1979* and shall hold office subject to the provisions of this Act.

**10. Term of appointment of members.** Every member appointed pursuant to paragraph (c) of section 9 shall be appointed for a term of 3 years and, if otherwise qualified, shall be eligible for further appointment as a member.

**11. Casual vacancies.** (1) If a vacancy occurs in the office of an appointed member before the expiration of his term of appointment the Governor in Council may, on the recommendation of the Minister,

by notification published in the Gazette, appoint a person to fill that vacancy.

(2) A person appointed to fill a vacancy shall be appointed for the balance of the term for which his predecessor was appointed and shall, if otherwise qualified, be eligible for re-appointment.

**12. Vacation of office.** (1) The office of an appointed member shall become vacant if the member—

- (a) dies;
  - (b) resigns his office by writing signed by him furnished to the Minister;
  - (c) is absent without prior leave granted by the board from 3 consecutive meetings of the Board of which due notice has been given to him;
  - (d) ceases to be qualified to continue as an appointed member;
  - or
  - (e) is removed from office as a member by the Governor in Council.
- (2) For the purposes of paragraph (c) of subsection (1)—
- (a) the non-attendance of a member at the time and place appointed for the meeting shall not constitute absence from such meeting unless a meeting of the Board at which a quorum is present is actually held on that day;
  - and
  - (b) the attendance of a member at the time and place appointed for a meeting shall be deemed to constitute presence at a meeting notwithstanding that, by reason of the lack of a quorum, a meeting is not actually held on that day.

**13. Disqualification from office.** A person who—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (b) has been convicted in Queensland of an indictable offence or elsewhere than in Queensland in respect of an act or omission that if it occurred in Queensland would have constituted an indictable offence (unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office);
- (c) is a patient within the meaning of the *Mental Health Services Act 1974-1987*;
- or
- (d) has been convicted of the offence defined in subsection (1) of section 34,

is not qualified to be or to continue as an appointed member.

**14. Removal of members.** The Governor in Council may, for any cause that appears to him to be sufficient, remove any appointed member from office.

**15. Chairman and deputy chairman.** (1) The Governor in Council, on the recommendation of the Minister, shall appoint a member as chairman of the Board:

Provided that the chairman of the Board holding office immediately prior to the commencement of this Act pursuant to his designation as such by the Governor in Council under the *Libraries Act 1943-1979* shall, upon the commencement of this Act and without further appointment, be deemed to have been appointed chairman under this Act and shall hold office as chairman subject to the provisions of this Act.

(2) The chairman holds office until—

- (a) the appointment of another member as chairman;
- (b) the expiration of the term of his appointment as a member, if he is an appointed member, notwithstanding that he is re-appointed as a member;
- (c) he is removed from office as chairman by the Governor in Council;
- or
- (d) he ceases to be a member,

whichever event occurs first.

(3) The members of the Board shall elect a deputy chairman of the Board from among their number:

Provided that the person holding office as vice-chairman of the Board immediately prior to the commencement of this Act pursuant to the *Libraries Act 1943-1979*, shall, upon the commencement of this Act and without further appointment, be deemed to have been elected deputy chairman of the Board pursuant to this Act and shall hold office as deputy chairman of the Board subject to the provisions of this Act.

Where the term of office of a deputy chairman expires, the members of the Board shall elect a deputy chairman before the end of the next following meeting of the Board.

(4) The term of office of the deputy chairman expires—

- (a) if he ceases to be a member;
- (b) if he resigns as deputy chairman;
- (c) if he is removed from office as deputy chairman by the Governor in Council;
- or
- (d) if the term of his appointment as member during which he was elected or deemed to have been elected deputy chairman expires.

(5) The chairman or deputy chairman may, by writing under his hand furnished to the Minister, resign his office as chairman or deputy chairman, as the case may be.

(6) A retiring chairman or deputy chairman is, while he is a member, eligible for re-appointment or re-election, as the case may be.

(7) The Governor in Council, for any cause that appears to him to be sufficient, may remove the chairman or deputy chairman from his office as such.

It shall not be competent to the Board to re-elect a person as deputy chairman upon his removal from office as such by the Governor in Council.

**16. Fees and allowances.** (1) Subject to subsection (2), a member shall be entitled to be paid such fees and allowances (if any) as the Governor in Council may from time to time determine.

(2) Fees and allowances shall not be paid to a member who is an officer of the Public Service of Queensland for attendance at any meeting of the Board wholly held during ordinary office working hours of that officer.

(3) Each member shall be paid such expenses as are necessarily incurred by him in the discharge of his duties as a member and as the Board approves.

**17. Public Service Act not to apply.** The provisions of the *Public Service Act 1922-1978* shall not apply to the appointment of a member and a member shall not in his capacity as member be subject to the provisions of that Act.

**18. Holders of office not affected by restrictive employment provisions.** A provision of any enactment requiring the holder of an office to devote the whole of his time to the duties of his office or prohibiting him from engaging in employment outside the duties of his office shall not operate to hinder his holding that office and also an appointment as member or chairman or deputy chairman or, subject to section 16, his acceptance and retention of any fee or allowance payable under this Act.

**19. Director and State Librarian and other officers.** (1) The Governor in Council may appoint from time to time for the purposes of this Act a person to be Director and State Librarian and such other officers as he considers necessary for the effectual administration of this Act.

(2) The Director and State Librarian shall be appointed upon the recommendation of the Minister and, subject to the directions of the Board, or the Minister, shall be responsible for the administration and management of the State Library of Queensland and the services provided in conjunction therewith.

(3) Unless the Governor in Council otherwise determines, a person appointed under subsection (1) shall be appointed under, and shall hold office subject to, the *Public Service Act 1922-1978*.



(4) The Director and State Librarian, with the approval of the Board, may employ such persons in addition to those appointed under subsection (1) as are necessary to enable the Board to discharge its functions, exercise its powers and perform its duties.

(5) The provisions of the *Public Service Act 1922-1978* shall not apply to persons employed under subsection (4).

(6) Persons employed under subsection (4) shall be paid wages at the rate fixed by any industrial award or agreement applicable to their employment or at a rate in excess thereof fixed by the departmental head and if there is no such award or agreement, at a rate fixed by the departmental head.

(7) Persons appointed pursuant to subsection (2) of section 7 of the *Libraries Act 1943-1979* and holding office immediately before the commencement of this Act shall on and from the commencement be deemed to be appointed for the purposes of this Act.

The person holding office as State Librarian immediately before the commencement of this Act shall on and from the commencement be deemed to be appointed Director and State Librarian for the purposes of this Act.

**20. Secretary and chief executive officer.** (1) The Director and State Librarian shall be the secretary and chief executive officer of the Board.

(2) In the absence of the Director and State Librarian, or where there is a vacancy in that position, the Board may appoint another officer to act as secretary and chief executive officer.

*Division 2—Functions and Powers*

**21. Functions of Board.** (1) The functions of the Board are—

- (a) to promote the advancement and effective operation and co-ordination of public libraries of all descriptions throughout the State;
- (b) to encourage and facilitate the use of public libraries of all descriptions throughout the State;
- (c) to promote mutual co-operation among persons and bodies in Queensland responsible for libraries and archives of all descriptions and between such persons and bodies in Queensland and outside Queensland in order to enhance library and archival collections generally and to encourage their proper use;
- (d) to control, maintain and manage the State Library of Queensland, to enhance, arrange and preserve the library,

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- archival and other resources held by it and to exercise administrative control over access to the resources;
- (e) to control, manage and maintain all lands, premises and other property vested in or placed under the control of the Board;
  - (f) to supervise in their duties all persons appointed or employed under this Act;
  - (g) to collect, arrange, preserve and provide access to a comprehensive collection of library, archival and other resources relating to Queensland;
  - (h) to promote the making and preservation of the public records of Queensland, to exercise control over their retention and disposal, to provide facilities for their storage and use and provide administration in respect of stored public records;
  - (i) to provide advice, advisory services and other assistance concerning matters connected with libraries to Local Authorities or other public authorities;
  - (j) to advise the Minister concerning matters under this Act and to discharge such other functions as the Minister from time to time directs;
  - (k) to raise, hold, invest and disburse funds for the discharge of its functions.

**22. Powers.** (1) Subject to this Act, the Board may do all things necessary or convenient to be done in connexion with, or as incidental to, the discharge of its functions and the performance of its duties.

(2) Without limiting the generality of subsection (1), the Board may—

- (a) make and carry out such contracts, agreements or arrangements as are in its opinion necessary or desirable having regard to its functions, powers and duties;
- (b) let, lease or permit to be used land, buildings or other improvements vested in the Board to or by such persons or for such purposes as the Board thinks fit;
- (c) authorize, subject to such conditions as the Board thinks fit, any person to conduct any business within the confines of any library or archive under its control;
- (d) sell such goods, provide such services and maintain such facilities and conveniences in connexion with the conduct of its libraries and archives as it thinks fit;
- (e) purchase or otherwise acquire the use of any vehicle, plant, equipment, furnishings and other property for use in connexion with its libraries and archives;
- (f) acquire by purchase or otherwise or accept on deposit any library or archival material or other personal property;
- (g) sell, exchange or otherwise dispose of any library or archival material or other personal property vested in the Board;
- (h) lend or otherwise make available to, or accept on loan from, any person or body whether within or outside Queensland,

any library or archival material or other property upon such conditions as it thinks fit;

- (i) acquire, sell or otherwise dispose of any copyright, patent or licence in any case where such acquisitions, sale or disposal in the opinion of the Board assists it in the discharge of its functions, the exercise of its powers or the performance of its duties;
- (j) sponsor, or assist in, the establishment or maintenance of a foundation, institution or other body of persons that proposes to assist the Board or that has within its objects matters in which the Board has an interest pursuant to this Act;
- (k) give or contribute towards prizes in competitions designed to further matters in which the Board has an interest pursuant to this Act;
- (l) appoint such advisory committees consisting of such persons as it thinks fit.

**23. Branches.** The Board shall not establish, or enter into any contracts in respect of the establishment of, any separate branch of the State Library of Queensland or the Queensland State Archives unless the Governor in Council has first given his approval to the establishment of the separate branch.

**24. Affiliation and recognition.** (1) The Board may enter into affiliation with, or extend some other form of recognition to, any other organisation in or outside Queensland that extends assistance to it or with which it shares mutual interests, upon such terms and conditions as are agreed upon between the Board and the organisation concerned.

(2) It shall be competent to the Board to extend to an organisation with which it is affiliated or to which it has extended some other form of recognition such privileges and, subject to this Act, such use of any real and personal property vested in the Board or under its control, as it thinks fit.

**25. Power to accept gifts.** (1) It shall be competent to the Board to acquire by accepting a gift (whether by bequest, devise, gift *inter vivos* or *mortis causa*) any real or personal property for the purposes of this Act and to agree to the conditions of any such gift.

(2) Any gift made to or on behalf of the benefit or purposes of the State Library of Queensland (including to the Queensland State Archives) shall be deemed to be a gift to or on behalf of the benefit or purposes of the Board and the Board may acquire the gift and agree to its conditions.

(3) Where the Board accepts a gift and in respect thereof agrees to a condition that restricts the manner in which the Board may hold or make use of the gift or that requires that the gift shall be held indefinitely and not disposed of, it shall be competent to the Board, upon the

expiration of 15 years after the date of acceptance of the gift to resolve that the condition shall no longer be of any force or effect, whereupon the condition shall be of no force or effect.

(4) For the purposes of the application of the rule against perpetuities to any gift to the Board, it shall be deemed that the purposes of the Board embodied in its functions, powers and duties, are charitable purposes.

**26. Use of Crown land.** The power conferred by the *Land Act 1962-1987* on the Governor in Council to grant in trust or to reserve and set apart any Crown land that in his opinion is or may be required for any public purpose includes the power to grant in trust to the Board as sole trustee, or to reserve, set apart and place under the control of the Board as sole trustee, any Crown land that in the opinion of the Governor in Council is or may be required for any purpose under this Act.

The provisions of the *Land Act 1962-1987* with all necessary adaptations shall apply accordingly with the exception that the power conferred by section 339 of the *Land Act 1962-1987* upon trustees of land granted in trust, or of a reserve, to make by-laws for all or any of the purposes referred to in the section shall be exercisable by the Governor in Council in the form of regulations made under this Act for all or any of those purposes.

**27. Grants or subsidies.** (1) The Board may make such grants and provide such subsidies as it thinks fit for the purpose of discharging the Board's functions under this Act.

(2) A grant or subsidy under this section shall be subject to such conditions as the Minister imposes generally or in any particular case.

(3) The Board shall not make a grant or provide a subsidy to a Local Authority without the consent of the Minister first had and obtained.

**28. Board subject to direction of Minister.** In the discharge of its functions, the exercise of its powers and the performance of its duties under this Act, the Board, except where it makes or is required to make a recommendation to the Minister, shall be subject to the control and direction of the Minister.

*Division 3—Proceedings and Business*

**29. Conduct of business.** (1) Subject to this Act, the Board shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

(2) Notice of every meeting or adjourned meeting, other than a meeting adjourned to a later hour on the same day on which such meeting was appointed to be held, shall be given to each member at least 7 days prior to the date appointed for such meeting.

**30. Quorum.** (1) A quorum of the Board shall consist of a majority of the total number of members for the time being holding office.

(2) A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and may discharge the functions, exercise the powers and perform the duties of the Board.

**31. Meetings.** (1) The Board shall meet at such times and places as it determines.

(2) The chairman shall preside at each meeting of the Board at which he is present and in his absence the deputy chairman if present shall preside.

If both the chairman and deputy chairman are absent from a meeting, a member elected at that meeting shall preside.

A member elected to preside at a meeting shall, while he presides, have all the powers and functions of the chairman.

**32. Minutes.** (1) The Board shall cause to be recorded in a book provided for the purpose (in this Act called the minute book)—

- (a) particulars of all proceedings at meetings of the Board;
- (b) the names of the members present at each meeting of the Board;
- and
- (c) the names of all members voting on any question before the Board on which a division is called.

(2) Every entry in the minute book shall be signed at the meeting of the Board next following the meeting at which the proceedings to which the entry relates were taken, by the chairman or other person who duly presides at such next following meeting.

(3) Every entry in the minute book purporting to be signed as prescribed and every writing purporting to be a copy of or extract from such an entry (purporting to be certified in writing under the hand of the chairman) shall upon its production in any proceeding be evidence, and in the absence of evidence to the contrary, conclusive evidence, of the matters contained therein without further proof of the regularity of the meeting to which the entry relates or of any other matter referred to therein.

**33. Conduct of affairs.** (1) The Board shall discharge a function, exercise a power or perform a duty by the majority vote of its members present at a meeting and voting on the business in question.

(2) A member who, being present at a meeting and entitled to vote, abstains from voting shall be taken to have voted for the negative.

(3) The person who is duly presiding at a meeting of the Board, if he is entitled to vote, shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

**34. Disclosure of interest.** (1) A member who is directly or indirectly interested in a contract or other financial arrangement made or proposed

to be made by the board (otherwise than as a member, and in common with the other members, of a corporation consisting of not less than 25 persons) shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board and if he fails to do so he commits an offence against this Act.

Penalty: 10 penalty units.

(2) A disclosure under subsection (1) shall be recorded in the minute book of the Board and the member—

(a) shall not take part after the disclosure in any deliberation or decision of the Board with respect to the financial arrangement;

and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for that deliberation or decision.

(3) In the case of spouses living together the interest of one spouse shall, if it is known to the other spouse, be deemed for the purpose of subsection (1) to be also the interest of the lastmentioned spouse.

(4) The Board may by its resolution exclude any member from a meeting whilst it is considering any contract or other financial arrangement or proposed contract or other financial arrangement in which the member has an interest to which subsection (1) applies.

**35. Common seal.** (1) The common seal of the Board shall be kept in the custody of the Director and State Librarian or, where another person has been duly appointed to act as secretary and chief executive officer of the Board, in the custody of the person so acting.

(2) The common seal shall not be affixed to any document except by authority of a resolution of the Board and in the presence of the person in whose custody the common seal is kept pursuant to subsection (1) and one other person who is a member of the Board.

(3) The persons in whose presence the common seal is affixed shall attest by their signatures the fact and the date of the common seal being so affixed.

**36. Power of delegation.** (1) The Board may by writing under its common seal either generally or otherwise as provided by the instrument of delegation delegate to any member of the Board or to a committee consisting only of members of the Board or to any officer appointed for the purposes of this Act or any person employed by the Board one or more of its functions, powers and duties except this power of delegation and its duties in respect of the preparation of the budget.

The Board may make such number of delegations of the same function, power or duty concurrently as it thinks fit.

(2) A delegation may be made subject to such conditions as the Board thinks fit including a requirement that the delegate shall report to it on the discharge, exercise or performance of the delegated function, power or duty.

(3) A delegation does not prevent or prejudice—

- (a) the discharge, exercise or performance by the Board of a delegated function, power or duty;
- (b) the exercise by the Board of supervision of the carrying out by the delegate of the terms of the delegation to the extent of countermanding the delegate's discharge of a function, exercise of a power or performance of a duty under the delegation.

(4) A delegation is revocable at the will of the Board.

(5) A delegated function, power or duty may be discharged, exercised or performed by the delegate in accordance with the instrument of delegation and when so discharged, exercised or performed shall be deemed to have been discharged, exercised or performed by the Board.

**37. Validity of proceedings.** An act or proceeding of the Board shall not be invalidated or in any way prejudiced by reason only that at the time the act was done or the proceeding taken there was a vacancy in the membership of the Board or a defect in the qualification or appointment of a member.

*Division 4—Financial Provisions*

**38. Funds of Board.** (1) The Library of Queensland Fund established under the *Libraries Act 1943-1979* shall, upon the commencement of this Act, be preserved and maintained by the Board under that title as the General Fund of the Board.

The Board shall also establish and maintain a Trust Fund.

(2) The General Fund and the Trust Fund shall be kept separate and distinct, each in a separate bank account.

**39. General Fund.** (1) There shall be paid into the General Fund—

- (a) all moneys appropriated by Parliament from time to time for the purposes of and paid to the Board;
- (b) all other moneys paid to the Board other than moneys required by section 40 to be paid into the Trust Fund.

(2) The Board shall pay from moneys from time to time standing to the credit of the General Fund liabilities incurred in connexion with the discharge of its functions, the exercise of its powers and the performance of its duties.

(3) Except to the extent approved by the Minister either generally or in a particular case the Board shall not make payments in respect of its General Fund in excess of the moneys from time to time standing to the credit of that fund.

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**40. Trust Fund.** (1) There shall be paid into the Trust Fund—

- (a) moneys paid to the Board for a specified purpose within the purview of this Act;
- (b) the proceeds of any gift accepted by the Board;
- (c) income received by the Board, or any other moneys paid to the Board, consequent upon activities undertaken by or on behalf of the Board, including the exercise by it of any of its powers.

(2) With the approval of the Minister first had and obtained or in accordance with guidelines set by him, the Board may apply the money from time to time standing to the credit of the Trust Fund for any project approved by resolution of the Board:

Provided that in any case where money is paid into the Trust Fund subject to a condition controlling the manner of its expenditure, the Board shall not expend the money except in accordance with the condition.

**41. Statutory endowment.** For the purpose of providing a statutory endowment for the purchase of collection items and other requirements of the Board and for meeting expenses incurred in or out of Queensland relative or incidental to inquiries or on behalf of the Board, there shall be paid by the Treasurer to the Board, out of moneys appropriated by Parliament for that purpose, an annual endowment of such amount as Parliament approves.

The Treasurer shall pay the endowment to the Board in four quarterly instalments on the first day of January, April, July and October in each year.

**42. Payment of grants to Board.** The Treasurer may pay to the Board by way of grant, out of moneys appropriated by Parliament for the purpose of such grants, moneys in such amounts and for such purposes as are approved by the Governor in Council on the recommendation of the Treasurer.

**43. Investments.** The Board is empowered to invest any moneys standing to the credit of the Trust Fund that are not immediately required for any purpose for which it is constituted under this Act in any investment prescribed by section 48 of the *Statutory Bodies Financial Arrangements Act 1982-1984* as a permissible investment for a statutory body within the meaning of that Act and in respect of the Board as such a statutory body the provisions of Part V of that Act other than the provisions of section 49, 50 (1) and 52 apply.

**44. Budget.** (1) Before the 31st May in each year, the Board shall prepare and lodge with the Minister a preliminary estimate of its budget



in respect of the General Fund wherein it shall estimate as accurately as possible—

- (a) the amount to be disbursed from that fund during the financial year next following for the purposes for which it is constituted;
- and
- (b) the amount to be received into that Fund during the financial year next following.

(2) After Parliament has appropriated the amount referred to in section 39 the Board shall approve, adopt and lodge with the Minister a balanced budget in respect of the General Fund for the financial year referred to in subsection (1).

(3) The budget lodged pursuant to subsection (2) shall have no force or effect until it is approved by the Minister who may amend it in such way as he thinks fit, except that he may not vary the amount appropriated by Parliament.

(4) When the Minister approves the budget, the budget as approved, whether or not it has been amended pursuant to subsection (3), shall be binding on the Board.

(5) Any disbursement by the Board from the General Fund in the months of July or August in any financial year that may reasonably be regarded as an ordinary disbursement is hereby authorized and shall be included in the budget in respect of that fund for that financial year.

**45. Observance of budget.** (1) Subject to subsection (5) of section 44 and subsection (2) of this section, the Board shall confine its disbursements from the General Fund throughout a financial year within the items and amounts contained in its budget in respect of that Fund for that financial year as approved by the Minister.

(2) If during any financial year it appears to the Board that circumstances have arisen that require the Board—

- (a) to make a disbursement from the General Fund that was not provided for in the budget in respect of the Fund as approved by the Minister;
- or
- (b) to make a disbursement that exceeds the amount estimated in respect of that disbursement in the budget;
- or

(c) to transfer funds from one item to another within the budget, the Board shall, before taking such action, approve of the action by resolution of the Board and obtain the approval of the Minister for an amendment to the Budget.

(3) If the Minister gives his approval to the amendment, the Budget as amended shall be binding on the Board.

**46. Treatment of surplus and deficit.** If the General Fund contains a surplus or shows a deficit at the end of the financial year the surplus or as the case may be, the deficit shall be carried forward and taken into account by the Board in the preparation of its budget pursuant to section 44 for the next following financial year after making proper allowance for any moneys paid to the General Fund consequent upon a grant made to the Board pursuant to section 42.

**47. Annual report.** (1) As soon as practicable after the close of each financial year but, subject to subsection (2), in no case later than 3 months after that close the Board shall prepare and furnish to the Minister a report in writing on its operations during that financial year.

The report shall contain a copy of the financial statements prepared in respect of the Board pursuant to the *Financial Administration and Audit Act 1977-1985*.

(2) The Minister, by notice in writing furnished to the Board, may extend or further extend in a particular case the 3 months referred to in subsection (1).

#### PART IV—LOCAL AUTHORITIES

**48. Library facilities a function of local government.** A Local Authority may establish, maintain and conduct a library facility as a function of local government and the provisions of the *Local Government Act 1936-1987*, the *City of Brisbane Act 1924-1987* and any other Act or law shall apply and have effect accordingly.

**49. Library Committees.** (1) It shall be competent to—

- (a) a Local Authority or a Joint Local Authority Board that establishes, maintains and conducts a library facility;  
and
- (b) a Local Authority that has entered into an agreement with another Local Authority for the joint use or benefit of a library facility,

to appoint a Library Committee consisting of persons who are members of the Local Authority, or the Joint Local Authority Board as the case may be, and such other persons as it thinks fit.

(2) A Library Committee so appointed shall maintain and conduct the library facility subject to the Local Authority or Joint Local Authority Board that appoints it and shall discharge such functions, exercise such powers and perform such duties on behalf of the Local Authority or Joint Local Authority Board as the Local Authority or Joint Local Authority Board (which is hereby authorized so to do) by resolution directs they should.

(3) The power of a Local Authority to make by-laws under the *Local Government Act 1936-1987*, and the power of Brisbane City Council under the *City of Brisbane Act 1924-1987* to make ordinances includes the power to make all such by-laws or ordinances, as the case

may be, in respect of a Library Committee appointed under this Act, as may be necessary or desirable including for or with respect to—

- (a) the powers, function and duties of the Library Committee;
- (b) the terms and conditions of appointment of members of the Library Committee and the conduct of its business;
- and
- (c) the control, management and conduct of the library facility.

#### PART V—PUBLIC RECORDS

**50. Queensland State Archives.** There shall continue to be an office in Queensland to be known as the Queensland State Archives the functions of which are to promote the making and preservation of the public records of Queensland, to exercise control over their retention and disposal, to provide facilities for their storage and use and to provide administration in respect of anything stored by it.

The Queensland State Archives is part of the State Library of Queensland.

**51. State Archivist.** (1) The Governor in Council may from time to time appoint for the purposes of this Act a person to be State Archivist:

Provided that the person appointed under, and holding office subject to, the *Public Service Act 1922-1978* as State Archivist immediately before the commencement of this Act, shall upon that commencement, be deemed to be appointed State Archivist for the purposes of this Act.

(2) The State Archivist—

- (a) shall be appointed under, and shall hold office subject to, the *Public Service Act 1922-1978*;
- (b) subject to directions from the Minister, the Board and the Director and State Librarian, shall manage the Queensland State Archives and supervise the discharge of its functions.

**52. Making, preservation and custody of public records.** (1) A public authority shall—

- (a) cause complete and accurate records of the activities of the public authority to be made and preserved;
- (b) take all reasonable steps to implement recommendations of the State Archivist applicable to the public authority concerning the making and preservation of public records.

(2) The duty imposed by subsection (1)—

- (a) in the case of a public authority that is a corporate person, is imposed on the public authority and the chief officer thereof;
- (b) in the case of a public authority that is not a corporate person, is imposed on the chief officer of the public authority.

(3) A person who fails to perform a duty imposed upon him by this section commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units.

(4) The chief officer of a public authority shall have the custody of the public records of the public authority.

**53. Inspection of public records.** (1) For the purpose of ensuring that public records are being preserved, the State Archivist or any person acting on his behalf may—

- (a) enter and examine the premises of any public authority;
- (b) give directions to officers or employees of the public authority for the purpose of gaining practical access to public records held thereon;
- (c) inspect any public records found by him thereon or to which he is given access consequent upon directions given under paragraph (b).

(2) A person who, without reasonable excuse, obstructs the State Archivist or person acting on his behalf in the exercise of the power conferred by paragraph (a) or (c) of subsection (1) or who, without reasonable excuse, fails to comply with directions given to him under paragraph (b) of subsection (1) commits an offence against this Act and shall be liable to a penalty not exceeding 100 penalty units.

**54. Public records may be deposited with the Queensland State Archives.** A person in possession of public records may deposit them with the Queensland State Archives with the consent of the State Archivist and—

- (a) in the case of records of the courts or the Commission to which reference is made in the first column of the Schedule, with the consent of the person named in the second column of the Schedule opposite the reference;
- (b) in the case of records of any Court other than those referred to in the first column of the Schedule, and in the case of a Commission as defined by section 3 of the *Commission of Inquiry Act 1950-1987*, with the consent of the Under Secretary, Department of Justice.

**55. Public records protected.** (1) A person shall not dispose of public records other than by depositing them with the Queensland State Archives—

- (a) unless—
  - (i) the State Archivist has authorized the disposal;
  - or
  - (ii) notice in writing of his intention to do so has been given by him or on his behalf to the State Archivist and—
    - (A) a period of at least 2 months has elapsed since the giving of the notice;

and

- (B) the State Archivist has not exercised his power under subsection (2) to take possession of the public records or direct that they be deposited with the Queensland State Archives;

and

- (b) unless, in the case of public records to which subsections (4) and (5) apply, the period prescribed therein has expired.

A person who disposes of public records in contravention of this section commits an offence against this Act and shall be liable to a penalty not exceeding 100 penalty units.

(2) On receipt of a notice referred to in paragraph (a) of subsection (1), the State Archivist or a person acting on his behalf—

- (a) enter and examine any place wherein the public records are held and—
- (i) give directions for the purpose of gaining practical access to the public records to any person he finds there;
  - (ii) inspect the public records;
  - (iii) take possession of the public records or such of them as in his opinion should be preserved in the Queensland State Archives;
- (b) by notice in writing given to the person in possession of the public records, direct the person to deposit them with the Queensland State Archives in accordance with directions stated in the notice;
- (c) if he thinks fit, authorize the disposal of the public records.

A person who, without reasonable excuse, obstructs the State Archivist or person acting on his behalf in the exercise of the powers conferred upon him by this subsection or who, without reasonable excuse, fails to comply with directions given to him under paragraph (a) or (b), shall commit an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units.

(3) Subject to this Act, it shall be competent to the State Archivist or a person acting on his behalf to authorize the disposal of public records subject to such conditions as he thinks fit.

A person who disposes of public records in contravention of a condition imposed in respect of the disposal by the State Archivist or a person acting on his behalf shall be deemed to have disposed of them in contravention of this section.

(4) Public records of a Court or the Commission specified in the first column of the Schedule shall not be disposed of within a period of 15 years since the date of last dealing unless the person referred to in the second column opposite the reference to the Court or Commission

(who is hereby authorized to make such an order) makes an order enlarging or reducing that period to a period specified by him, whereupon the period prescribed by this subsection within which the public records shall not be disposed of shall be deemed to be the period so specified.

(5) Public records of a Court other than a Court specified in the first column of the Schedule, or a Commission of Inquiry as defined in section 3 of the *Commissions of Inquiry Act 1950-1987* shall not be disposed of within a period of 5 years since the date of last dealing unless the Under Secretary, Department of Justice (who is hereby authorized to make such an order) makes an order enlarging or reducing that period to a period specified by him, whereupon the period prescribed by this subsection as the period within which the public records shall not be disposed of shall be deemed to be the period so specified.

(6) Where a person is convicted of the offence of failing to comply with directions given under paragraph (b) of subsection (2) because he failed to deliver public records to the Queensland State Archives, the court before which the proceedings for the offence are heard in addition to any penalty it may impose or order it may make shall order the defendant to deposit the public records with the Queensland State Archives, if he has not already done so, in accordance with such directions as it thinks fit and states in the order.

(7) A person who fails to comply with directions given to him by order of a court under subsection (6)—

- (a) commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units;  
and
- (b) commits a continuing offence against this Act for each day after the date upon which he is convicted of that offence during which the failure to comply with the directions continues and shall be liable to a penalty not exceeding 1 penalty unit for each day during which the failure continues.

(8) For the purposes of this section, a person disposes of public records if he sells or otherwise transfers, or destroys, abandons or otherwise does away with, public records.

A person shall not be taken to dispose of public records for the purposes of this section if—

- (a) the disposal is undertaken in the course of the transfer of a function, power or duty from one public authority to another;
- (b) the disposal consists of the transferral of the public records from the public authority from which the function, power or duty is transferred to the public authority to which the function, power or duty is transferred;  
and
- (c) the public records are necessary for the discharge of the function, the exercise of the power or the performance of the duty transferred.

**56. Recovery of public records improperly held.** (1) If the State Archivist has reason to believe that public records are in the possession of a person otherwise than in his official capacity as an officer or agent of a public authority, the State Archivist, or a person acting on his behalf, by notice in writing, may direct the person to deposit the public records with the Queensland State Archives in accordance with such directions as he thinks fit and states in the notice.

(2) A person who, without reasonable excuse, fails to comply with directions given to him under subsection (1) commits an offence against this Act and shall be liable to a penalty not exceeding 100 penalty units.

(3) In proceedings in respect of an offence defined in subsection (2)—

- (a) a statement in the complaint that the records therein mentioned are in the possession of the defendant otherwise than in his official capacity as an officer or agent of a public authority shall be evidence, and in the absence of evidence to the contrary, conclusive evidence of that fact; and
- (b) the court before which the proceedings are heard, whether or not the defendant is convicted of the offence, if satisfied that the defendant is in possession of public records otherwise than in his official capacity as an officer or agent of a public authority, shall order the defendant to deposit the records with the Queensland State Archives in accordance with such directions as the court thinks fit and states in the order.

(4) A person who fails to comply with directions given to him by order of a court under paragraph (b) of subsection (3)—

- (a) commits an offence against this Act and shall be liable to a penalty not exceeding 100 penalty units; and
- (b) commits a continuing offence against the Act for each day after the date upon which he is convicted of that offence during which the failure to comply with the directions continues and shall be liable to a penalty not exceeding 1 penalty unit for each day during which the failure continues.

**57. Public records over 30 years old.** (1) Unless—

- (a) the public authority to which the public records belong, by notice in writing given to the State Archivist, exempts them from deposit with the Queensland State Archives; or
- (b) the State Archivist exempts the public records from deposit with the Queensland State Archives,

a person in possession of public records—

- (c) as soon as practicable after the expiration of a period of 30 years from the time they were brought into existence;

or

(d) if at the commencement of this Act, that period has expired, as soon as practicable after the commencement of this Act, shall deposit them with the Queensland State Archives, and in accordance with any directions given by the State Archivist applicable to that deposit.

A person who fails to comply with the provisions of this section commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units.

(2) Where a person is convicted of the offence of failing to comply with the provisions of this section because he failed to deposit public records with the Queensland State Archives, the court before which the proceedings for the offence are heard, in addition to any penalty it may impose or other order it may make, shall order the defendant to deposit the public records with the Queensland State Archives, if he has not already done so, in accordance with such directions as the court thinks fit and states in the order.

(3) A person who fails to comply with directions given to him by order of a court under subsection (2)—

(a) commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units;

and

(b) commits a continuing offence against this Act for each day after the date upon which he is convicted of that offence during which the failure to comply with the directions continues and shall be liable to a penalty not exceeding 1 penalty unit for each day during which the failure continues.

**58. Chief Officers.** The Governor in Council by regulations may prescribe that references in this Act to the chief officer of a public authority, or any reference prescribed by him, in respect of a prescribed public authority or part thereof or class of public authority or in respect of prescribed activities or records of a public authority, is to mean or include the holder from time to time of a prescribed office and where the Governor in Council exercises this power, this Act shall operate and have effect accordingly.

**59. Return of public records to public authority.** (1) Subject to this section, where a public authority notifies the State Archivist that public records appertaining to the public authority deposited by the public authority with the Queensland State Archives or that have been recovered under section 56 are required for use by the public authority, the State Archivist, if the public records are in the possession of the Queensland State Archives, shall deliver them to the public authority.

The State Archivist shall determine the manner of notification and delivery.

(2) The State Archivist shall not return public records to a public authority under subsection (1) if a period of 30 years has expired since



they were brought into existence unless the State Archivist is satisfied that it is necessary for the proper conduct of the business of the public authority that the public records be delivered to the public authority.

**60. Special protection for public records over 30 years old.** A person shall not add to or alter public records that have been in existence for 30 years except as required by law or in accordance with directions given by the State Archivist.

A person who contravenes this section commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units.

**61. Secrecy.** (1) Subject to subsection (2), where under any Act or under any Proclamation, Order in Council, regulation, rule, by-law or Ordinance made under any Act, it is an offence for an officer of a public authority other than the Queensland State Archives to give access to a public record, or to make a disclosure of information contained in a public record, in the possession of the public authority, because of the confidential nature of the information contained therein—

- (a) if the public record is deposited with the Queensland State Archives, it shall be an offence against this Act for any person who is a member of the staff of the Queensland State Archives or who is concerned in the administration of this Act to give that access or to make that disclosure except to the extent necessary to the performance of his official duties or in compliance with a duty imposed by law or in accordance with an authorization under the regulations;
- (b) if the public record is inspected pursuant to section 53, it shall be an offence against this Act for any person who inspected the record, or for any person concerned in the administration of this Act, to make that disclosure except to the extent essential to the carrying out of his official duties or in compliance with a duty imposed by law or in accordance with an authorization under the regulations.

Penalty: 10 penalty units.

(2) It shall be a defence to a charge under this section for the defendant to prove that he did not have knowledge or that he was not aware that the giving of the access or the making of the disclosure was an offence in the circumstances that applied.

## PART VI—PRESERVATION OF QUEENSLAND PUBLICATIONS

**62. Delivery of material published in Queensland.** A person who publishes in Queensland to the general public material to which this Part applies shall deliver at his own expense, within one month of publication, a copy of the material to the Director and State Librarian and also to the librarian of the library of the Parliament of Queensland.

A person who fails to comply with this section commits an offence and shall be liable to a penalty not exceeding 20 penalty units.

**63. Receipt to be given.** Upon delivery to the Director and State Librarian or the librarian of the library of the Parliament of Queensland of material pursuant to section 62, the Director and State Librarian or, as the case may be, the librarian of the library of the Parliament of Queensland shall give a written receipt in return.

In the case of any periodical publication it shall be sufficient if a receipt required under this subsection is given in the month of January for all copies thereof delivered during the period of 12 months ending on the preceding 31st December.

**64. Which material to be delivered.** This Part applies to—

- (a) a book, or a part or division of a book;
- (b) a newspaper, magazine, journal or pamphlet;
- (c) a map, plan, chart or table;
- (d) printed music;
- (e) a film, tape, disk or other like instrument or thing supplied to the general public and designed to reproduce visual images, sound or information,

but does not include an edition of any material that does not differ from a former edition that has been delivered as required by section 62.

A reference in section 62 to a copy of the material to which this Part applies, where the material is published in various forms of differing quality, is a reference to a copy of the finest quality.

A copy of material shall not be taken to be finer than another by reason only that the first mentioned copy is numbered and signed by the author.

**65. Continuing duty to comply.** (1) Where a court convicts a person of an offence defined in section 62, in addition to any penalty it may impose or other order it may make, it shall order him to deliver the material in question as required by that section, if he has not already done so, in accordance with such directions as it thinks fit and states in the order.

(2) A person who fails to comply with directions given to him by order of a court under subsection (1)—

- (a) commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units;  
and
- (b) commits a continuing offence against this Act for each day after the date upon which he is convicted of that offence during which the failure to comply with the directions continues and shall be liable to a penalty not exceeding 1 penalty unit for each day during which the failure continues.

**66. Power of exemption.** The Director and State Librarian, in respect of the delivery to him of a copy of material to which this Part applies, and the librarian of the library of the Parliament of Queensland, in respect of the delivery to him of a copy of material to which this Part applies, by notice in writing given to a publisher, may exempt the publisher from compliance with section 62 in respect of particular material or a class of material to which this Part applies.

**67. Effect on property rights.** Upon delivery of material to which the Part applies in compliance with this Part, the material shall become the property of the Crown and, in the case of material delivered to the Director and State Librarian, the property of the Board.

#### PART VII—MISCELLANEOUS

**68. Unauthorized removal or possession of property.** (1) A person who without lawful authorization from the Board or the staff of the State Library of Queensland removes or attempts to remove from a library or archive or other premises of the State Library of Queensland any property in the possession of the State Library of Queensland or has in his possession property that has been so removed in contravention of this paragraph commits an offence against this Act and shall be liable to a penalty not exceeding 20 penalty units.

(2) In addition to any penalty it may impose or any other order it may make in respect of an offence against this section, a court that convicts a person of an offence against this section may order him to pay to the Board an amount of money by way of compensation for—

- (a) the cost of repairing or replacing the property in question if the act or omission constituting the offence contributed to its damage, destruction or loss;
- and
- (b) in the case of property that requires special administrative processing into one of the collections held by the State Library of Queensland, the cost of processing its return or substitution.

The amount of compensation so ordered to be paid, if unpaid, shall be recoverable by the Board by action as for a debt in any court of competent jurisdiction.

**69. Reward for information.** (1) The Board may offer and pay a reward to any person who gives information to the Board relating to any offence that the Board believes or suspects has been committed in respect of the property of the Board or in respect of property in its possession or the possession of the State Library of Queensland.

(2) If a person is convicted of an offence referred to in subsection (1), the court before which the proceedings are heard, in addition to any penalty it may impose or other order it may make, may order him to pay to the Board the amount of any reward the Board has paid or has contracted to pay for information in relation to the offence in question.

The amount so ordered to be paid, if unpaid, shall be recoverable by the Board by action as for a debt in any court of competent jurisdiction.

**70. Proceedings.** Proceedings in respect of an offence against this Act shall be taken in a summary way under the *Justices Act 1886-1987*

within 12 months after the offence is committed or within 6 months after the commission comes to the knowledge of the complainant whichever period is the later to expire—

- (a) upon the complaint of the Director and State Librarian or a person authorized by the Board generally or in a particular case;
- or
- (b) in the case of the offence defined in section 62 of failing to deliver to the librarian of the library of the Parliament of Queensland material as required thereby, upon the complaint of the librarian.

Except where this Act otherwise provides, all moneys recovered in proceedings taken pursuant to this section shall be paid into the Consolidated Revenue Fund.

**71. Evidence.** (1) For the purposes of any proceedings for an offence against this Act—

- (a) the authority of the complainant to make a complaint shall be presumed unless the contrary is proved;
- (b) a statement in a complaint stating when it was that the commission of the offence came to the knowledge of the complainant shall be evidence thereof and in the absence of evidence to the contrary, conclusive evidence thereof.

(2) In any proceedings for an offence in respect of property committed at a time when the Board or the State Library of Queensland was in possession of, or entitled to possession of, the property, it shall be sufficient to allege ownership thereof in the Board if it is material to prove ownership of the property.

(3) A public record that is admissible in evidence in any proceedings upon its production from proper custody shall, upon its deposit with the Queensland State Archives, whether before or after the commencement of this Act, be admissible in evidence upon its production from the possession of the Queensland State Archives, and a copy of or extract from the public record shall also be admissible.

Information contained in a public record that is admissible in evidence in any proceedings upon its certification by an officer of a public authority shall, upon the deposit of the public record with the Queensland State Archives, whether before or after the commencement of this Act, be admissible in evidence upon its certification by or on behalf of the State Archivist.

(4) The State Archivist or a person acting on his behalf may give a certificate in respect of—

- a public record in the possession of the Queensland State Archives;
- information contained in a public record in the possession of the Queensland State Archives,

that gives details of the origin, history or nature of the public record or information from which details it may be determined that the public

record or information is admissible evidence pursuant to subsection (3) and such a certificate, in any proceedings, shall be evidence, and in the absence of evidence to the contrary, conclusive evidence, of the matters contained therein.

The certificate provided for in this subsection may be given in relation to an original public record or a copy of or extract from a public record and a certificate given by the State Archivist or a person on his behalf that something is a copy of or an extract from a public record in the possession of the Queensland State Archives shall be, in any proceedings, evidence and in the absence of evidence to the contrary, conclusive evidence, thereof.

An instrument in writing purporting to be a certificate given under this subsection shall, in all proceedings, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

(5) In any proceedings, a certificate purporting to be signed by the Director and State Librarian or by a person acting as secretary and chief executive officer of the Board stating that the Board has paid or contracted to pay an amount of money stated therein as a reward offered by it pursuant to section 69 in respect of the matters stated therein, shall be evidence, and in the absence of evidence to the contrary, conclusive evidence of the matters stated therein.

**72. Service of documents.** A document may be served under this Act by—

- (a) in the case of an individual, leaving the document with him personally or by sending it by pre-paid post to the individual's place of residence or business last known to the sender;
- (b) in the case of an association of persons, leaving the document with the association's secretary or sending it by pre-paid post to the secretary's place of residence or business last known to the sender;
- (c) in the case of a body corporate, leaving the document at its registered office in Queensland or its principal place of business in Queensland or by sending it by pre-paid post to that registered office or principal place of business;
- (d) serving the document on a duly authorized agent of the person who is to be served.

**73. Regulations.** (1) The Governor in Council may make regulations not inconsistent with this Act with respect to—

- (a) all matters required or permitted by this Act to be prescribed by regulation or to be prescribed and in respect of which no other means of prescription is specified;
- and
- (b) all matters necessary or expedient to be prescribed for the proper administration of this Act or to achieve the objects and purposes of this Act.

(2) Without limiting the generality of subsection (1), the Governor in Council may make regulations for or with respect to—

- (a) regulating the conduct of the proceedings of the Board including the times, places and conduct of its meetings;
- (b) regulating the manner in which the Board discharges its functions, exercises its powers and performs its duties;
- (c) the control, management and maintenance of the State Library of Queensland;
- (d) the protection and security of the premises and property of or in the possession of, the Board or the State Library of Queensland;
- (e) regulating the performance of duties by officers and employees of the Board or the State Library of Queensland;
- (f) regulating the admission of the public to the lands or premises of the Board or the State Library of Queensland, regulating the activities, conduct and behaviour of persons on the lands or premises and providing for the exclusion or removal of persons therefrom;
- (g) regulating access to and the use or borrowing of any property in the possession of the Board or the State Library of Queensland, including public records in the possession of the Queensland State Archives;
- (h) defining the records that public authorities must make and preserve, imposing duties upon public authorities in respect thereof including duties to be performed by way of co-operation with the Queensland State Archives and regulating the disposal of public records;
- (i) imposing duties upon individuals in the service of a public authority, and conferring powers thereon, to the extent necessary to ensure the making of proper public records, their preservation and co-operation with the Queensland State Archives;
- (j) providing for moneys to be paid by public authorities in respect of the storage of public records or other services provided by the Queensland State Archives;
- (k) providing for exemptions from compliance with duties imposed by this Act upon public authorities, persons in the service of a public authority and persons who publish material in Queensland;
- (l) providing for offences for failing to comply with or contravening a regulation, penalties in respect thereof not exceeding 20 penalty units, and further orders that may be made upon such a failure or contravention.

The power to regulate includes the power to prohibit.

## SCHEDULE

[ss. 54, 55]

The Supreme Court	The Chief Justice
A District Court	The Chairman of the District Court
The Land Court or the Land Appeal Court	The President of the Land Court
The Industrial Court or the Industrial Conciliation and Arbitration Commission	The President of the Industrial Court
The Local Government Court	A Judge of the District Court who for the time being constitutes the Local Government Court