



New South Wales

## Library Regulation 2000

under the

Library Act 1939

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Library Act 1939*.

BOB CARR, M.P.,

Minister for the Arts

### Explanatory note

This Regulation replaces the *Library Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation makes provision in respect of the following matters:

- (a) the management of the State Library and of local libraries (including the fee that may be charged for the late return of library books),
- (b) the conduct of users of the State Library and local libraries,
- (c) the amount used for the purposes of calculating the yearly subsidy payable to certain councils in respect of library services and related facilities provided by those councils,
- (d) the determination of local populations for subsidy purposes.

This Regulation is made under the *Library Act 1939*, including sections 10, 13 and 15 (the general regulation making power).

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Library Regulation 2000

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## Library Regulation 2000

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Library Regulation 2000*.

#### 2 Commencement

This Regulation commences on 1 September 2000.

**Note.** This Regulation replaces the *Library Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**Council** means the Library Council of New South Wales.

**governing body** of a library means:

- (a) in the case of the State Library—the Council, or
- (b) in the case of a local library—the relevant local authority.

**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, or
- (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.

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*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*.

- (2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Management of libraries

### Division 1 The State Library

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

- (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

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

- (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.

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- (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.

### **6 Library rules**

- (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.

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

- (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.

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

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.

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### **Part 3 Use of libraries and library books**

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

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.

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

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.

#### **11 Damaging books**

- (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.

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

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

Maximum penalty: 2 penalty units.

#### **13 Noise**

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.



**14 Proper use of a library**

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.

**15 Smoking, eating and drinking prohibited**

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.

**16 Animals prohibited**

- (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 person with a disability from taking an assistance animal into a library.

- (3) In this clause:

*assistance animal* means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

*disability* has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

**17 Library users may be directed to leave**

- (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 staff member 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.
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- (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 determined by the governing body of the library.

## Part 4 Miscellaneous

### 18 Prescribed amount for subsidy

For the purposes of section 13 (4) (b) of the Act, the prescribed amount is \$1.85.

### 19 Determination of local population for subsidy purposes

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.

### 20 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Library Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.