

# **LIBRARY (AMENDMENT) ACT 1992 No. 40**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

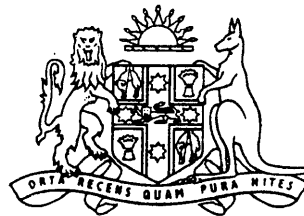
1. Short title
2. Commencement
3. Amendment of Library Act 1939 No. 40

SCHEDULE 1—AMENDMENTS

---

**LIBRARY (AMENDMENT) ACT 1992 No. 40**

NEW SOUTH WALES



**Act No. 40, 1992**

An Act to amend the Library Act 1939 to make further provision with respect to the services to be provided free of charge by local libraries; and for related purposes. [Assented to 19 May 1992]

*Library (Amendment) Act 1992 No. 40*

---

**The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Library (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Library Act 1939 No. 40**

3. The Library Act 1939 is amended as set out in Schedule 1.
- 

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

- (1) Sections 10, 10A:

Omit section 10, insert instead:

**Requirements as to services to be provided by local libraries**

10. (1) A local authority must comply with and observe the following requirements in relation to the provision, control and management by it of any local library:

- **Residents and ratepayers entitled to free membership**

Any person who is a resident of the area of the local authority or a ratepayer of the local authority is entitled to membership of the library free of charge.

- **Free access to certain materials on library premises**

Any person (whether or not a member of the library) is entitled free of charge to access to any book of the library and to any information forming part of the information service of the library (other than information excepted from free access by guidelines issued by the Council) for use on the library premises.

- **Free loans of certain materials to members**

Any person who is a member of the library is entitled to borrow free of charge from the library for use away

SCHEDULE 1—AMENDMENTS—*continued*

from the library premises any book of the library which has been classified by the librarian of the library as being of literary, informative or educational value or as being a fiction monograph.

- **Free delivery to sick or disabled members**

No charge is to be made for the delivery to a member of the library of any book or information that the member is entitled to borrow free of charge if the member for reasons of ill-health or disability cannot reasonably be expected to attend the library in person.

- **Free basic reference services to members**

Any person who is a member of the library is entitled to be provided free of charge with basic reference services (being any service classified by guidelines issued by the Council as a basic reference service), including assistance in locating information and sources of information.

- **Free ordering of books for members**

No charge is to be made for the ordering of books for purchase by members of the library.

- **Provision of certain commercial services prohibited**

A local library is not to provide any service (whether or not it charges for the service) that under guidelines issued by the Council is classified as a commercial service which is unfairly competitive with the private sector.

- **Restriction on use of State subsidy**

Any subsidy paid to the local authority under this Act must be expended in providing the services that are required by this section to be provided free of charge.

(2) An entitlement under this section to borrow a book from a library for use away from the library premises does not apply to any book that is classified by the librarian of the library as a reference book.

(3) If two or more local authorities have entered into arrangements for conferring reciprocal library entitlements on the residents and ratepayers of their areas, a resident or

SCHEDULE 1—AMENDMENTS—*continued*

ratepayer of any of the areas concerned is for the purposes of this section to be considered to be a resident or ratepayer of each of the other areas concerned also.

(4) In this section:

“**charge**” means any charge made directly or indirectly on a person but does not include a prescribed fee for the late return of a book or a charge made for the loss of or damage to a book.

(5) The Council may issue guidelines to local authorities for the purposes of this section.

**Restrictions on borrowing entitlements etc.**

10A. (1) Section 10 does not affect the operation of any regulation, ordinance or by-law relating to the library to the extent that it is not inconsistent with a requirement of section 10 that an entitlement be provided free of charge.

(2) Section 10 does not prevent a local authority from determining:

- (a) the maximum number of books or the maximum number of books of a particular class of books which a person may borrow at any one time from the library for use on or away from the library premises; or
- (b) the limitations, restrictions and conditions which may apply to the availability of any particular book or class of books for use on or away from the library premises.

(3) A determination under subsection (2):

- (a) must be consistent with the requirements of section 10 that an entitlement be provided free of charge; and
- (b) must not differ, or have effect so as to differ, in its operation between members and non-members of the library (except as regards the payment of a charge by non-members).

*Library (Amendment) Act 1992 No. 40*

---

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 13 (3A):

Omit “requirement of section 10 (1) (d)”, insert instead  
“requirements of sections 10 and 10A”.

---

*[Minister's second reading speech in—  
Legislative Assembly on 5 March 1992  
Legislative Council on 5 May 1992]*