

**LIBRARY ACT 1939—REGULATION**

(Library Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 102 of 25 August 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Library Act 1939, has been pleased to make the Regulation set forth hereunder.

BOB CARR, M.P.,  
Minister for the Arts.

---

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Library Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“**Council**” means the Library Council of New South Wales;

“**governing body**” of a library means:

- (a) the Council, in the case of the State Library; and
- (b) the relevant local authority, in the case of a local library;

“**librarian**” of a library includes the person for the time being in charge of the library generally or in charge of any portion or section of the library;

“**library**” means:

- (a) the State Library or, depending on the context, the premises of the State Library; or

- (b) a local library that is provided, controlled or managed by a local authority by which the Act is for the time being adopted or, depending on the context, the premises of any such library;

**“library staff member”** means:

- (a) in the case of the State Library, any officer or employee referred to in section 7 of the Act; and
- (b) in the case of a local library, any member of staff of the library;

**“local authority”**, in relation to a library or library service, means the council of the local government area in which the library is situated or in which the library service is conducted;

**“State Library”**, when referring to the premises of the State Library, includes any premises used by the Council from time to time as part of, or in connection with, the State Library;

**“the Act”** means the Library Act 1939.

## **PART 2—MANAGEMENT OF LIBRARIES**

### **Division 1—The State Library**

#### **Access to departments of the State Library**

**4. (1)** The Council may restrict the use of any facilities, services or collections of the State Library to particular persons or for particular purposes.

**(2)** The Council may require any person wishing to make use of the facilities, services or collections of the State Library to obtain the Council’s consent to that use.

**(3)** As a condition of its consent, the Council may require a person to give any one or more of the following undertakings:

- (a) an undertaking to give due notice in writing of any intention to publish in any form any original library material;
- (b) an undertaking to deposit in the office of the State Librarian a copy of any work so published;
- (c) an undertaking to acknowledge in a form approved by the Council the source of the original material in any use made of copies of original library material;

- (d) an undertaking not to produce any copy of any original library material without the permission in writing of the Council;
- (e) an undertaking not to sell or give away any copy of any original library material without the permission in writing of the Council.

### **Division 2—Local libraries**

#### **Books must not be removed unless borrower is registered**

**5. (1)** A person must not take a book away from a local library unless the person is registered as a borrower at that library.

**(2)** The procedure for registration, including the term of registration, is to be determined by the local authority.

**(3)** The local authority may refuse to register a person as a borrower at a library or may cancel a person's registration as a borrower:

- (a) if the person is not a resident of the local government area of the local authority or of a local government area in relation to which the local authority has entered into an arrangement referred to in section 10 (3) of the Act; or
- (b) if the person has failed to comply with the library rules for the library; or
- (c) if, in the opinion of the local authority, the person is not a fit and proper person to be registered.

#### **Library rules**

**6. (1)** A local authority may make rules to regulate the use of its local libraries.

**(2)** The rules for a local library may make provision with respect to the following matters:

- (a) the borrowing and returning of books;
- (b) the charges to be imposed for books that are returned late and for books that are lost, damaged or destroyed;
- (c) any other matters relating to the use of the library.

**(3)** It is a condition of a person's registration as a borrower at a local library that the person must comply with the library rules in force for the library.

#### **Calculating the value of a book**

**7. (1)** The maximum charge that may be imposed by the rules for a local Library for a book that is lost, damaged or destroyed is the full value of the book or, if the book is only obtainable as one of a series of books, the full value of the series.

(2) The full value of a book or series of books is the value determined by the local authority, being a value not exceeding the sum of the following amounts:

- (a) the original purchase price or the replacement purchase price, whichever is the greater;
- (b) the cost of processing the book or series of books for use in the local library.

#### **Fee for the late return of a library book**

8. For the purposes of the definition of “charge” in section 10 (4) of the Act, the prescribed fee for the late return of a library book is the fee determined by the local authority for the library, being a fee that (whether calculated on a daily, weekly or other basis) does not exceed \$50.

### **PART 3—USE OF LIBRARIES AND LIBRARY BOOKS**

#### **Certain articles must not be taken into a reading room**

9. A person entering any library with any umbrella, bag, case or package, or any photographic or other article or equipment, must not take it beyond any vestibule of a library except with the consent of the governing body for the library.

Maximum penalty: 2 penalty units.

#### **Reproduction of books is restricted**

10. A person must not photograph, photocopy, trace or otherwise reproduce (whether by electronic or digital reproduction) a book or part of a book of a library without the consent of the governing body for the library.

Maximum penalty: 2 penalty units.

#### **Damaging books**

11. (1) A person must not write in or on or mark or cause any damage to any book of any library.

(2) A person must not tear or otherwise mutilate or turn down or fold any leaf or plate of any book of the library.

Maximum penalty: 2 penalty units.

#### **Deliberate misplacing or hiding of books**

12. A person must not wilfully misplace or hide a book, or any record of a book, of any library.

Maximum penalty: 2 penalty units.

**Noise**

**13.** A person must not by speech or otherwise make any more noise in any library than is reasonably necessary for the use of the library.

Maximum penalty: 2 penalty units.

**Proper use of a library**

**14.** A person must not, without the consent of the governing body for the library, use any library for any other purpose than reading, consulting or borrowing the books of the library or any other library service or information service.

Maximum penalty: 2 penalty units.

**Smoking, eating and drinking prohibited**

**15.** A person must not smoke, eat or drink in any library otherwise than on those parts of the premises set aside for the purpose by the governing body for the library.

Maximum penalty: 2 penalty units.

**Animals prohibited**

**16. (1)** A person must not take any animal into any library or leave any animal in such a library unless the person has the consent of the governing body for the library.

Maximum penalty: 2 penalty units.

**(2)** This clause does not prohibit a hearing or visually impaired person from taking a guide dog into the library.

**Library users may be directed to leave**

**17. (1)** A library staff member may direct any person to leave the library, and not to re-enter the library for such period as the authorised officer directs, if the staff member is of the opinion that:

- (a) the person has contravened any provision of this Part; or
- (b) the person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.

**(2)** A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

**(3)** The period for which a person may be excluded from the library by such a direction must not exceed the maximum period (being not more than 1 year) determined by the governing body of the library.

**PART 4—LIBRARIANS****Certificate of competency as a librarian**

**18. (1)** The qualifications for a certificate of competency as a librarian are as follows:

**Educational qualifications**

The person must be either:

- qualified for admission as a professional member of the Australian Library and Information Association; or
- the holder of a qualification which, in the opinion of the Council, is of an equivalent standard.

**Experience**

The person must have either:

- 3 years' experience in librarianship; or
- 1 year's experience in librarianship after gaining one of the above educational qualifications, where that experience is satisfactory to the Council.

**(2)** Any person may apply in writing to the Council for a certificate of competency as a librarian.

**(3)** The Council must issue such a certificate to any applicant who has the necessary qualifications.

**Register of certificates of competency issued**

**19. (1)** For the purposes of section 5 (1) (f) of the Act, the Council must maintain a register of the names of persons to whom certificates of competency as librarians have been issued in the manner prescribed in this clause.

**(2)** The register must contain details of the following matters:

- (a) the name of the person to whom the certificate was issued;
- (b) the date of issue of the certificate;
- (c) details of the Council meeting at which the certificate was issued;
- (d) the number of the certificate.

**Employment of librarians by local authorities**

**20.** A local authority may appoint a person to be the librarian of a local library only if either of the following circumstances exist:

- (a) the person holds a current certificate of competency as a librarian;  
or
- (b) the Council has exempted the relevant local authority from the requirement to appoint such a person as the librarian.

---

**PART 5—GENERAL**
**Determination of local population for subsidy purposes: sec. 13**

**21.** For the purposes of section 13 (6) of the Act, the number of persons resident within the area of a local authority is the number of persons given as resident within that area in the table of the populations of local government areas most recently compiled by the Australian Bureau of Statistics before the year for which the subsidy is claimed.

**Repeal**

**22. (1)** The Library Regulation 1976 is repealed.

**(2)** Any act, matter or thing which, immediately before the repeal of the Library Regulation 1976, had effect under that Regulation continues to have effect under this Regulation.

---

**NOTES****TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions

**PART 2—MANAGEMENT OF LIBRARIES**

## Division 1—The State Library

4. Access to departments of the State Library

## Division 2—Local libraries

5. Books must not be removed unless borrower is registered
6. Library rules
7. Calculating the value of a book
8. Fee for the late return of a library book

**PART 3—USE OF LIBRARIES AND LIBRARY BOOKS**

9. Certain articles must not be taken into a reading room
10. Reproduction of books is restricted
11. Damaging books
12. Deliberate misplacing or hiding of books
13. Noise
14. Proper use of a library
15. Smoking, eating and drinking prohibited
16. Animals prohibited
17. Library users may be directed to leave

**1995—No. 388**

---

**PART 4—LIBRARIANS**

18. Certificates of competency as a librarian
19. Register of certificates of competency issued
20. Employment of librarians by local authorities

**PART 5—GENERAL**

21. Determination of local population for subsidy purposes: sec. 13
  22. Repeal
- 

**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor modifications, the provisions of the Library Regulation 1976. The Regulation makes provision in respect of the following matters:

- (a) the management of the State Library and of local libraries (clauses 4–8);
- (b) the conduct of users of the State Library and local libraries (clauses 9–17);
- (c) the certification and employment of librarians (clauses 18–20);
- (d) the determination of local population for the purposes of determining library subsidies under the Act (clause 21);
- (e) other formal matters (clauses 1, 2, 3 and 22).

This Regulation is made under the provisions of the Library Act 1939, including section 15 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

---