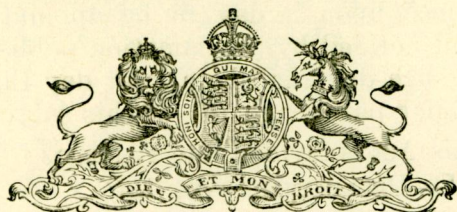


# New South Wales.



ANNO TERTIO

## GEORGII VI REGIS.

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### Act No. 40, 1939.

An Act to make further provision for the establishment, maintenance and management of libraries and library services; to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932-1934, and certain other Acts; and for purposes connected therewith. [Assented to, 13th November, 1939.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

#### PART I.

##### PRELIMINARY.

1. (1) This Act may be cited as the "Library Act, Short title. 1939."

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(2) (a) This Act with the exception of sections thirteen and fourteen shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(b) Sections thirteen and fourteen of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, but such day shall be a later day than the day appointed under paragraph (a) of this subsection.

(3) This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—*ss.* 1, 2.

PART II.—THE LIBRARY BOARD OF NEW SOUTH WALES—*ss.* 3-7.

PART III.—LIBRARIES AND LIBRARY SERVICES—*ss.* 8-15.

DIVISION 1.—*Adoption of Act—s.* 8.

DIVISION 2.—*Provisions applicable where Act adopted—ss.* 9-15.

PART IV.—AMENDMENTS OF LOCAL GOVERNMENT ACT, 1919, AND SYDNEY CORPORATION ACT, 1932-1934—*ss.* 16, 17.

Definitions.

**2.** In this Act, unless the context or subject-matter otherwise indicates or requires—

“Area” means a city, municipality or shire and includes the City of Sydney.

“Board” means the Library Board of New South Wales.

“Citizen” has the meaning given to that expression in the Sydney Corporation Act, 1932-1934.

“Council” means a council under the Local Government Act, 1919, and includes the Municipal Council of Sydney.

“Elector” has the meaning given to that expression in the Local Government Act, 1919.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations made under this Act.

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## PART II.

## THE LIBRARY BOARD OF NEW SOUTH WALES.

**3.** (1) There shall be a Library Board of New South Wales which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon the board by or under this Act. The board.

(2) The board shall consist of twelve members of whom eleven (in this Act referred to as "appointed members") shall be appointed by the Governor, and one shall be the person who for the time being holds the office of Principal Librarian of the Public Library of New South Wales.

(3) Of the appointed members—

- (a) one shall be a representative of the Local Government Association of New South Wales;
- (b) one shall be a representative of the Shires Association of New South Wales;
- (c) one shall be a representative of the Department of Education;
- (d) one shall be a representative of the Colonial Treasurer's Department;
- (e) one shall be a representative of the Department of Works and Local Government;
- (f) one shall be a representative of the Trustees of the Public Library of New South Wales;
- (g) one shall be a representative of the New South Wales Branch of the Australian Institute of Librarians.

(4) (a) The representative of the Local Government Association of New South Wales shall be appointed on the nomination of the Minister from persons whose names are on a panel of not less than two names submitted by the Executive Committee of that Association to the Minister in the manner and within the time prescribed.

(b) The representative of the Shires Association of New South Wales shall be appointed on the nomination of the Minister from persons whose names are

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are on a panel of not less than two names submitted by the Executive Committee of that Association to the Minister in the manner and within the time prescribed.

(c) The representative of the Australian Institute of Librarians shall be appointed on the nomination of the Minister from persons whose names are on a panel of not less than two names submitted by the Executive Committee of the New South Wales Branch of that Institute to the Minister in the manner and within the time prescribed.

(d) If a panel of names is not submitted to the Minister as required by paragraph (a) or paragraph (b) of this subsection the representative of the Association concerned shall be appointed on the nomination of the Minister.

(5) (a) The representative of the Department of Education shall be appointed on the nomination of the Minister and shall be either the Under Secretary and Director of Education or an officer of that Department recommended by him for such nomination.

(b) The representative of the Colonial Treasurer's Department shall be appointed on the nomination of the Minister and shall be either the Under Secretary and Comptroller of Accounts, The Treasury, or an officer of that Department recommended by him for such nomination.

(c) The representative of the Department of Works and Local Government shall be appointed on the nomination of the Minister and shall be either the Under Secretary of that Department or an officer of that Department recommended by him for such nomination.

(d) The representative of the Trustees of the Public Library of New South Wales shall be appointed on the nomination of the Minister and shall be either the President or one of the trustees recommended by him for such nomination.

(6) The appointed members (other than those referred to in subsection three of this section) shall be appointed on the nomination of the Minister.

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(7) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property whether for valuable consideration or otherwise, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer:

Provided that no sale or other disposition by the board of any real property shall be made except with the approval of the Governor.

(8) The corporate name of the board shall be the "Library Board of New South Wales."

(9) (a) The board shall have power to acquire by gift, devise or bequest any property for any of the purposes of this Act, and to agree to the conditions of any such gift, devise or bequest.

(b) The rule of law relating to perpetuities shall not apply to any condition of a gift, devise or bequest to which the board has agreed. cf. 17 and 18  
Geo. V, c.  
41, s. 8.

(10) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

(11) The board shall continue notwithstanding that there are at any time or times vacancies in the offices of all the members or of any one or more of them.

(12) The Governor shall appoint one of the members to be chairman and another of the members to be deputy chairman of the board.

(13) The procedure for the calling of meetings of the board and for the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the board.

(14) Five members of the board shall form a quorum, and any duly convened meeting of the board at which a quorum is present shall be competent to transact  
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any business of the board and shall have and may exercise and discharge all the powers, authorities, duties and functions of the board.

(15) At any meeting of the board the chairman, or in his absence the deputy chairman, if present at the meeting shall preside. If the chairman and deputy chairman are both absent from any meeting the members present may elect one of their number to preside at the meeting.

(16) At any meeting of the board the decision of a majority of the members present shall be the decision of the board.

If at any meeting of the board the members present are equally divided in opinion upon any matter, the matter may be decided on the casting vote of the chairman or deputy chairman or member presiding at the meeting, as the case may be.

(17) (a) The Principal Librarian of the Public Library of New South Wales shall be the executive member of the board.

(b) The board may, from time to time, by resolution delegate to the executive member of the board either generally or in any particular case or class of cases such of the powers, authorities, duties and functions of the board as are specified in the resolution.

(c) The executive member of the board, when acting within the scope of any such delegation to him, shall be deemed to be the board.

(d) The board may by resolution revoke any such delegation.

(18) (a) The chairman and deputy chairman of the board shall receive such remuneration as may from time to time be fixed by the Governor.

(b) Each of the other members of the board shall receive such fees for each meeting attended by him as may from time to time be fixed by the Governor.

(c) Each member of the board shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

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(19) (a) In the case of the illness, suspension or absence of any member the Governor may appoint a deputy to act in the place of such member during his illness, suspension or absence.

(b) Any deputy appointed under this subsection shall, while he acts as such deputy, have all the powers and authorities of the member in whose place he acts.

(c) A deputy appointed under this subsection may, if the Governor thinks fit, be paid such fee for each meeting attended by him and such travelling expenses as the Governor may determine.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the member for whom the deputy is acting.

(20) The members of the board shall not, in their capacity as such members, be subject to the provisions of the Public Service Act, 1902, or of any Act amending that Act, during their term of office.

**4.** (1) An appointed member shall, subject to this Act, hold office for such term, not exceeding four years, as may be specified in the instrument of appointment, but shall be eligible for reappointment. Appointed members.

(2) The provisions of the Public Service Act, 1902, and any Act amending that Act shall not apply to or in respect of the appointment of appointed members.

(3) An appointed member shall be deemed to have vacated his office if he—

(a) becomes bankrupt, compounds with his creditors or makes an assignment of his remuneration, fees or estate for their benefit;

(b) is absent from four consecutive ordinary meetings of the board without the leave of the board;

(c)

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- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (d) resigns his office by writing under his hand addressed to the Governor;
- (e) being one of the members referred to in subsection five of section three of this Act, ceases to hold the qualification in virtue of which he was nominated for appointment;
- (f) is removed from office by the Governor.

(4) The Governor may, for any cause which appears to him to be sufficient, remove any appointed member from office.

**5.** (1) It shall be the duty of the board—

- (a) to make or cause to be made careful inquiry into the administration and management of every library and library service which is provided, controlled and managed (either directly or under an agreement to which it is a party) by a council which has adopted this Act;
- (b) to cause every library and library service which is provided, controlled and managed (either directly or under an agreement to which it is a party) by a council which has adopted this Act, to be inspected from time to time and at least once in each year;
- (c) to report to the Minister as to the sums required to be provided in each year to meet the cost of subsidies payable under this Act;
- (d) to make recommendations to the Minister as to—
  - (i) what libraries and library services should be subsidised under this Act;
  - (ii) what sum of money should be paid by way of subsidy under this Act to any council;
  - (iii) what conditions should be attached to the payment of subsidy under this Act to any council;

Duties of  
the board.  
cf. Act No.  
8, 1929,  
s. 11.

(e)



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- (e) to make provision for the training of persons as librarians and library assistants;
- (f) to keep, in the manner prescribed, a register of the names of persons to whom certificates of competency as librarians and library assistants have been issued.

(2) The board may—

Powers of board.

- (a) provide, control and manage libraries and library services;
- (b) devise and initiate improved methods to be followed in or in connection with the provision, control and management of libraries and library services;
- (c) collate information relating to libraries and library services and disseminate or arrange for the dissemination of such information.

(3) The board shall exercise and discharge such other powers, authorities, duties and functions in relation to libraries and library services as the Minister may, from time to time, by writing under his hand direct or as may be prescribed.

**6.** (1) The board shall, not later than the thirtieth day of September in each year, cause a report of its work during the year ending on the thirtieth day of June then next preceding to be prepared and forwarded to the Minister for presentation to Parliament.

Annual report.

(2) The report shall contain such information as may be prescribed.

**7.** (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the execution of this Act.

Officers and employees.

(2) The board may, with the approval of the Minister administering the department concerned and of the Public Service Board, make use of the services of any officer or employee of the Public Service for the purposes of this Act.

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## PART III.

## LIBRARIES AND LIBRARY SERVICES.

DIVISION 1.—*Adoption of Act.*Adoption  
of Act.

8. (1) This Act may be adopted by any council—

- (a) by resolution of the council;
- (b) by vote of the electors or citizens at a poll taken on the question whether the council shall adopt this Act.

Revocation  
of adoption.

(2) A council which has adopted this Act may, by resolution passed by the council after a proposal in that behalf has been approved by a poll of electors or citizens, revoke the adoption of this Act.

Notices.

(3) Notice of the adoption of this Act or of the revocation of such adoption shall be given to the board by the council concerned as soon as practicable after the adoption or the revocation, as the case may be.

(4) Where a council revokes the adoption of this Act an adjustment shall be made of the interests of the council and of the Crown in any property to the provision of which subsidy under this Act has contributed.

Such adjustment shall be made by agreement between the council and the board, or in default of agreement, in such manner as the Governor may determine.

DIVISION 2.—*Provisions applicable where Act adopted.*Application  
of Division.

9. This Division of this Part of this Act shall apply to and in respect of councils which have adopted this Act.

Require-  
ments  
relating to  
libraries.

10. (1) A council shall, in or in connection with the provision, control and management by it of any library, comply with and observe the following requirements:—

- (a) Any person may, without charge but otherwise subject to any regulation, ordinance or by-law relating to the library, borrow from the library for use by him upon the premises of the library, any book of the library.
- (b) Any person who is a resident of the area of the council or a ratepayer of the council may, without charge but otherwise subject to any regulation, ordinance or by-law relating to the library, borrow

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*Library.*

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borrow from the library for use by him away from the premises of the library any book of the library which has been classified by the librarian of the library as being of literary, informative or educational value.

- (c) Any person may, upon payment of the charges (if any) prescribed by and otherwise subject to any regulation, ordinance or by-law relating to the library, borrow from the library for use by him away from the premises of the library any book of the library.

(2) Nothing in subsection one of this section shall preclude a council from determining that any particular book or class of books shall be available for use subject to such limitations, restrictions or conditions as may be specified in the determination.

(3) In this section—

“Book” includes periodical, newspaper, and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any matter or thing whereby words or sounds are recorded or reproduced.

“Charge” means any charge made directly or indirectly upon a person in respect of the borrowing by him of books from a library and includes any fee for the registration of such person as a borrower or for any form, certificate, ticket or token which gives or evidences authority to borrow books from a library, or which is used for the purpose of recording borrowings or applications for borrowings of books from a library 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.

**11.** (1) A council may from time to time constitute a library committee and may delegate to the library committee all or any of the powers and duties of the council in relation to the provision, control and management of libraries and library services, except a power to borrow money,

Library  
committee.

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money, to make or levy a rate, to execute a deed or contract or an agreement under this Act, or to institute proceedings at law or in equity on behalf of the council.

(2) The members of the library committee shall be appointed by the council but need not be members of the council.

(3) A library committee shall exercise and perform its powers and duties subject to the control and direction of the council.

(4) The council may appoint any member of the committee to be the chairman thereof and may from time to time remove such member from his office as chairman and appoint another member in his place.

(5) The council may at any time dissolve a library committee or may, from time to time, reconstitute the library committee or revoke, amend or vary any delegation to a library committee.

(6) The council shall from time to time determine the number of members of the library committee which shall constitute a quorum at meetings of the library committee.

(7) The procedure for the calling of meetings of a library committee and for the conduct of business at such meetings shall, subject to any regulation made in relation thereto, be as determined by the library committee.

Agreements  
relating to  
libraries and  
library  
services.

**12.** (1) (a) Two or more councils may enter into an agreement whereby the council of one area undertakes the function of providing, controlling and managing libraries or library services within the area or areas of the other council or councils.

(b) Any such agreement shall specify the terms and conditions upon which the libraries or library services shall be so provided, controlled and managed.

(c) The council undertaking the function of providing, controlling and managing libraries or library services pursuant to an agreement under this subsection shall have, in relation to the area or areas of the other contracting council or contracting councils, such of the powers

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powers and duties of a council relating to the provision, control and management of libraries and library services as may be delegated to it by the agreement.

(2) (a) Two or more councils may enter into an agreement whereby the council of one area undertakes to exercise, for and on behalf of the council or councils of any other area or areas, within such other area or areas, any specified power or duty of a council in relation to the provision, control and management of libraries and library services.

(b) Any such agreement shall specify the terms and conditions upon which such power or duty shall be so exercised.

(3) Any agreement made under this section shall be made to have effect for a period to be specified therein.

(4) An agreement made under this section may provide that on termination of the agreement an adjustment shall be made of the interests of the several councils which are parties thereto in any property to the provision of which they have contributed and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall, on the application of any of the councils, be made by an arbitrator appointed by the board.

cf. 55 & 56  
Vict., c. 53,  
s. 24.

**13.** (1) A council within whose area a library or library service is provided, controlled and managed in accordance with this Act shall, subject to this Act, be entitled to subsidy under this section.

Subsidy.

(2) A council shall be eligible for subsidy under this section if during the year for which the subsidy is payable it expends out of rate income upon the provision, control and management of libraries and library services in its area, not less than the larger of the following amounts, namely:—

(a) An amount equivalent to the product of a rate upon the unimproved capital value of all ratable land within its area—

- (i) in the case of a municipality—of one-fourth of one penny in the pound;
- (ii) in the case of a shire—of one-tenth of one penny in the pound.

(b)

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(b) An amount equivalent to the sum of one shilling for each person resident within the area of the council:

Provided that in any case where the amount referred to in paragraph (a) of this subsection is greater than an amount equivalent to the sum of one shilling and sixpence for each person resident within the area of the council, the council shall be eligible for subsidy if it so expends not less than the last-mentioned amount.

(3) A council shall not be eligible for subsidy under this section unless the library or library service so provided, controlled and managed is in the opinion of the board reasonably capable of meeting the requirements of the persons resident in its area.

(4) The subsidy payable to any council shall be the difference between the minimum amount which that council is required by subsection two of this section to expend, and an amount equivalent to two shillings for each person resident within the area of the council.

(5) (a) In any case where a council makes and levies a special rate in any year for the purpose of providing, controlling and managing libraries and library services, and the estimated product of that special rate is not less than the minimum amount which that council is required by subsection two of this section to expend, the subsidy shall be payable during that year.

(b) In any other case the subsidy shall be payable during the year next following the year in which the council incurred the expenditure on the provision, control and management of libraries and library services.

(6) The regulations shall prescribe the manner in which the number of persons resident within the area of a council is to be ascertained for the purposes of this section.

Subsidy—  
how  
payable.

**14.** (1) A council which claims to be entitled to subsidy under section thirteen of this Act may lodge with the board an application for payment of such subsidy.

(2) The board shall consider such application and forward the same to the Minister together with its report and recommendation.

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(3) Subsidy shall be payable out of moneys provided by Parliament.

**15.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) Without prejudice to the generality of subsection one of this section regulations may be made—

- (a) for and in relation to the training of persons as librarians and library assistants;
- (b) regulating the issue of certificates of competency as librarians and library assistants;
- (c) prescribing the circumstances in which such certificates of competency may be suspended or cancelled;
- (d) prescribing the circumstances in which councils shall be required to employ librarians and library assistants who are holders of such certificates of competency;
- (e) regulating the use of libraries so as to protect the library and the fittings, furniture and contents thereof from injury, destruction or misuse; cf. 1 Edw. VII, c. 19, s. 3.
- (f) requiring the giving by a person using the library of any guarantee or security against loss of or injury to any book or other article;
- (g) regulating the conduct of persons using a library and providing for the exclusion or removal from a library of persons committing any offence against the regulations;
- (h) for the control and management of libraries including the making of charges in prescribed cases for the use of the library or for library services;
- (i) authorising the board or a council to provide, control and manage, subject to such conditions as may be prescribed, a library or library service (in conjunction with any library or library service being provided, controlled and managed by

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by the board or the council) at any school, hospital or other institution not open to the public.

(3) The regulations may impose a penalty not exceeding ten pounds for any breach of the regulations.

Such penalty may be recovered in a summary manner before a police or stipendiary magistrate or any two justices.

(4) Where any by-law, ordinance or regulation made under any Act is inconsistent with any regulation made under this Act the provisions of the regulation made under this Act shall prevail, and the provisions of the first-mentioned by-law, ordinance or regulation shall, to the extent of the inconsistency, have no force or effect.

(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.



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PART IV.

AMENDMENTS OF LOCAL GOVERNMENT ACT, 1919, AND SYDNEY CORPORATION ACT, 1932-1934.

**16.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended— Amendment of Act No. 41, 1919.

(a) by omitting section three hundred and fifty-seven and by inserting in lieu thereof the following section:— Substituted sec. 357.

357. (1) The council may provide, control and manage libraries and library services. Libraries and library services.

(2) The trustees of a mechanics' institute, school of arts or other like institution which is conducting a library may, with the approval of the Governor, transfer such library together with the furniture and fittings of the library and so much of the records of the institution as relate to the library, either alone or together with the land of the institution upon which the library premises are erected, to the council of the area within which the library is being conducted.

Any land transferred to the council under the authority of this subsection shall be held by the council upon trust for library purposes.

(b) by inserting next after section eighty-one the following new section:— New sec. 81A.

81A. (1) The council may, of its own motion, and shall, if required so to do by a petition signed by not less than one-fifth of the electors, take a poll of electors on any one or more of the following questions:— Polls in relation to libraries.

(a) whether the council shall provide, control and manage libraries or library services;

(b) whether the council shall adopt the Library Act, 1939;

(c) whether the council shall revoke the adoption of the Library Act, 1939;

(d)

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(d) whether a special rate shall be made and levied for the purpose of the provision, control and management of libraries and library services within the area of the council, after the adoption by the council of the Library Act, 1939.

(2) Notice of the poll shall be given by advertisement published three times at least in one or more newspapers circulating in the area of the council and the first publication shall be made at least thirty days before the date of the poll.

Sec. 120.  
(Special rates.)

(c) by inserting next after subsection one of section one hundred and twenty the following new subsections:—

(1A) The council shall so make and levy a special rate for the purpose of the provision, control and management of libraries and library services within the area of the council in any case where a proposal in that behalf has been affirmed at a poll taken pursuant to section 81A of this Act.

(1B) A special rate made and levied by a council for the purpose of the provision, control and management of libraries and library services under this Act and the Library Act, 1939, shall not be taken into account in determining the limit of rates under this Act applicable to that council.

Sec. 177.  
(Ordinary loans.)

(d) by inserting next after paragraph (g4) of subsection one of section one hundred and seventy-seven the following new paragraph:—

(g5) providing, controlling and managing libraries and library services.

(2) Every reading and lending library which was provided, controlled and managed by a council before the commencement of this Act shall, as from such commencement, be deemed to be a library provided, controlled and managed by the council under the Local Government Act, 1919, as amended by subsequent Acts, including this Act.

(3)

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(3) All ordinances relating to reading and lending libraries provided, controlled and managed by councils before the commencement of this Act, made under the Local Government Act, 1919, as amended by subsequent Acts, and in force immediately before such commencement, shall, to the extent to which they are not inconsistent with the Local Government Act, 1919, as amended by subsequent Acts, including this Act, continue in force but may be amended or repealed by ordinances made under that Act as so amended.

**17.** (1) The Sydney Corporation Act, 1932-1934, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
58, 1932.

- (a) by omitting sections one hundred and eighty-seven, one hundred and eighty-eight and one hundred and eighty-nine and by inserting in lieu thereof the following sections:—

Secs. 187,  
188 and 189.

187. (1) The council may provide, control and manage libraries and library services.

Libraries  
and library  
services.

(2) The council may defray the cost of providing, controlling and managing libraries and library services out of the city fund.

188. (1) The council shall, in or in connection with the provision, control and management of any library comply with and observe the following requirements:—

Require-  
ments  
relating to  
libraries.

(a) Any person may without charge but otherwise subject to the by-laws borrow from the library for use by him on the premises of the library any book contained in the library.

(b) Any person who is a resident of the city or a citizen may without charge but otherwise subject to the by-laws borrow from the library for use by him away from the premises of the library any book contained in the library which has been classified by the librarian as being of literary, informative or educational value.

(c)

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(c) Any person may, upon payment of the charges (if any) prescribed by and otherwise subject to the by-laws borrow from the library for use by him away from the premises of the library, any book contained in the library.

(2) Nothing in subsection one of this section shall preclude the council from determining that any particular book or class of books shall be available for use subject to such limitations, restrictions or conditions as may be specified in the determination.

(3) In this section—

“Book” includes periodical, newspaper, and other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any matter or thing whereby words or sounds are recorded or reproduced.

“Charge” means any charge made directly or indirectly upon a person in respect of the borrowing by him of books from a library, and includes any fee for the registration of such person as a borrower or for any form, certificate, ticket or token which gives or evidences authority to borrow books from a library or which is used for the purpose of recording borrowings or applications for borrowings of books from a library 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.

Sec. 262E.  
(Loans.)

(b) by inserting next after paragraph (f) of the definition of “Loan for essential services” in subsection eleven of section 262E the following new paragraph:—

(f1) the provision, control and management of libraries and library services, including the provision of lands and buildings therefor; (c)

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*Library.*

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(c) by omitting paragraph (uu) of subsection one of section two hundred and sixty-three and by inserting in lieu thereof the following paragraph:—

(uu) for and with respect to the provision, control and management of libraries and library services.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Every library which was established and maintained by the Municipal Council of Sydney before the commencement of subsection one of this section, and every library of which, immediately before such commencement, that council has the maintenance and control shall, as from such commencement, be deemed to be a library provided, controlled and managed by that council under the Sydney Corporation Act, 1932-1934, as amended by subsequent Acts including this Act.

(4) All by-laws relating to free reading and lending libraries under the control and management of the Municipal Council of Sydney made by that council under the Sydney Corporation Act, 1932, or any Act thereby repealed, and in force immediately before the commencement of subsection one of this section, shall, to the extent to which they are not inconsistent with the Sydney Corporation Act, 1932, as amended by subsequent Acts including this Act, continue in force but may be amended or repealed by by-laws made under that Act as so amended.

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By Authority:

THOMAS HENRY TENNANT, Acting Government Printer, Sydney, 1939.

[9d.]

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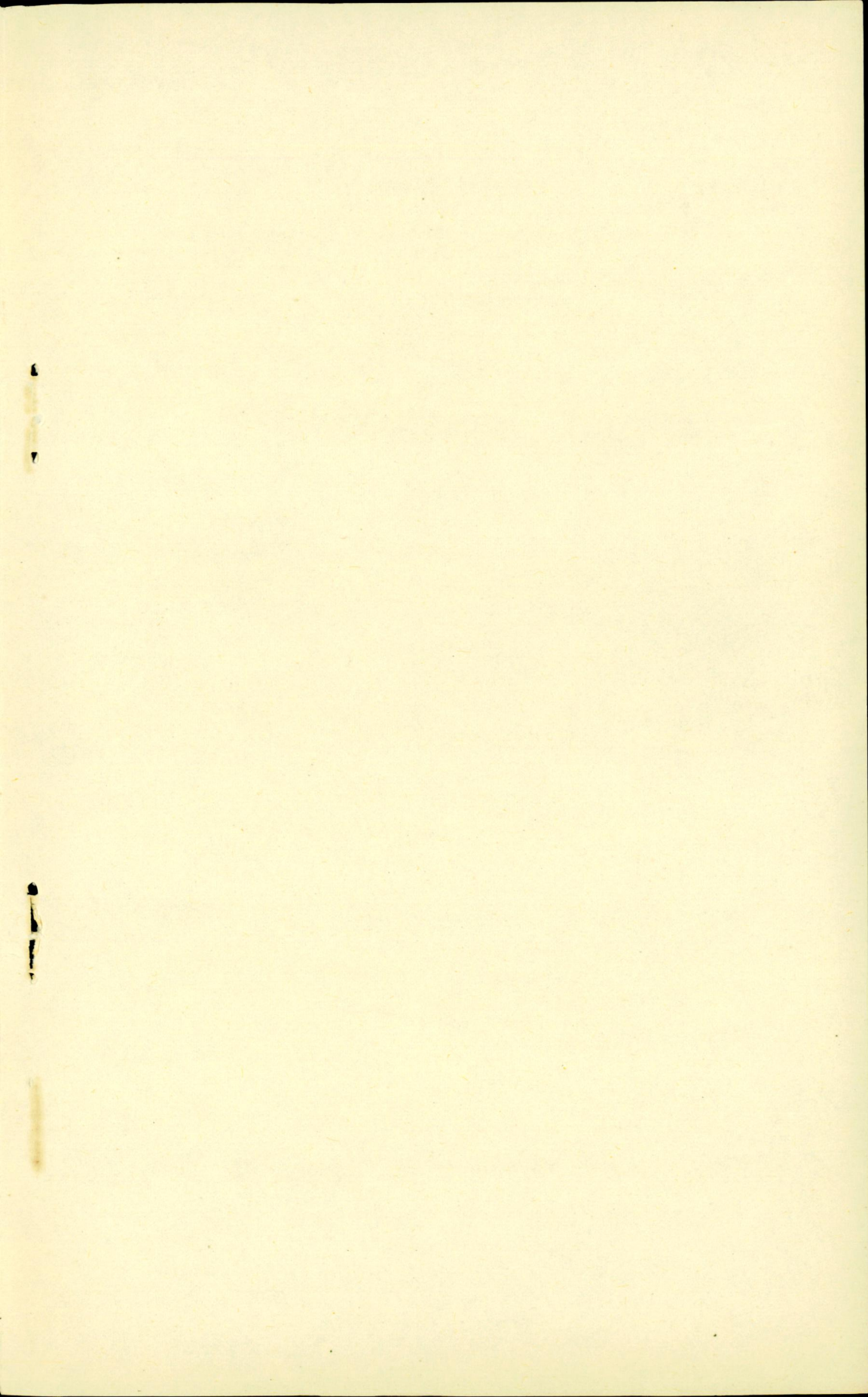
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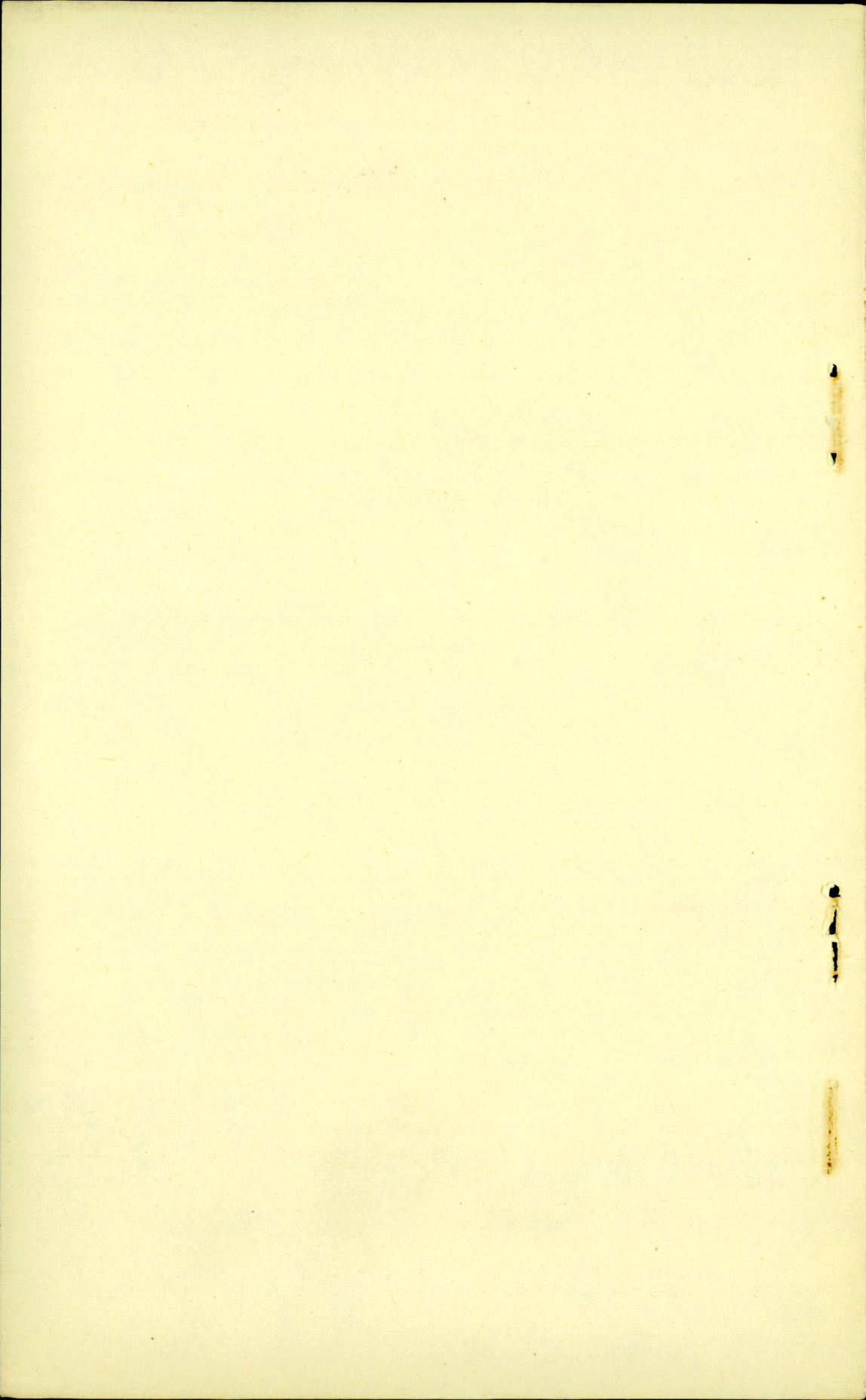
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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 November, 1939.*

## New South Wales.



ANNO TERTIO

# GEORGII VI REGIS.

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## Act No. 40, 1939.

An Act to make further provision for the establishment, maintenance and management of libraries and library services; to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932-1934, and certain other Acts; and for purposes connected therewith. [Assented to, 13th November, 1939.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

### PART I.

#### PRELIMINARY.

**1.** (1) This Act may be cited as the "Library Act, Short title, 1939."

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*

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*Library.*

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(2) (a) This Act with the exception of sections thirteen and fourteen shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(b) Sections thirteen and fourteen of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, but such day shall be a later day than the day appointed under paragraph (a) of this subsection.

(3) This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—THE LIBRARY BOARD OF NEW SOUTH WALES—ss. 3-7.

PART III.—LIBRARIES AND LIBRARY SERVICES—ss. 8-15.

DIVISION 1.—*Adoption of Act*—s. 8.

DIVISION 2.—*Provisions applicable where Act adopted*—ss. 9-15.

PART IV.—AMENDMENTS OF LOCAL GOVERNMENT ACT, 1919, AND SYDNEY CORPORATION ACT, 1932-1934—ss. 16, 17.

Definitions. **2.** In this Act, unless the context or subject-matter otherwise indicates or requires—

“Area” means a city, municipality or shire and includes the City of Sydney.

“Board” means the Library Board of New South Wales.

“Citizen” has the meaning given to that expression in the Sydney Corporation Act, 1932-1934.

“Council” means a council under the Local Government Act, 1919, and includes the Municipal Council of Sydney.

“Elector” has the meaning given to that expression in the Local Government Act, 1919.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations made under this Act.

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**PART**

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*Library.*

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## PART II.

## THE LIBRARY BOARD OF NEW SOUTH WALES.

3. (1) There shall be a Library Board of New South Wales which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon the board by or under this Act. The board.

(2) The board shall consist of twelve members of whom eleven (in this Act referred to as "appointed members") shall be appointed by the Governor, and one shall be the person who for the time being holds the office of Principal Librarian of the Public Library of New South Wales.

(3) Of the appointed members—

- (a) one shall be a representative of the Local Government Association of New South Wales;
- (b) one shall be a representative of the Shires Association of New South Wales;
- (c) one shall be a representative of the Department of Education;
- (d) one shall be a representative of the Colonial Treasurer's Department;
- (e) one shall be a representative of the Department of Works and Local Government;
- (f) one shall be a representative of the Trustees of the Public Library of New South Wales;
- (g) one shall be a representative of the New South Wales Branch of the Australian Institute of Librarians.

(4) (a) The representative of the Local Government Association of New South Wales shall be appointed on the nomination of the Minister from persons whose names are on a panel of not less than two names submitted by the Executive Committee of that Association to the Minister in the manner and within the time prescribed.

(b) The representative of the Shires Association of New South Wales shall be appointed on the nomination of the Minister from persons whose names are

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*Library.*

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are on a panel of not less than two names submitted by the Executive Committee of that Association to the Minister in the manner and within the time prescribed.

(c) The representative of the Australian Institute of Librarians shall be appointed on the nomination of the Minister from persons whose names are on a panel of not less than two names submitted by the Executive Committee of the New South Wales Branch of that Institute to the Minister in the manner and within the time prescribed.

(d) If a panel of names is not submitted to the Minister as required by paragraph (a) or paragraph (b) of this subsection the representative of the Association concerned shall be appointed on the nomination of the Minister.

(5) (a) The representative of the Department of Education shall be appointed on the nomination of the Minister and shall be either the Under Secretary and Director of Education or an officer of that Department recommended by him for such nomination.

(b) The representative of the Colonial Treasurer's Department shall be appointed on the nomination of the Minister and shall be either the Under Secretary and Comptroller of Accounts, The Treasury, or an officer of that Department recommended by him for such nomination.

(c) The representative of the Department of Works and Local Government shall be appointed on the nomination of the Minister and shall be either the Under Secretary of that Department or an officer of that Department recommended by him for such nomination.

(d) The representative of the Trustees of the Public Library of New South Wales shall be appointed on the nomination of the Minister and shall be either the President or one of the trustees recommended by him for such nomination.

(6) The appointed members (other than those referred to in subsection three of this section) shall be appointed on the nomination of the Minister.

(7)

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*Library.*

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(7) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property whether for valuable consideration or otherwise, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer:

Provided that no sale or other disposition by the board of any real property shall be made except with the approval of the Governor.

(8) The corporate name of the board shall be the "Library Board of New South Wales."

(9) (a) The board shall have power to acquire by gift, devise or bequest any property for any of the purposes of this Act, and to agree to the conditions of any such gift, devise or bequest.

(b) The rule of law relating to perpetuities shall not apply to any condition of a gift, devise or bequest to which the board has agreed. cf. 17 and 18 Geo. V, c. 41, s. 8.

(10) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

(11) The board shall continue notwithstanding that there are at any time or times vacancies in the offices of all the members or of any one or more of them.

(12) The Governor shall appoint one of the members to be chairman and another of the members to be deputy chairman of the board.

(13) The procedure for the calling of meetings of the board and for the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the board.

(14) Five members of the board shall form a quorum, and any duly convened meeting of the board at which a quorum is present shall be competent to transact  
any

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*Library.*

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any business of the board and shall have and may exercise and discharge all the powers, authorities, duties and functions of the board.

(15) At any meeting of the board the chairman, or in his absence the deputy chairman, if present at the meeting shall preside. If the chairman and deputy chairman are both absent from any meeting the members present may elect one of their number to preside at the meeting.

(16) At any meeting of the board the decision of a majority of the members present shall be the decision of the board.

If at any meeting of the board the members present are equally divided in opinion upon any matter, the matter may be decided on the casting vote of the chairman or deputy chairman or member presiding at the meeting, as the case may be.

(17) (a) The Principal Librarian of the Public Library of New South Wales shall be the executive member of the board.

(b) The board may, from time to time, by resolution delegate to the executive member of the board either generally or in any particular case or class of cases such of the powers, authorities, duties and functions of the board as are specified in the resolution.

(c) The executive member of the board, when acting within the scope of any such delegation to him, shall be deemed to be the board.

(d) The board may by resolution revoke any such delegation.

(18) (a) The chairman and deputy chairman of the board shall receive such remuneration as may from time to time be fixed by the Governor.

(b) Each of the other members of the board shall receive such fees for each meeting attended by him as may from time to time be fixed by the Governor.

(c) Each member of the board shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

(19)

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*Library.*

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(19) (a) In the case of the illness, suspension or absence of any member the Governor may appoint a deputy to act in the place of such member during his illness, suspension or absence.

(b) Any deputy appointed under this subsection shall, while he acts as such deputy, have all the powers and authorities of the member in whose place he acts.

(c) A deputy appointed under this subsection may, if the Governor thinks fit, be paid such fee for each meeting attended by him and such travelling expenses as the Governor may determine.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to act in the place of a member, or as to the necessity or propriety of any appointment of a deputy; and all acts and things done or omitted by a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the member for whom the deputy is acting.

(20) The members of the board shall not, in their capacity as such members, be subject to the provisions of the Public Service Act, 1902, or of any Act amending that Act, during their term of office.

4. (1) An appointed member shall, subject to this Act, hold office for such term, not exceeding four years, as may be specified in the instrument of appointment, but shall be eligible for reappointment. Appointed members.

(2) The provisions of the Public Service Act, 1902, and any Act amending that Act shall not apply to or in respect of the appointment of appointed members.

(3) An appointed member shall be deemed to have vacated his office if he—

(a) becomes bankrupt, compounds with his creditors or makes an assignment of his remuneration, fees or estate for their benefit;

(b) is absent from four consecutive ordinary meetings of the board without the leave of the board;

(c)

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*Library.*


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- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (d) resigns his office by writing under his hand addressed to the Governor;
- (e) being one of the members referred to in subsection five of section three of this Act, ceases to hold the qualification in virtue of which he was nominated for appointment;
- (f) is removed from office by the Governor.

(4) The Governor may, for any cause which appears to him to be sufficient, remove any appointed member from office.

Duties of  
the board.  
cf. Act No.  
8, 1929,  
s. 11.

5. (1) It shall be the duty of the board—

- (a) to make or cause to be made careful inquiry into the administration and management of every library and library service which is provided, controlled and managed (either directly or under an agreement to which it is a party) by a council which has adopted this Act;
- (b) to cause every library and library service which is provided, controlled and managed (either directly or under an agreement to which it is a party) by a council which has adopted this Act, to be inspected from time to time and at least once in each year;
- (c) to report to the Minister as to the sums required to be provided in each year to meet the cost of subsidies payable under this Act;
- (d) to make recommendations to the Minister as to—
  - (i) what libraries and library services should be subsidised under this Act;
  - (ii) what sum of money should be paid by way of subsidy under this Act to any council;
  - (iii) what conditions should be attached to the payment of subsidy under this Act to any council;

(e)



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*Library.*


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- (e) to make provision for the training of persons as librarians and library assistants;
- (f) to keep, in the manner prescribed, a register of the names of persons to whom certificates of competency as librarians and library assistants have been issued.

(2) The board may—

Powers of board.

- (a) provide, control and manage libraries and library services;
- (b) devise and initiate improved methods to be followed in or in connection with the provision, control and management of libraries and library services;
- (c) collate information relating to libraries and library services and disseminate or arrange for the dissemination of such information.

(3) The board shall exercise and discharge such other powers, authorities, duties and functions in relation to libraries and library services as the Minister may, from time to time, by writing under his hand direct or as may be prescribed.

**6.** (1) The board shall, not later than the thirtieth day of September in each year, cause a report of its work during the year ending on the thirtieth day of June then next preceding to be prepared and forwarded to the Minister for presentation to Parliament.

Annual report.

(2) The report shall contain such information as may be prescribed.

**7.** (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the execution of this Act.

Officers and employees.

(2) The board may, with the approval of the Minister administering the department concerned and of the Public Service Board, make use of the services of any officer or employee of the Public Service for the purposes of this Act.

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PART

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*Library.*


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## PART III.

## LIBRARIES AND LIBRARY SERVICES.

DIVISION 1.—*Adoption of Act.*Adoption  
of Act.

8. (1) This Act may be adopted by any council—

- (a) by resolution of the council;
- (b) by vote of the electors or citizens at a poll taken on the question whether the council shall adopt this Act.

Revocation  
of adoption.

(2) A council which has adopted this Act may, by resolution passed by the council after a proposal in that behalf has been approved by a poll of electors or citizens, revoke the adoption of this Act.

Notices.

(3) Notice of the adoption of this Act or of the revocation of such adoption shall be given to the board by the council concerned as soon as practicable after the adoption or the revocation, as the case may be.

(4) Where a council revokes the adoption of this Act an adjustment shall be made of the interests of the council and of the Crown in any property to the provision of which subsidy under this Act has contributed.

Such adjustment shall be made by agreement between the council and the board, or in default of agreement, in such manner as the Governor may determine.

DIVISION 2.—*Provisions applicable where Act adopted.*Application  
of Division.

9. This Division of this Part of this Act shall apply to and in respect of councils which have adopted this Act.

Require-  
ments  
relating to  
libraries.

10. (1) A council shall, in or in connection with the provision, control and management by it of any library, comply with and observe the following requirements:—

- (a) Any person may, without charge but otherwise subject to any regulation, ordinance or by-law relating to the library, borrow from the library for use by him upon the premises of the library, any book of the library.
- (b) Any person who is a resident of the area of the council or a ratepayer of the council may, without charge but otherwise subject to any regulation, ordinance or by-law relating to the library, borrow

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*Library.*

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borrow from the library for use by him away from the premises of the library any book of the library which has been classified by the librarian of the library as being of literary, informative or educational value.

- (c) Any person may, upon payment of the charges (if any) prescribed by and otherwise subject to any regulation, ordinance or by-law relating to the library, borrow from the library for use by him away from the premises of the library any book of the library.

(2) Nothing in subsection one of this section shall preclude a council from determining that any particular book or class of books shall be available for use subject to such limitations, restrictions or conditions as may be specified in the determination.

(3) In this section—

“Book” includes periodical, newspaper, and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any matter or thing whereby words or sounds are recorded or reproduced.

“Charge” means any charge made directly or indirectly upon a person in respect of the borrowing by him of books from a library and includes any fee for the registration of such person as a borrower or for any form, certificate, ticket or token which gives or evidences authority to borrow books from a library, or which is used for the purpose of recording borrowings or applications for borrowings of books from a library 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.

**11.** (1) A council may from time to time constitute a library committee and may delegate to the library committee all or any of the powers and duties of the council in relation to the provision, control and management of libraries and library services, except a power to borrow money,

Library  
committee.

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*Library.*

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money, to make or levy a rate, to execute a deed or contract or an agreement under this Act, or to institute proceedings at law or in equity on behalf of the council.

(2) The members of the library committee shall be appointed by the council but need not be members of the council.

(3) A library committee shall exercise and perform its powers and duties subject to the control and direction of the council.

(4) The council may appoint any member of the committee to be the chairman thereof and may from time to time remove such member from his office as chairman and appoint another member in his place.

(5) The council may at any time dissolve a library committee or may, from time to time, reconstitute the library committee or revoke, amend or vary any delegation to a library committee.

(6) The council shall from time to time determine the number of members of the library committee which shall constitute a quorum at meetings of the library committee.

(7) The procedure for the calling of meetings of a library committee and for the conduct of business at such meetings shall, subject to any regulation made in relation thereto, be as determined by the library committee.

Agreements  
relating to  
libraries and  
library  
services.

**12.** (1) (a) Two or more councils may enter into an agreement whereby the council of one area undertakes the function of providing, controlling and managing libraries or library services within the area or areas of the other council or councils.

(b) Any such agreement shall specify the terms and conditions upon which the libraries or library services shall be so provided, controlled and managed.

(c) The council undertaking the function of providing, controlling and managing libraries or library services pursuant to an agreement under this subsection shall have, in relation to the area or areas of the other contracting council or contracting councils, such of the powers

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*Library.*

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powers and duties of a council relating to the provision, control and management of libraries and library services as may be delegated to it by the agreement.

(2) (a) Two or more councils may enter into an agreement whereby the council of one area undertakes to exercise, for and on behalf of the council or councils of any other area or areas, within such other area or areas, any specified power or duty of a council in relation to the provision, control and management of libraries and library services.

(b) Any such agreement shall specify the terms and conditions upon which such power or duty shall be so exercised.

(3) Any agreement made under this section shall be made to have effect for a period to be specified therein.

(4) An agreement made under this section may provide that on termination of the agreement an adjustment shall be made of the interests of the several councils which are parties thereto in any property to the provision of which they have contributed and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall, on the application of any of the councils, be made by an arbitrator appointed by the board.

cf. 55 & 56  
Vict., c. 53,  
s. 24.

**13.** (1) A council within whose area a library or library service is provided, controlled and managed in accordance with this Act shall, subject to this Act, be entitled to subsidy under this section.

Subsidy.

(2) A council shall be eligible for subsidy under this section if during the year for which the subsidy is payable it expends out of rate income upon the provision, control and management of libraries and library services in its area, not less than the larger of the following amounts, namely:—

(a) An amount equivalent to the product of a rate upon the unimproved capital value of all ratable land within its area—

(i) in the case of a municipality—of one-fourth of one penny in the pound;

(ii) in the case of a shire—of one-tenth of one penny in the pound.

(b)

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*Library.*

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- (b) An amount equivalent to the sum of one shilling for each person resident within the area of the council:

Provided that in any case where the amount referred to in paragraph (a) of this subsection is greater than an amount equivalent to the sum of one shilling and sixpence for each person resident within the area of the council, the council shall be eligible for subsidy if it so expends not less than the last-mentioned amount.

(3) A council shall not be eligible for subsidy under this section unless the library or library service so provided, controlled and managed is in the opinion of the board reasonably capable of meeting the requirements of the persons resident in its area.

(4) The subsidy payable to any council shall be the difference between the minimum amount which that council is required by subsection two of this section to expend, and an amount equivalent to two shillings for each person resident within the area of the council.

(5) (a) In any case where a council makes and levies a special rate in any year for the purpose of providing, controlling and managing libraries and library services, and the estimated product of that special rate is not less than the minimum amount which that council is required by subsection two of this section to expend, the subsidy shall be payable during that year.

(b) In any other case the subsidy shall be payable during the year next following the year in which the council incurred the expenditure on the provision, control and management of libraries and library services.

(6) The regulations shall prescribe the manner in which the number of persons resident within the area of a council is to be ascertained for the purposes of this section.

Subsidy—  
how  
payable.

**14.** (1) A council which claims to be entitled to subsidy under section thirteen of this Act may lodge with the board an application for payment of such subsidy.

(2) The board shall consider such application and forward the same to the Minister together with its report and recommendation.

(3)

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*Library.*

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(3) Subsidy shall be payable out of moneys provided by Parliament.

**15.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) Without prejudice to the generality of subsection one of this section regulations may be made—

- (a) for and in relation to the training of persons as librarians and library assistants;
- (b) regulating the issue of certificates of competency as librarians and library assistants;
- (c) prescribing the circumstances in which such certificates of competency may be suspended or cancelled;
- (d) prescribing the circumstances in which councils shall be required to employ librarians and library assistants who are holders of such certificates of competency;
- (e) regulating the use of libraries so as to protect the library and the fittings, furniture and contents thereof from injury, destruction or misuse; cf. 1 Edw. VII, c. 19, s. 3.
- (f) requiring the giving by a person using the library of any guarantee or security against loss of or injury to any book or other article;
- (g) regulating the conduct of persons using a library and providing for the exclusion or removal from a library of persons committing any offence against the regulations;
- (h) for the control and management of libraries including the making of charges in prescribed cases for the use of the library or for library services;
- (i) authorising the board or a council to provide, control and manage, subject to such conditions as may be prescribed, a library or library service (in conjunction with any library or library service being provided, controlled and managed by

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*Library.*

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by the board or the council) at any school, hospital or other institution not open to the public.

(3) The regulations may impose a penalty not exceeding ten pounds for any breach of the regulations.

Such penalty may be recovered in a summary manner before a police or stipendiary magistrate or any two justices.

(4) Where any by-law, ordinance or regulation made under any Act is inconsistent with any regulation made under this Act the provisions of the regulation made under this Act shall prevail, and the provisions of the first-mentioned by-law, ordinance or regulation shall, to the extent of the inconsistency, have no force or effect.

(5) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.



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*Library.*


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## PART IV.

 AMENDMENTS OF LOCAL GOVERNMENT ACT, 1919, AND  
 SYDNEY CORPORATION ACT, 1932-1934.

**16.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
41, 1919.

(a) by omitting section three hundred and fifty-seven and by inserting in lieu thereof the following section:—

Substituted  
sec. 357.

357. (1) The council may provide, control and manage libraries and library services.

Libraries  
and library  
services.

(2) The trustees of a mechanics' institute, school of arts or other like institution which is conducting a library may, with the approval of the Governor, transfer such library together with the furniture and fittings of the library and so much of the records of the institution as relate to the library, either alone or together with the land of the institution upon which the library premises are erected, to the council of the area within which the library is being conducted.

Any land transferred to the council under the authority of this subsection shall be held by the council upon trust for library purposes.

(b) by inserting next after section eighty-one the following new section:—

New sec.  
81A.

81A. (1) The council may, of its own motion, and shall, if required so to do by a petition signed by not less than one-fifth of the electors, take a poll of electors on any one or more of the following questions:—

Polls in  
relation to  
libraries.

(a) whether the council shall provide, control and manage libraries or library services;

(b) whether the council shall adopt the Library Act, 1939;

(c) whether the council shall revoke the adoption of the Library Act, 1939;

(d)

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*Library.*

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(d) whether a special rate shall be made and levied for the purpose of the provision, control and management of libraries and library services within the area of the council, after the adoption by the council of the Library Act, 1939.

(2) Notice of the poll shall be given by advertisement published three times at least in one or more newspapers circulating in the area of the council and the first publication shall be made at least thirty days before the date of the poll.

Sec. 120.  
(Special rates.)

(c) by inserting next after subsection one of section one hundred and twenty the following new subsections:—

(1A) The council shall so make and levy a special rate for the purpose of the provision, control and management of libraries and library services within the area of the council in any case where a proposal in that behalf has been affirmed at a poll taken pursuant to section 81A of this Act.

(1B) A special rate made and levied by a council for the purpose of the provision, control and management of libraries and library services under this Act and the Library Act, 1939, shall not be taken into account in determining the limit of rates under this Act applicable to that council.

Sec. 177.  
(Ordinary loans.)

(d) by inserting next after paragraph (g4) of subsection one of section one hundred and seventy-seven the following new paragraph:—

(g5) providing, controlling and managing libraries and library services.

(2) Every reading and lending library which was provided, controlled and managed by a council before the commencement of this Act shall, as from such commencement, be deemed to be a library provided, controlled and managed by the council under the Local Government Act, 1919, as amended by subsequent Acts, including this Act.

(3)

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*Library.*

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(3) All ordinances relating to reading and lending libraries provided, controlled and managed by councils before the commencement of this Act, made under the Local Government Act, 1919, as amended by subsequent Acts, and in force immediately before such commencement, shall, to the extent to which they are not inconsistent with the Local Government Act, 1919, as amended by subsequent Acts, including this Act, continue in force but may be amended or repealed by ordinances made under that Act as so amended.

**17.** (1) The Sydney Corporation Act, 1932-1934, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
58, 1932.

(a) by omitting sections one hundred and eighty-seven, one hundred and eighty-eight and one hundred and eighty-nine and by inserting in lieu thereof the following sections:—

Secs. 187,  
188 and 189.

187. (1) The council may provide, control and manage libraries and library services.

Libraries  
and library  
services.

(2) The council may defray the cost of providing, controlling and managing libraries and library services out of the city fund.

188. (1) The council shall, in or in connection with the provision, control and management of any library comply with and observe the following requirements:—

Require-  
ments  
relating to  
libraries.

(a) Any person may without charge but otherwise subject to the by-laws borrow from the library for use by him on the premises of the library any book contained in the library.

(b) Any person who is a resident of the city or a citizen may without charge but otherwise subject to the by-laws borrow from the library for use by him away from the premises of the library any book contained in the library which has been classified by the librarian as being of literary, informative or educational value.

**(c)**

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*Library.*

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(c) Any person may, upon payment of the charges (if any) prescribed by and otherwise subject to the by-laws borrow from the library for use by him away from the premises of the library, any book contained in the library.

(2) Nothing in subsection one of this section shall preclude the council from determining that any particular book or class of books shall be available for use subject to such limitations, restrictions or conditions as may be specified in the determination.

(3) In this section—

“Book” includes periodical, newspaper, and other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any matter or thing whereby words or sounds are recorded or reproduced.

“Charge” means any charge made directly or indirectly upon a person in respect of the borrowing by him of books from a library, and includes any fee for the registration of such person as a borrower or for any form, certificate, ticket or token which gives or evidences authority to borrow books from a library or which is used for the purpose of recording borrowings or applications for borrowings of books from a library 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.

Sec. 262E.  
(Loans.)

(b) by inserting next after paragraph (f) of the definition of “Loan for essential services” in subsection eleven of section 262E the following new paragraph:—

(f1) the provision, control and management of libraries and library services, including the provision of lands and buildings therefor; (c)

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*Library.*

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(c) by omitting paragraph (uu) of subsection one of section two hundred and sixty-three and by inserting in lieu thereof the following paragraph:—

Sec. 263.  
(By-laws.)

(uu) for and with respect to the provision, control and management of libraries and library services.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Every library which was established and maintained by the Municipal Council of Sydney before the commencement of subsection one of this section, and every library of which, immediately before such commencement, that council has the maintenance and control shall, as from such commencement, be deemed to be a library provided, controlled and managed by that council under the Sydney Corporation Act, 1932-1934, as amended by subsequent Acts including this Act.

(4) All by-laws relating to free reading and lending libraries under the control and management of the Municipal Council of Sydney made by that council under the Sydney Corporation Act, 1932, or any Act thereby repealed, and in force immediately before the commencement of subsection one of this section, shall, to the extent to which they are not inconsistent with the Sydney Corporation Act, 1932, as amended by subsequent Acts including this Act, continue in force but may be amended or repealed by by-laws made under that Act as so amended.

*In the name and on behalf of His Majesty I assent to this Act.*

WAKEHURST,  
Governor.

*Government House,  
Sydney, 13th November, 1939.*

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