

Queensland



# **SUPREME COURT LIBRARY ACT 1968**

**Reprinted as in force on 1 July 2004  
(includes commenced amendments up to 2004 Act No. 11)**

**Reprint No. 2C**

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the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 1 July 2004. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

# Queensland



## SUPREME COURT LIBRARY ACT 1968

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# SUPREME COURT LIBRARY ACT 1968

[as amended by all amendments that commenced on or before 1 July 2004]

## An Act relating to the Supreme Court library

### 1 Short title

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

### 2 Definitions

In this Act—

“**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 recognised by the committee as the representative association of the practising barristers of the Supreme Court.

“**chief justice**” shall include any acting chief justice.

“**committee**” means the body corporate constituted by this Act under the name the Supreme Court Library Committee.

“**rules**” means the rules made by the committee pursuant to the powers conferred by this Act.

“**Supreme Court library**” means all property which vests in the committee at any time whether pursuant to section 7 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, appointment and term of office of members**

(1) The committee shall consist of—

- (a) the chief justice or a judge of the Supreme Court appointed by the chief justice; and
- (b) the chief judge of District Courts or a judge of District Courts appointed by the chief judge of District Courts; and
- (c) the chief stipendiary magistrate or a magistrate appointed by the chief stipendiary magistrate; and
- (d) 8 other members comprising—
  - (i) 4 practising barristers of at least 3 years standing, of whom 2 shall be appointed by the chief justice and 2 shall be appointed by the Bar Association of Queensland;
  - (ii) 4 practising solicitors of at least 3 years standing, of whom 2 shall be appointed by the chief justice and 2 shall be appointed by the council of the Queensland Law Society Incorporated.

(1A) The Minister or the Minister's nominee shall be ex officio a member of the committee.

(2) The chairperson of the committee shall be the chief justice or the judge of the Supreme Court appointed by the chief justice as a member of the committee.

(2A) If the chairperson is absent from a meeting after a quorum is constituted, the members present shall elect from their number a chairperson for that meeting, and a member so elected shall, while so acting, have all the powers, duties and functions of the chairperson under this Act.

(2B) The chairperson shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(3) Appointments to the committee for the year next following shall be made in the month of December of each year.

(3A) Members of the committee shall hold office for 1 year commencing on and from 1 January next following their appointments thereto.

(4) The office of a member of the committee shall become vacant if the member—

- (a) dies or resigns his or her office by signed notice delivered to the chief justice;
- (b) is absent from meetings of the committee for a continuing period of 6 months, without prior leave of the committee;
- (c) does not hold a local practising certificate, or has a practising certificate that is suspended, under the *Legal Profession Act 2004*.

(4A) Where a vacancy occurs in the office of a member of the committee appointed pursuant to subsection (1)(d) during the term of office of the members then constituting the committee, the chief justice shall appoint to the vacant office another practising barrister or solicitor of like standing who shall hold office until 31 December next following his or her appointment as a member.

(4B) Where, in the month of December in any year, the chief justice appoints a judge of the Supreme Court as the chairperson of the committee, the chief justice may also, at the same time, appoint another judge of the Supreme Court to act in the stead of the judge first appointed while that judge is absent on leave.

(4C) The chief justice may at any time appoint a judge of the Supreme Court to act as the chairperson during the absence on leave or the inability to act for any reason of the chairperson of the committee or other judge appointed to act as the chairperson pursuant to subsection (4B).

(4D) The chief judge of District Courts may at any time appoint a judge of District Courts to act as a member of the committee during the absence on leave or the inability to act for any reason of the chief judge of District Courts or of the judge of District Courts appointed by the chief judge of District Courts to the committee.

(4E) The chief stipendiary magistrate may at any time appoint a magistrate to act as a member of the committee during the absence on leave or the inability to act for any reason of the chief stipendiary magistrate or

of the magistrate appointed by the chief stipendiary magistrate to the committee.

(5) At any meeting of the committee 6 members shall constitute a quorum.

(6) Subject to there being a quorum, a proceeding of the committee shall not be invalidated by reason only of a vacancy in the office of a member of the committee at the time of that proceeding.

(7) Immediately after the date of commencement of the *Supreme Court Library Act Amendment Act 1973* the committee shall furnish to the registrar of the Supreme Court at Brisbane a notice setting forth the names and other relevant particulars of the persons who from time to time since the date of commencement of this Act constituted or were appointed to the committee and thereafter as soon as reasonably practicable—

- (a) shall upon the constitution of the committee for each year furnish to the registrar notice of the names and other relevant particulars of the persons by whom the committee is constituted for that year and of the judge appointed pursuant to subsection (4B);
- (b) shall upon a change in the members constituting the committee occurring in any year furnish to the registrar notice of relevant particulars of that change.

(8) The registrar shall file in the central registry at Brisbane every notice furnished to the registrar pursuant to subsection (7).

## **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 on loan from any department of the government to, been treated or should have been treated as belonging to, or forming part of, or being for the benefit of, any 1 or more or all, of the libraries of the Supreme Court at Brisbane, Rockhampton, and Townsville;



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- (b) without derogating from the generality of paragraph (a)—
- (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 1 or more or all of the said libraries of the Supreme Court 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 utilised 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 31 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), 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.

## **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 Committee is statutory body**

(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the committee is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the committee's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **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 relating to admission and examinations**

All moneys including admission and examination fees must be paid to the committee.

## **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 the person immediately prior to that commencement.

### **13A Superannuation scheme or arrangement**

(1) The committee is authorised and is deemed always to have been authorised to establish or participate in a scheme or arrangement that secures superannuation benefits for any employee or employees of the committee.

(2) On and after the passing of the *Supreme Court Library Act Amendment Act 1987*, it shall not be competent to the committee—

- (a) to establish or to commence to participate in a scheme or arrangement such as is referred to in subsection (1); or
- (b) to amend a scheme or arrangement such as is referred to in subsection (1) established by the committee; or
- (c) to continue to participate in a scheme or arrangement such as is referred to in subsection (1) that is amended subsequently to the passing of that Act and subsequently to the committee's commencing to participate therein;

unless the approval of the Governor in Council has first been obtained to the establishment, participation, amendment or, as the case may be, continued participation.

(3) A reference to a scheme or arrangement in subsection (2)(b) or (c) includes a reference to any such scheme or arrangement which the committee has established before or in which the committee was participating immediately before the commencement of the *Supreme Court Library Act Amendment Act 1987*.

## **14 Power to make rules**

(1) The committee may make rules under this Act.

(2) A rule must be approved by the chief justice.

(3) A rule may be made about the following—

- (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 cooption) 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 noncontributory 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.

(4) 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).

(5) A rule is not subordinate legislation.

## **16 Annual report and accounts**

(1) The committee shall on or before 30 September in each year subsequent to the year 1977 submit to the chief justice and the Minister a report of its proceedings during the period of 12 months ending on 30 June last preceding.

(2) A report submitted pursuant to subsection (1) shall include a statement of the committee's income and expenditure and a balance sheet in respect of the period to which the report relates.

(3) The committee shall, at the time of submitting each report specified in subsection (1), furnish a copy of the report to the registrar of the Supreme Court at Brisbane who shall file it in the central registry at Brisbane.

**ENDNOTES****1 Index to endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2004. Future amendments of the Supreme Court Library Act 1968 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 Key****Key to abbreviations in list of legislation and annotations**

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Reprint date
1	to Act No. 80 of 1990	14 November 1990	16 August 1994
2	to Act No. 58 of 1995	28 November 1995	29 January 1996
2A	to Act No. 58 of 1995	28 November 1995	20 February 1997
2B	to Act No. 54 of 1996	1 June 1997	6 June 1997 (Column discontinued) Notes
2C	to Act No. 11 of 2004	1 July 2004	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
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## 6 List of legislation

### **Supreme Court Library Act 1968 No. 41**

date of assent 11 December 1968

commenced on date of assent

amending legislation—

### **Supreme Court Library Act Amendment Act 1973 No. 55**

date of assent 25 October 1973

commenced on date of assent

### **Supreme Court Library Act Amendment Act 1976 No. 54**

date of assent 1 October 1976

commenced 1 April 1977 (see s 2)

### **Supreme Court Library Act Amendment Act 1987 No. 28**

date of assent 23 April 1987

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1987 (proc pubd gaz 27 June 1987 p 2251)

### **Public Service (Administrative Arrangements) Act (No. 2) 1990 No. 80 s 3 sch 6**

date of assent 14 November 1990

commenced on date of assent

**Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**Legal Profession Act 2003 No. 97 ss 1, 2(2), 380 sch 1**

date of assent 3 December 2003

ss 1–2 commenced on date of assent

remaining provisions never proclaimed into force and rep 2004 No. 11 s 642

**Legal Profession Act 2004 No. 11 ss 1, 2(2), 596 sch 1**

date of assent 31 May 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2004 (2004 SL No. 106)

## 7 List of annotations

**Definitions****prov hdg**

amd 1995 No. 58 s 4 sch 1

**s 2**def “**Barristers’ Board**” om 2004 No. 11 s 596 sch 1def “**Minister**” ins 1990 No. 80 s 3 sch 6

om R1 (see RA s 39)

def “**property**” om R1 (see RA s 39)def “**Solicitors’ Board**” om 2004 No. 11 s 596 sch 1**Constitution of committee, appointment and term of office of members****s 4**

sub 1973 No. 55 s 2

amd 1990 No. 80 s 3 sch 6; 2004 No. 11 s 596 sch 1

**Appointment of first Committee****s 5**

om R1 (see RA s 37)

**Property to vest in committee****s 7**

amd 1973 No. 55 s 3

**Committee is statutory body****s 9**

sub 1996 No. 54 s 9 sch

**Fees received relating to admission and examinations****prov hdg**

amd 2004 No. 11 s 596 sch 1

**s 11**

amd 2004 No. 11 s 596 sch 1

**Superannuation scheme or arrangement****s 13A**

ins 1987 No. 28 s 4

**Power to make rules****s 14**

amd 1995 No. 58 s 4 sch 1



**Transitional, savings, validation**

**s 15**            amd R1 (see RA s 37)  
                    om 1995 No. 58 s 4 sch 1

**Annual report and accounts**

**s 16**            sub 1973 No. 55 s 4; 1976 No. 54 s 3  
                    amd 1990 No. 80 s 3 sch 6; R1 (see RA s 37)