

FIRST PRINT

## LIBRARY (AMENDMENT) BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are as follows:

- (a) to extend the range of library services that local libraries are required to provide free of charge (see details below);
- (b) to remove restrictions on the power of local libraries to charge for services that they provide (other than services that are required to be provided free);
- (c) to ensure that local libraries do not provide commercial services that are unfairly competitive with the private sector;
- (d) to ensure that local libraries spend the Government subsidies that they receive only on providing services that are required by the Act to be provided free of charge;
- (e) to give recognition to arrangements between local authorities for the conferral of reciprocal borrowing rights on residents and ratepayers of their areas.

The current range of services that a library is required to provide for free are as follows:

- use of books on the library premises by any person;
- borrowing of literary, informative and educational books by residents and ratepayers for use away from the library (other persons may borrow on payment of a charge).

The Bill will add the following services to the list of services to be provided free:

- membership of the library for residents and ratepayers;
- access to the information services of the library by any person on the library premises;
- delivery of books to members of the library who by reason of sickness or disability are unable to attend the library to borrow;
- provision of basic reference services to members of the library (what constitutes a basic reference service is to be provided for in guidelines issued by the Library Council);
- the ordering of books for purchase by members of the library.

*Library (Amendment) 1992*

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Current restrictions on the borrowing of reference books are retained.

Compliance with the requirements that the Act imposes on local libraries is a pre-condition to entitlement to a Government subsidy under the Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 gives effect to Schedule 1 which contains the amendments described above.

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FIRST PRINT

**LIBRARY (AMENDMENT) BILL 1992**

NEW SOUTH WALES

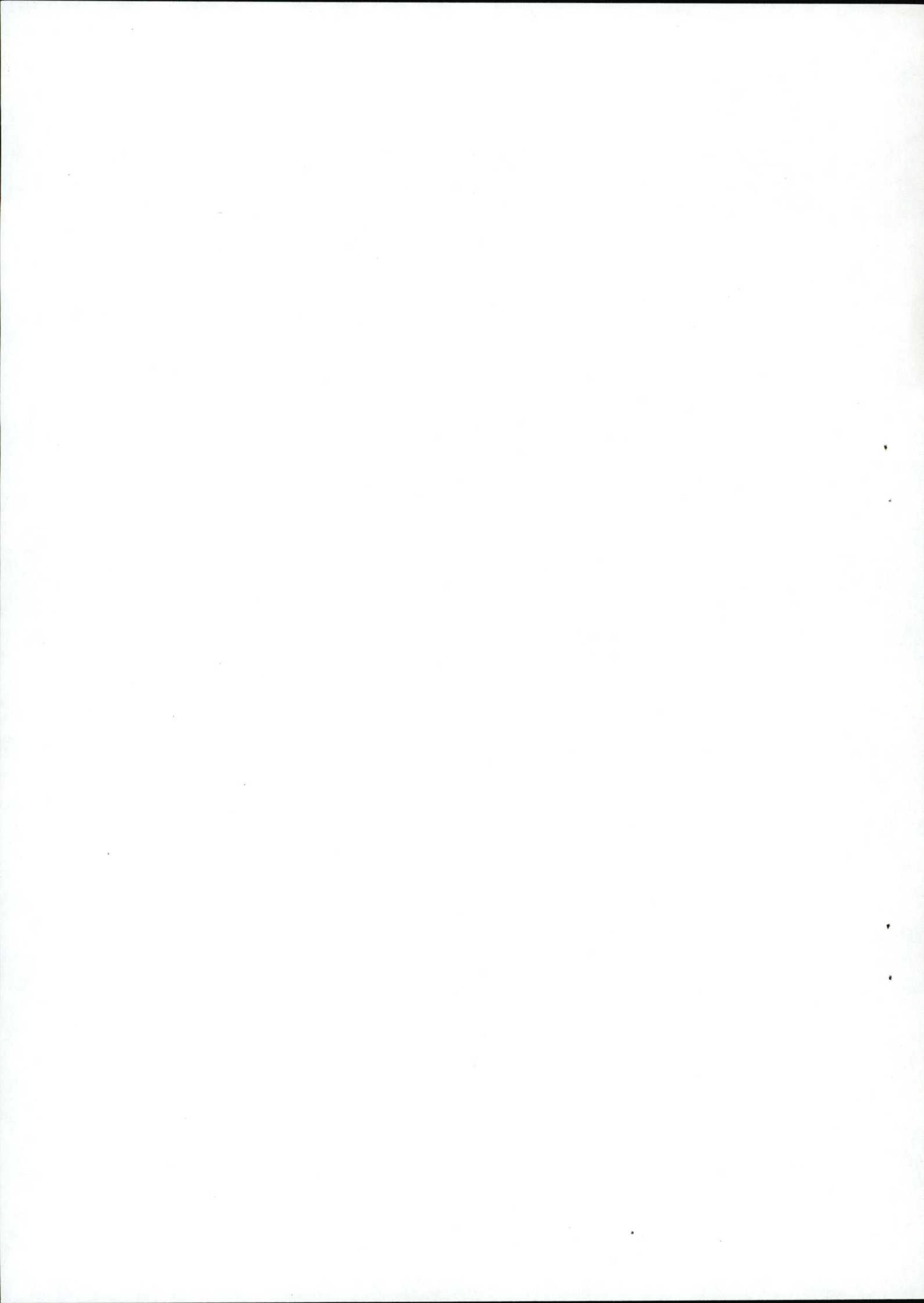


**TABLE OF PROVISIONS**

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

**SCHEDULE 1—AMENDMENTS**

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**LIBRARY (AMENDMENT) BILL 1992**

NEW SOUTH WALES



No.           , 1992

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**A BILL FOR**

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

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*Library (Amendment) 1992*

The Legislature of New South Wales enacts:

**Short title**

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

**Commencement**

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

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

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

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

- (1) Sections 10, 10A:

Omit section 10, insert instead:

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

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

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

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

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

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

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

- Any person who is a member of the library is entitled to borrow free of charge from the library for use away from the library premises any book of the library which has been classified by the librarian of the library as being of literary, informative or educational value.

Library (Amendment) 1992

SCHEDULE 1—AMENDMENTS—continued

*A.L.I.A.  
why  
not  
mandatory*

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

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

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• **Free basic reference services to members**

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

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• **Free ordering of books for members**

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

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• **Provision of certain commercial services prohibited**

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

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*A.L.I.A.*

• **Restriction on use of State subsidy**

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

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

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(3) If two or more local authorities have entered into arrangements for conferring reciprocal library entitlements on the residents and ratepayers of their areas, a resident or ratepayer of any of the areas concerned is for the purposes of this section to be considered to be a resident or ratepayer of each of the other areas concerned also.

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*To what extent How rigidly  
How much they be will the guidelines  
be enforced?*

*Library (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) In this section:

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

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

**Restrictions on borrowing entitlements etc.**

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

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

20       (a) the maximum number of books or the maximum number of books of a particular class of books which a person may borrow at any one time from the library for use on or away from the library premises; or

      (b) the limitations, restrictions and conditions which may apply to the availability of any particular book or class of books for use on or away from the library premises.

(3) A determination under subsection (2):

25       (a) must be consistent with the requirements of section 10 that an entitlement be provided free of charge; and

      (b) must not differ, or have effect so as to differ, in its operation between members and non-members of the library (except as regards the payment of a charge by non-members).

30       (2) Section 13 (3A):

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

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**LEGISLATIVE COUNCIL  
PARLIAMENT OF NEW SOUTH WALES**

**LIBRARY (AMENDMENT) BILL 1992**

**SECOND READING SPEECH**

**THE HON. TED PICKERING, MLC**

**MINISTER FOR POLICE AND EMERGENCY SERVICES  
AND VICE-PRESIDENT OF THE EXECUTIVE COUNCIL**



**MR PRESIDENT, I MOVE -**

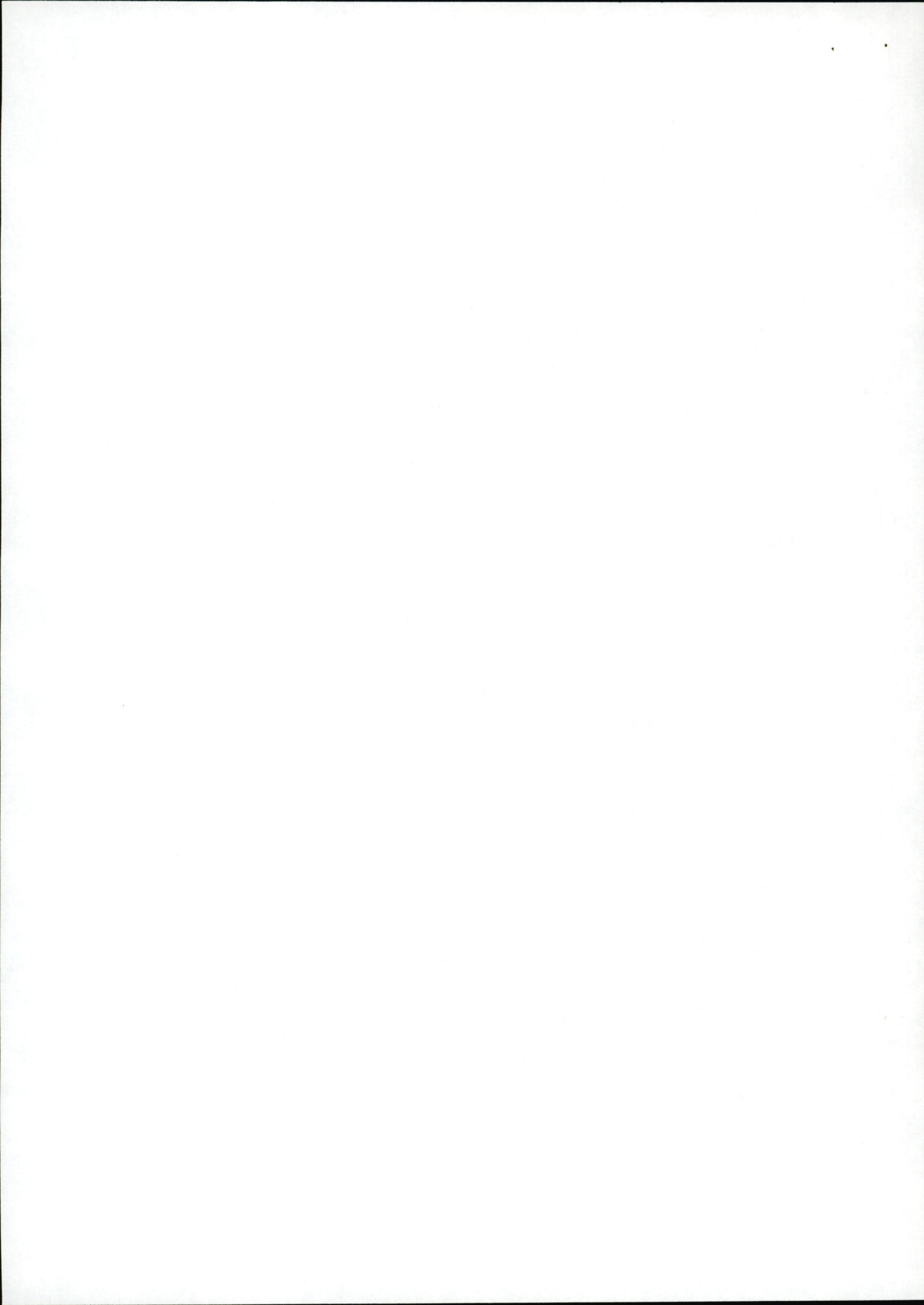
**THAT THIS BILL BE NOW READ A SECOND TIME.**

**THE GOVERNMENT OF NEW SOUTH WALES TAKES CONSIDERABLE PRIDE IN ITS RECORD OF ACHIEVEMENT AND REFORM IN THE AREA OF PUBLIC LIBRARIES.**

**UNLIKE ITS LABOR PREDECESSORS, THIS GOVERNMENT RECOGNISES NOT ONLY THE IMPORTANT ROLE PLAYED BY LIBRARIES BUT ALSO THE GREAT VALUE THE COMMUNITY PLACES ON THEM. PUBLIC LIBRARIES FULFIL A CRUCIAL ROLE IN THE COMMUNITY AS A SOURCE OF INFORMATION AND EDUCATION. THE ECONOMIC AND SOCIAL SPIN-OFFS GENERATED FROM THE SERVICES PROVIDED BY LIBRARIES ARE WIDE-RANGING.**

**THIS LEGISLATION ENSURES THAT PUBLIC LIBRARIES WILL CONTINUE INTO THE TWENTY-FIRST CENTURY WITH A CLEAR UNDERSTANDING OF THEIR SOCIAL AND COMMERCIAL OBJECTIVES.**

**SINCE COMING TO OFFICE IN 1988, THE GOVERNMENT HAS INCREASED LIBRARY FUNDING BY 25%, AT A TIME OF UNIVERSAL CONSTRICTIONS IN PUBLIC SECTOR FINANCES. ANNUAL GRANTS TO COUNCIL LIBRARIES HAVE RISEN FROM \$12.1 MILLION IN 1987-88 TO \$15.1 MILLION IN 1991-92.**

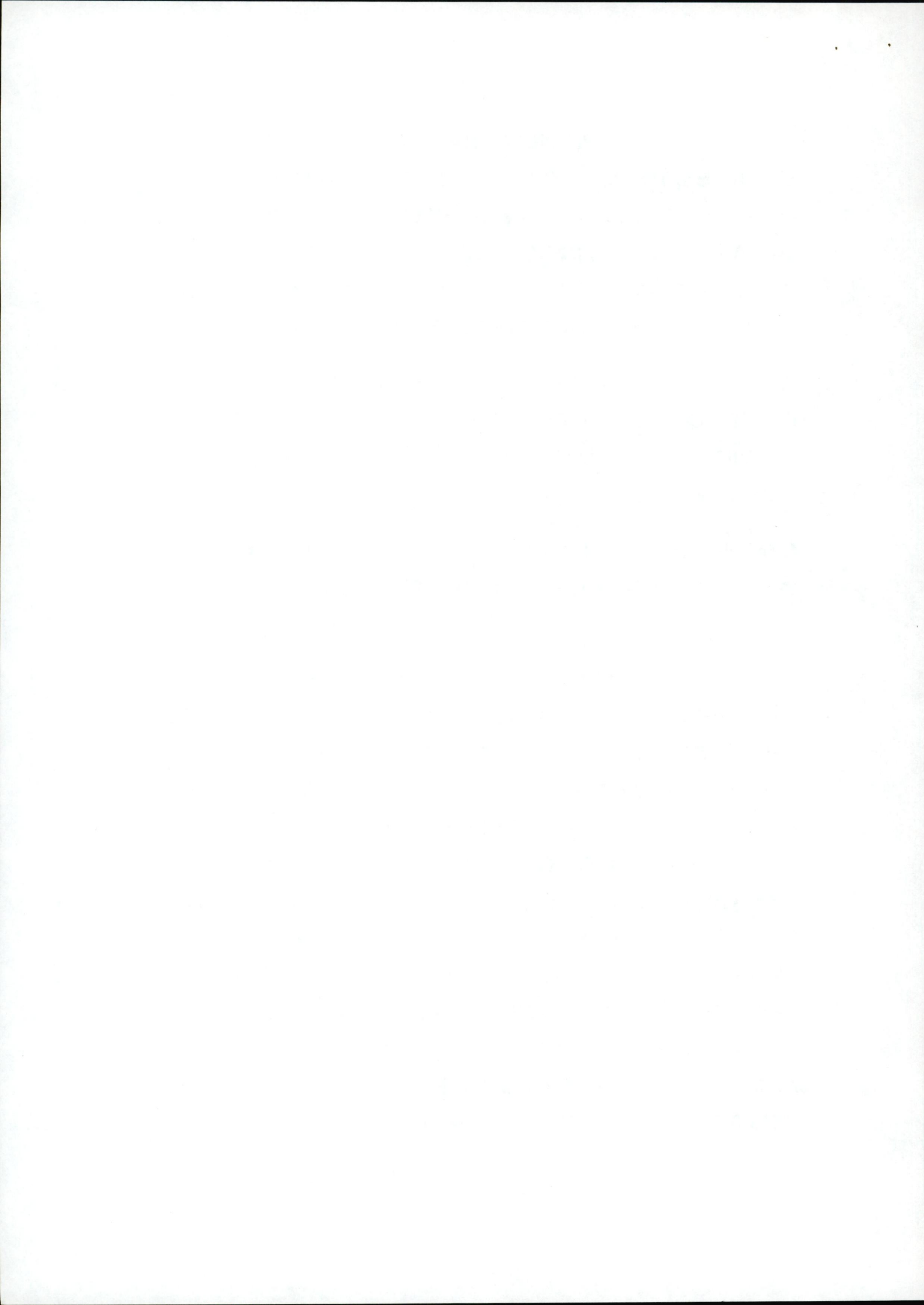


**TOGETHER WITH THIS NEW FINANCIAL COMMITMENT TO LIBRARIES, THE METHOD OF DISTRIBUTING FUNDS HAS BEEN REVAMPED, AND HAS ENABLED THE PUBLIC LIBRARIES SYSTEM IN NEW SOUTH WALES TO BECOME A VIABLE INFORMATION-SHARING NETWORK USING MODERN COMMUNICATIONS AND INFORMATION TECHNOLOGY.**

**THE LAST THREE YEARS HAVE SEEN A MAJOR EMPHASIS PLACED ON COUNTRY LIBRARIES, SECURING A NUMBER OF SERVICES WHICH IN 1988 WERE ON THE BRINK OF CLOSURE.**

**CENTRAL TO THIS HAS BEEN THE NEW FUNDING SYSTEM INTRODUCED IN 1990 BY THE MINISTER FOR THE ARTS.**

**THE NEW FUNDING FORMULA INCLUDES A BASE GRANT, WHICH RECOGNISES THE DIFFICULTIES FACED BY SMALLER LIBRARY SERVICES IN ACHIEVING A THRESHOLD LEVEL OF FUNDING. THE POPULATION-BASED COMPONENT OF PAYMENTS NOW AUTOMATICALLY TAKES INTO ACCOUNT SPECIFIC DEMOGRAPHIC DISADVANTAGES WHICH AFFECT LIBRARY SERVICES, SUCH AS GEOGRAPHIC ISOLATION AND THE NEED TO CATER FOR NON-ENGLISH SPEAKING BACKGROUND COMMUNITIES. THE APPLICATION PROCESS HAS BEEN STREAMLINED, AND THE NEW SYSTEM ENCOURAGES IMPROVEMENTS IN LOCAL LIBRARY SERVICES BY INTRODUCING GREATER ACCOUNTABILITY AND INCENTIVES FOR BETTER SERVICE DELIVERY INTO THE FUNDING PROCESS.**



**TO CONSOLIDATE UPON THESE REFORMS AND THE MAJOR ENHANCEMENT IN THE STATE'S FUNDING OF PUBLIC LIBRARIES, THE GOVERNING BODY OF THE STATE LIBRARY, THE LIBRARY COUNCIL OF NEW SOUTH WALES, APPROACHED THE MINISTER FOR THE ARTS IN 1989 TO UNDERTAKE A REVIEW OF THE LIBRARY ACT 1939. AWARE THAT THE 1939 ACT WAS INADEQUATE AND OUTMODED, THE MINISTER DIRECTED THE COUNCIL TO EMBARK UPON A STATEWIDE CONSULTATION WHICH CANVASSED THE VIEWS OF LOCAL GOVERNMENT COUNCILS, LIBRARIES AND THE LIBRARY PROFESSION.**

**THE MINISTER SOUGHT THEIR VIEWS ON WHAT WAS NEEDED IN THE LEGISLATIVE FRAMEWORK TO SAFEGUARD THE NEEDS OF LIBRARY USERS AND AT THE SAME TIME HOW THOSE LIBRARIES WHO SO WISHED COULD BE GIVEN SUFFICIENT LATITUDE TO GENERATE ADDITIONAL REVENUES.**

**THE AMENDMENT OF THE LIBRARY ACT WILL ENSURE THAT THESE OBJECTIVES ARE ACHIEVED, AND WILL ELIMINATE THE SHORTCOMINGS OF THE CURRENT ACT. FOR DESPITE THE OPPOSITION'S ASSERTIONS TO THE CONTRARY, THE EXISTING ACT DOES NOT PROVIDE UNEQUIVOCAL PROTECTION FOR THE DELIVERY OF CORE LIBRARY SERVICES.**

**AT THE MOMENT ONE METROPOLITAN LIBRARY LEVIES CHARGES FOR THE DELIVERY OF BOOKS TO THE HOUSEBOUND, A CHARGE WHICH THE CROWN SOLICITOR**





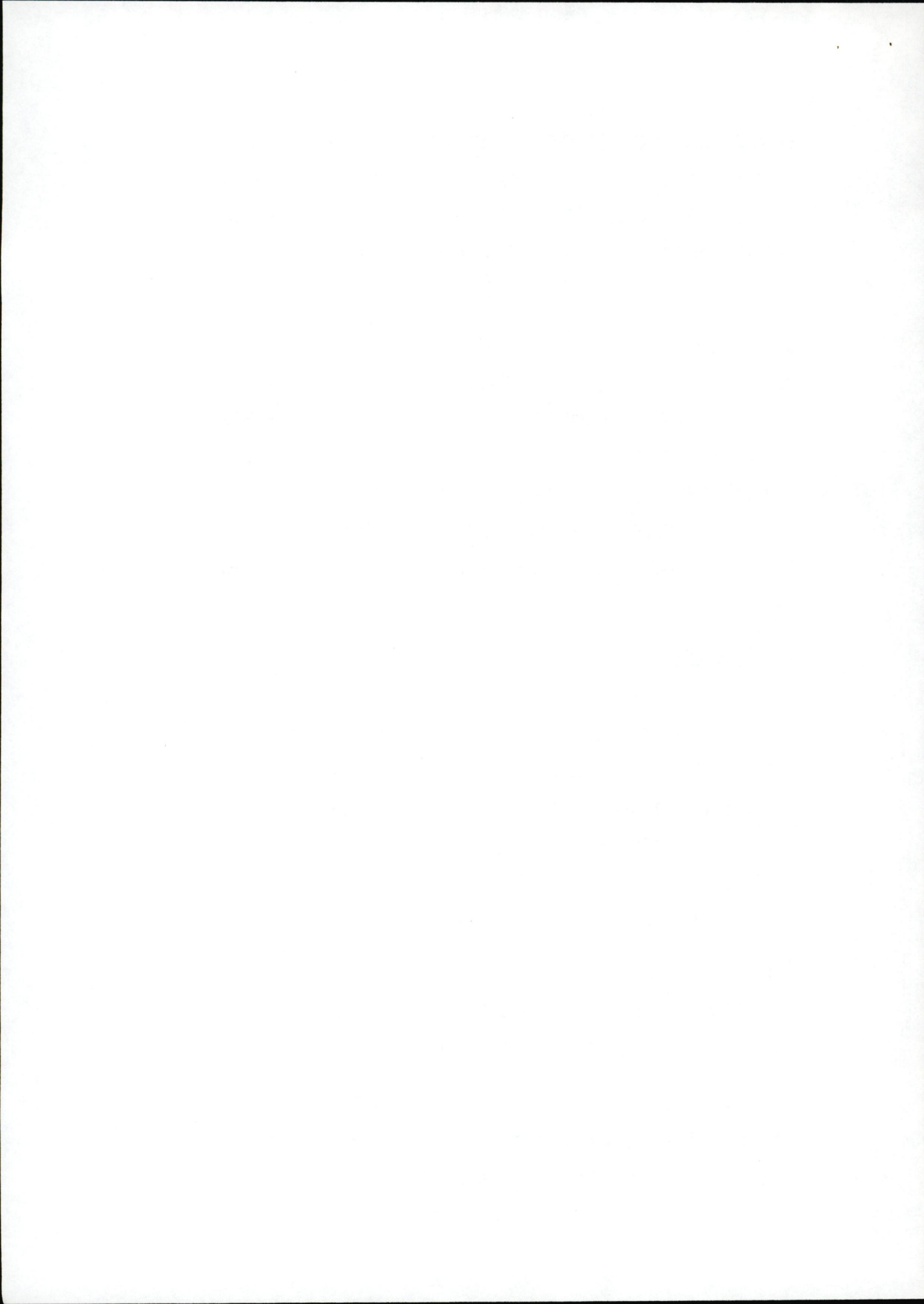
DEEMS IS, UNDER EXISTING STATUTORY PROVISIONS, QUITE LEGAL. IT IS THE GOVERNMENT'S VIEW THAT FOR THOSE WHO ARE GENUINELY UNABLE TO VISIT A LIBRARY, DELIVERY OF BOOKS IS A BASIC CHARGE, AND THEREFORE SHOULD BE FREE.

THE PRACTICE OF CHARGING FOR DELIVERY TO HOUSEBOUND LIBRARY MEMBERS IS ONE ANOMALOUS ASPECT OF THE CURRENT LEGISLATION. AT THE OTHER EXTREME, IT HAS BEEN STATED THAT THE LIBRARY ACT AS IT STANDS HAS DISCOURAGED LOCAL GOVERNMENT COUNCILS FROM INTRODUCING CHARGES FOR SERVICES WHICH MAY QUITE FAIRLY BE REGARDED AS COMMERCIAL ACTIVITIES.

IT WOULD BE UNCOMMON TO FIND A LIBRARY WHICH DOES NOT PROVIDE PHOTOCOPYING SERVICES. IF, HOWEVER, A LOCAL LIBRARY HAS NOT ACTUALLY SOUGHT THE APPROVAL OF THE LIBRARY COUNCIL OF NEW SOUTH WALES TO CHARGE FOR PHOTOCOPYING, IT MAY, IN FACT, BE JUDGED TO BE IN BREACH OF THE ACT. IT IS QUITE LIKELY THAT THERE ARE QUITE A FEW COUNCILS CURRENTLY IN SUCH BREACH OF THE LAW.

THIS AMENDMENT WILL REMOVE SUCH ANOMALIES AND THE ANACHRONISTIC NEED FOR THE LIBRARY COUNCIL TO APPROVE EVERY APPLICATION OF CHARGES.

THE BILL REPRESENTS A STEP FORWARD FOR LIBRARIES BY DEFINING FOR THE FIRST TIME THOSE CORE LIBRARY SERVICES WHICH MUST BE PROVIDED FREE OF CHARGE.



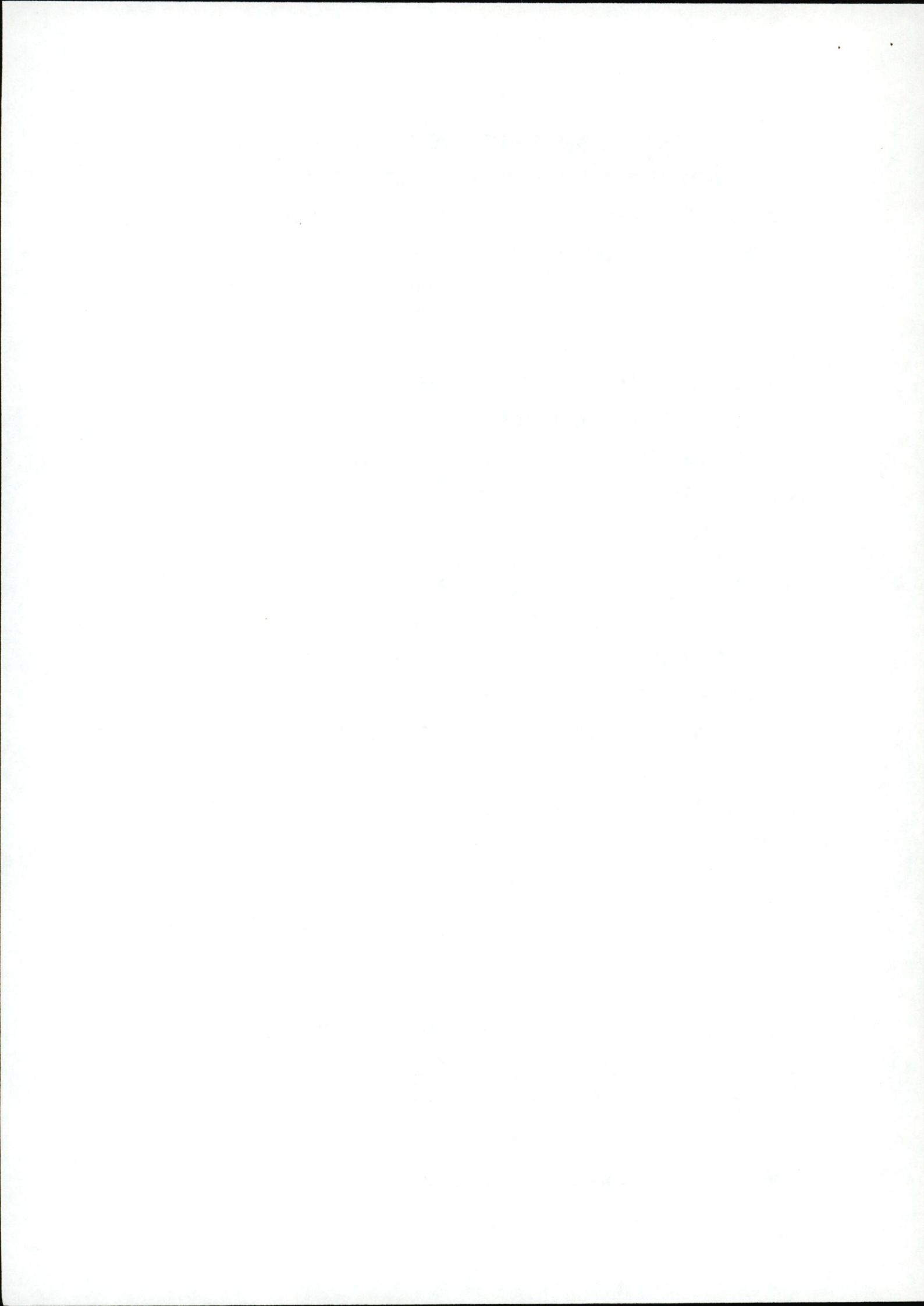
**FIRST, RESIDENTS AND RATEPAYERS ARE ENTITLED TO FREE MEMBERSHIP OF LIBRARIES. ANY PERSON WHO IS A RESIDENT OF THE AREA OF THE LOCAL AUTHORITY, OR A RATEPAYER OF THE LOCAL AUTHORITY, WILL BE ENTITLED TO MEMBERSHIP OF THE LIBRARY FREE OF CHARGE.**

**SECONDLY, FREE ACCESS MUST BE GIVEN TO CERTAIN MATERIALS ON LIBRARY PREMISES. EVERYONE WILL BE ENTITLED FREE OF CHARGE TO ACCESS TO ANY BOOK AND TO ANY INFORMATION FORMING PART OF THE INFORMATION SERVICE OF THE LIBRARY FOR USE ON THE LIBRARY PREMISES.**

**THIRDLY, ALL LIBRARY MEMBERS WILL BE ENTITLED TO BORROW, FREE OF CHARGE, FOR USE AWAY FROM THE LIBRARY, ANY BOOK CLASSIFIED BY THE LIBRARIAN AS BEING OF LITERARY, INFORMATIVE OR EDUCATIONAL VALUE (WITH THE EXCEPTION OF REFERENCE BOOKS, WHICH MUST BE USED ON LIBRARY PREMISES ONLY). SPECIFIC REFERENCE HAS BEEN MADE TO FICTION MONOGRAPHS, TO ENSURE THAT ALL NOVELS, PROSE AND POETRY ARE AVAILABLE FOR LOAN FREE OF CHARGE.**

**FOURTHLY, DELIVERY OF MATERIALS TO SICK OR DISABLED MEMBERS WILL BE FREE.**

**FIFTH, BASIC REFERENCE SERVICES WILL REMAIN FREE TO MEMBERS. ANY MEMBER OF THE LIBRARY WILL BE ENTITLED FREE OF CHARGE TO BASIC REFERENCE SERVICES, INCLUDING ASSISTANCE IN LOCATING INFORMATION AND SOURCES OF INFORMATION.**

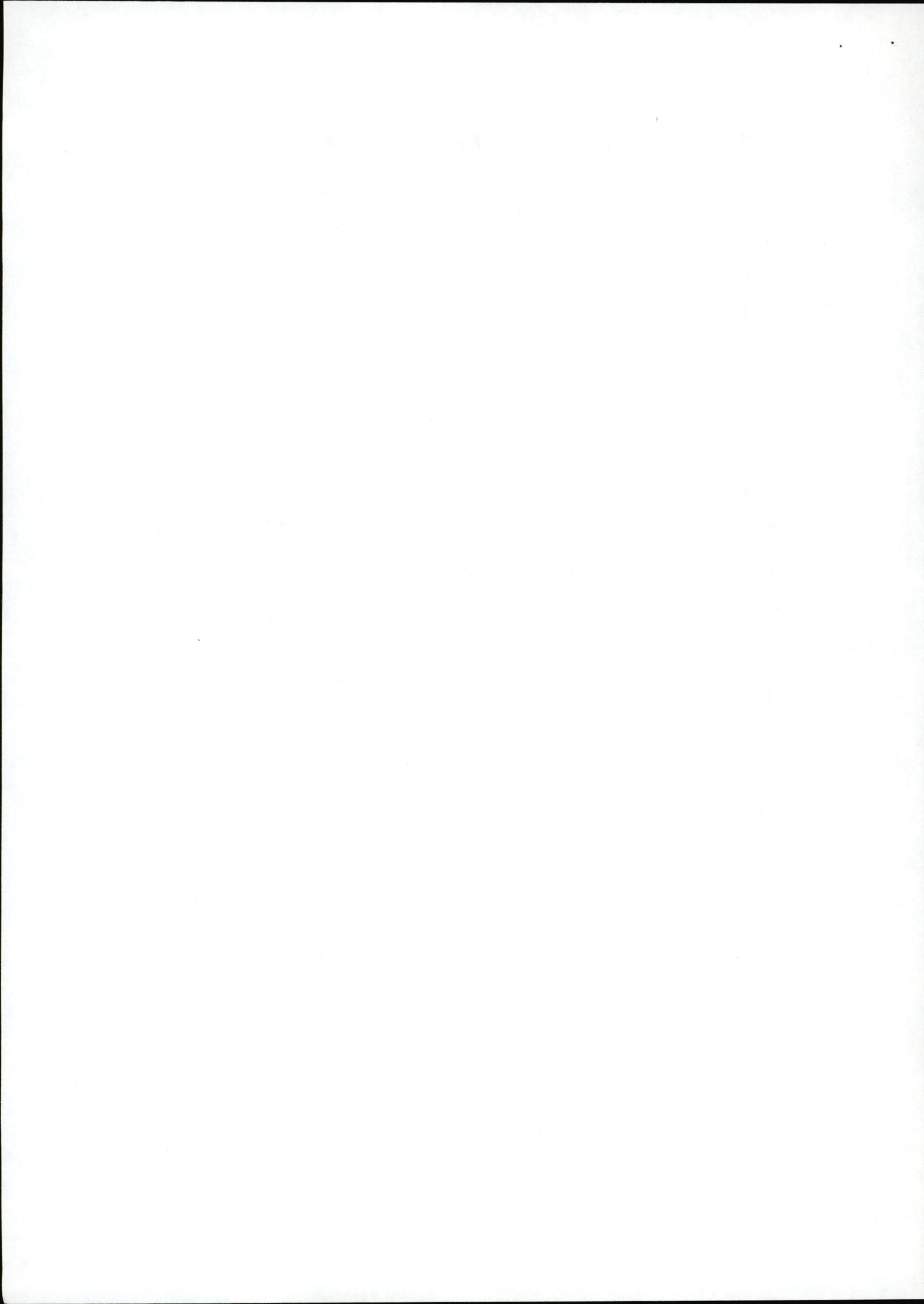


**SIXTH, NO CHARGE IS TO BE MADE FOR THE ORDERING OF BOOKS FOR PURCHASE BY MEMBERS OF THE LIBRARY.**

**HAVING DEFINED CORE, FREE SERVICES, THE BILL MAKES ONE VERY CLEAR QUALIFICATION IN RELATION TO COMMERCIAL SERVICES PROVIDED BY LIBRARIES. A LOCAL LIBRARY MAY NOT PROVIDE A SERVICE (WHETHER OR NOT A CHARGE IS IMPOSED FOR THE SERVICE) WHICH COMPETES UNFAIRLY WITH THE PRIVATE SECTOR. THAT IS TO SAY, SHOULD A LOCAL COUNCIL CHOOSE TO ESTABLISH A COMPETITIVE SERVICE, IT WILL BE REQUIRED TO CHARGE A PRICE WHICH TRULY REFLECTS THE COST OF OPERATION AND ESTABLISHMENT OF THIS BUSINESS.**

**JUST AS THE GOVERNMENT REJECTED THE OAKES REPORT RECOMMENDATION FOR MEMBERSHIP CHARGES BY LIBRARIES, IT ALSO REJECTS THAT LIBRARIES WHICH RECEIVE PUBLIC SUBSIDY CAN USE THIS SUBSIDY TO THEIR ADVANTAGE AND POSSIBLY UNDERMINE PRIVATE SECTOR ENTERPRISES. SMALL BUSINESSES, ALREADY HIT HARD BY THIS RECESSION CANNOT AND SHOULD NOT HAVE TO COMPETE WITH MUNICIPAL LIBRARIES WHOSE FULL COSTS MAY IN FACT BE HIDDEN IN LABYRINTHINE ORGANISATIONAL STRUCTURES AND DISGUISED IN MUNICIPAL ACCOUNTING.**

**TO REINFORCE THIS VIEW, THE LEGISLATION SPECIFIES THAT THE STATE'S SUBSIDY FOR LIBRARY SERVICES MAY BE SPENT ONLY ON A LIBRARY'S CORE SERVICES.**

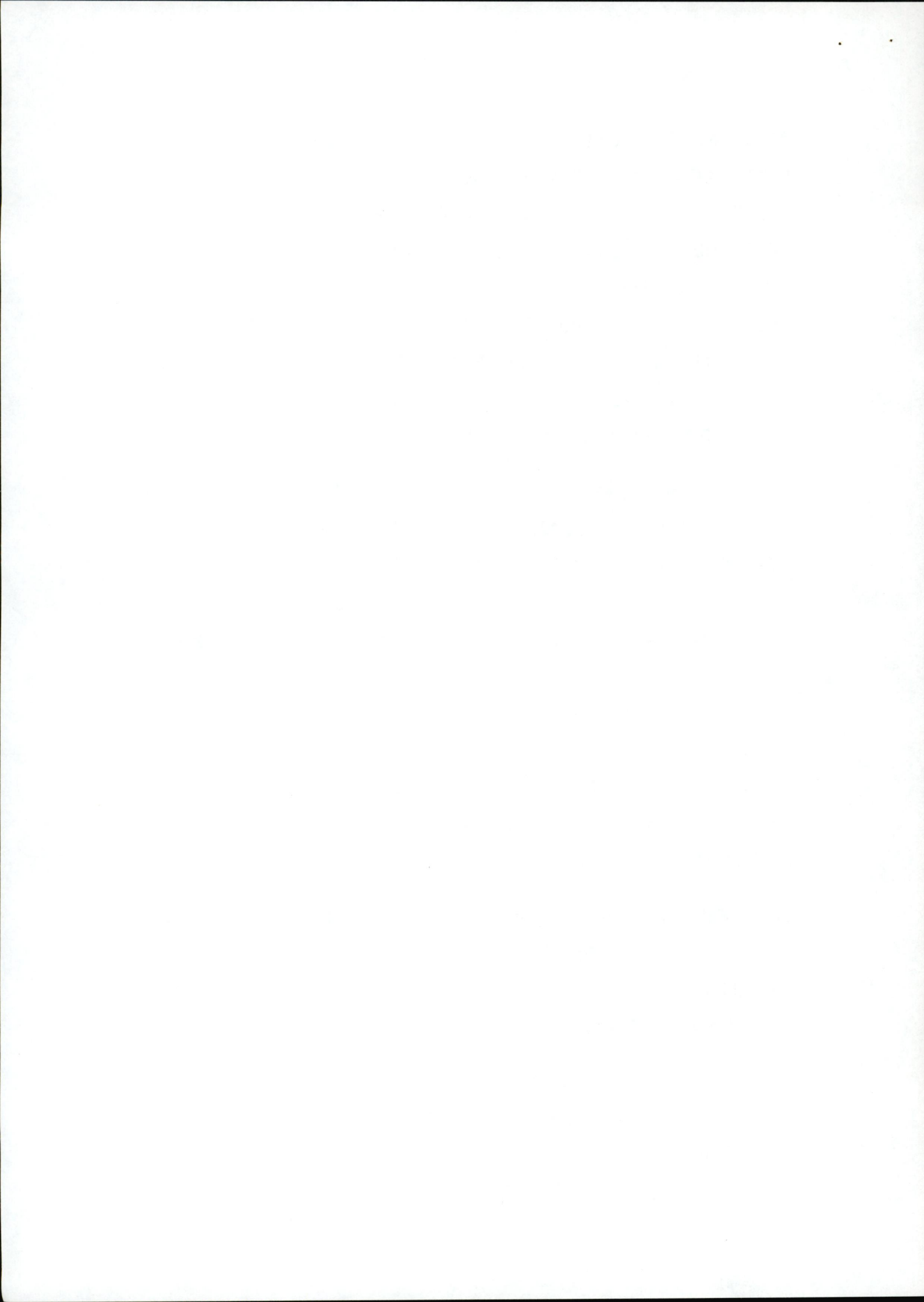


**AT A TIME OF RAPIDLY ESCALATING COSTS FOR LIBRARIES (WHICH FAR EXCEED THE CONSUMER PRICE INDEX) THE STATE GOVERNMENT STRONGLY BELIEVES THAT LIBRARIES MUST FOCUS RESOURCES TOWARDS THEIR EDUCATIONAL AND INFORMATION ROLE, THAT IS CORE SERVICES AS DEFINED IN THIS BILL. THIS LEGISLATION WILL ENSURE THAT THE VERY SUBSTANTIAL ANNUAL SUBSIDY PROVIDED BY THE STATE GOVERNMENT MAY ONLY BE SPENT ON CORE LIBRARY SERVICES.**

**MR PRESIDENT, THE PROPOSAL TO AMEND THE LIBRARY ACT 1939 HAS BEEN EMBRACED BY THE LIBRARY COMMUNITY AND ITS PEAK REPRESENTATIVE ASSOCIATIONS. THERE HAVE BEEN STATEMENTS OF SUPPORT FOR THE BILL FROM THE AUSTRALIAN LIBRARY AND INFORMATION ASSOCIATION, THE AUSTRALIAN COUNCIL OF LIBRARY AND INFORMATION SERVICES, THE METROPOLITAN CHIEFS COMMITTEE, THE COUNTRY PUBLIC LIBRARIES ASSOCIATION, AS WELL AS REPRESENTATIONS SUPPORTING THE BILL FROM NUMEROUS COUNCIL BODIES.**

**THE PRINCIPLES EMBODIED IN THIS BILL - IN PARTICULAR EQUALITY OF ACCESS TO INFORMATION - AND THE EXTENSIVE CONSULTATION WHICH HAS UNDERLIED THESE REFORMS EXPLAIN THIS STRONG SUPPORT.**

**THE SAME CONSULTATIVE PROCESS WILL BE FOLLOWED BY THE STATE LIBRARY WHEN IT PREPARES THE GUIDELINES WHICH WILL BE ISSUED TO ACCOMPANY THIS**

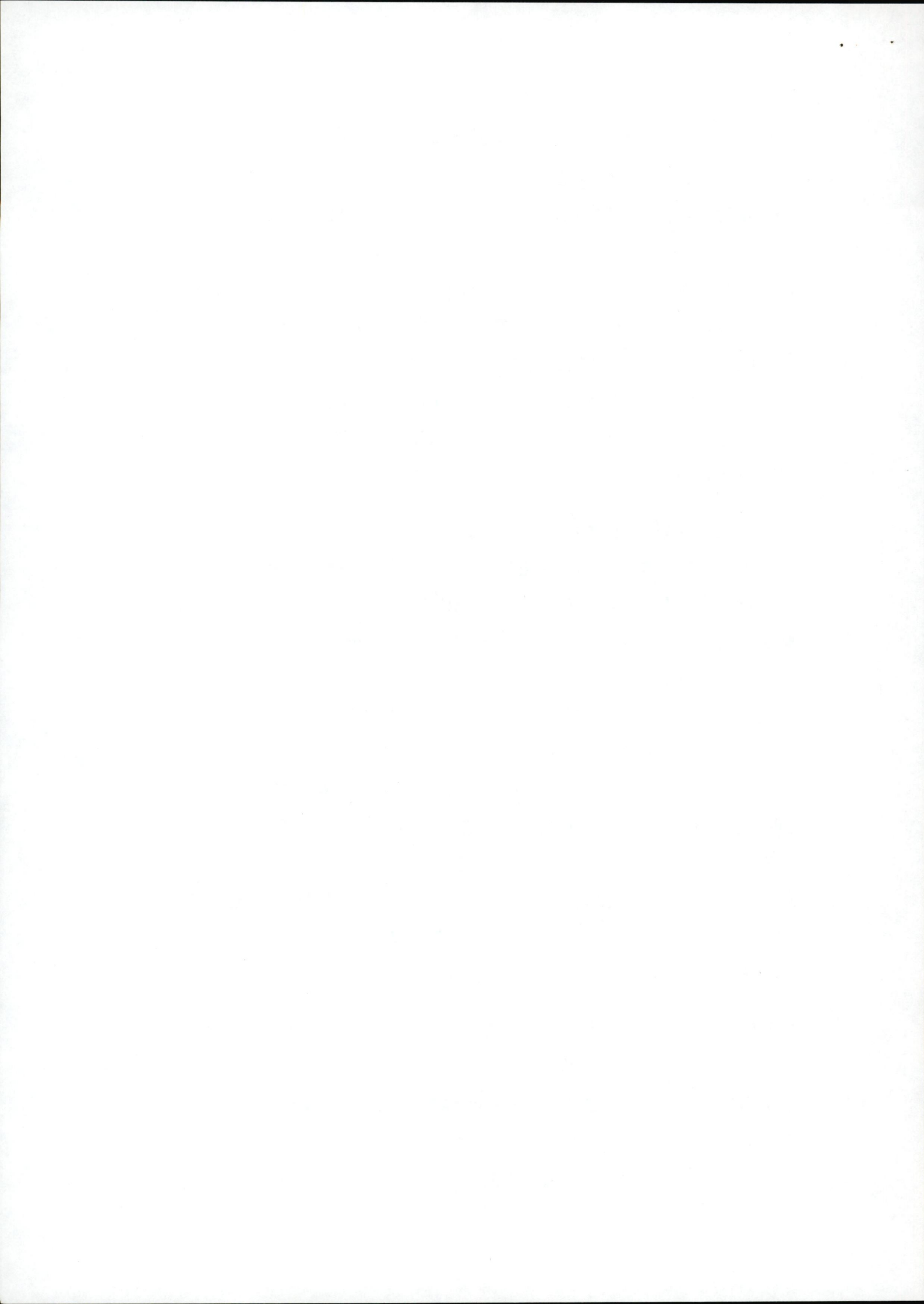




**LEGISLATION. THE GUIDELINES WILL EXPLAIN THE PRINCIPLES ESTABLISHED BY THE BILL - THAT LIBRARIES SHOULD NOT COMPETE UNFAIRLY WITH THE PRIVATE SECTOR, THAT FULL COST RECOVERY PRINCIPLES WILL APPLY WHERE EQUIVALENT PROVIDERS EXIST LOCALLY. THEY WILL PROVIDE LIBRARIANS WHO ARE CHARGED WITH IMPLEMENTING THE BILL GUIDANCE ON THE PROVISIONS AND TERMINOLOGY OF THE BILL AND WILL GIVE CONSTRUCTIVE ADVICE ON SUITABLE OPTIONS FOR LIBRARY BUSINESSES.**

**THE BILL HAS THE SUPPORT OF BOTH COUNTRY AND METROPOLITAN LIBRARIES. IT IS NOT PRESCRIPTIVE - LIBRARIES ARE NOT COMPELLED TO CHARGE IF THEY DO NOT SO WISH. THE DECISION ON WHETHER CHARGES (FOR ACCEPTABLE SERVICES) ARE TO BE IMPOSED IS ONE FOR THE COUNCIL CONCERNED WHICH MUST, IN TURN, REFLECT THE VIEWS OF, AND BE ACCOUNTABLE TO, ITS CONSTITUENTS AND ITS BUSINESS COMMUNITY. THE BODY OF LOCAL GOVERNMENT IN NEW SOUTH WALES IS DIVERSE, BUT THIS LEGISLATION ALLOWS EACH AUTHORITY TO PURSUE THE OBJECTIVES IT SETS FOR ITS LIBRARY SERVICE IN A MANNER CONSISTENT WITH ITS OWN SOCIAL AND ECONOMIC PROFILE.**

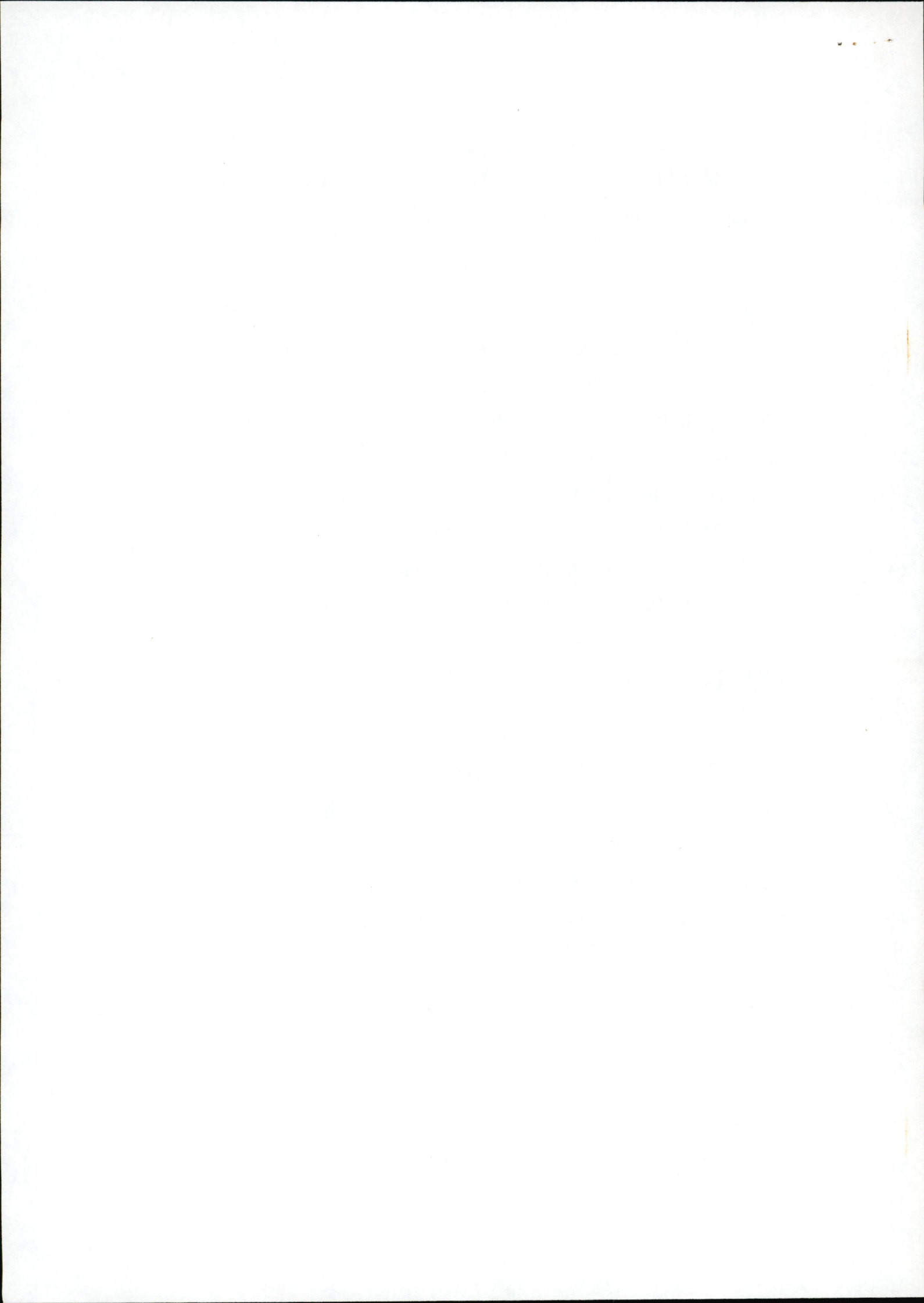
**MR PRESIDENT, IT IS ENTIRELY APPROPRIATE THAT THE 1939 STATUTE GOVERNING PUBLIC LIBRARIES IN NEW SOUTH WALES SHOULD BE UPDATED. AUSTRALIA HAS ENTERED THE INFORMATION AGE; MASSIVE LEAPS IN COMMUNICATIONS TECHNOLOGY HAVE REVOLUTIONISED**



**THE WAY WE WORK AND LIVE. LIBRARIES ARE VERY DIFFERENT PLACES TODAY AND THE MANAGEMENT OF THE PUBLIC LIBRARIES NETWORK MUST REFLECT THESE CHANGES.**

**MR PRESIDENT, THE LIBRARY AMENDMENT BILL 1992 HAS BEEN WELCOMED BY LIBRARY INTERESTS AND LOCAL GOVERNMENT. FOR THE FIRST TIME THE RIGHTS OF LIBRARY USERS ARE DEFINED WITH CLARITY AND GUARANTEED AS INALIENABLE. LOCAL LIBRARIES WILL BE ABLE TO GENERATE ADDITIONAL REVENUES FOR NON-CORE SERVICES, IN A WAY THAT RESPECTS THE PRIVATE SECTOR. A POLICY CONTEXT HAS BEEN SET FOR LIBRARIES WHICH ALLOWS EACH COUNCIL TO DETERMINE HOW CHARGES FOR NON-CORE SERVICES ARE TO BE APPLIED, IF A COUNCIL, IN FACT WISHES TO INTRODUCE CHARGES.**

**THIS LEGISLATION IS AN INTEGRAL PART OF THE COMPREHENSIVE PROCESS OF REFORM OF THE PUBLIC LIBRARY SYSTEM INITIATED BY THIS GOVERNMENT. IT WILL REINFORCE THE PUBLIC LIBRARY SYSTEM IN NEW SOUTH WALES. I COMMEND THE BILL TO THE HOUSE.**



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

**NEW SOUTH WALES**

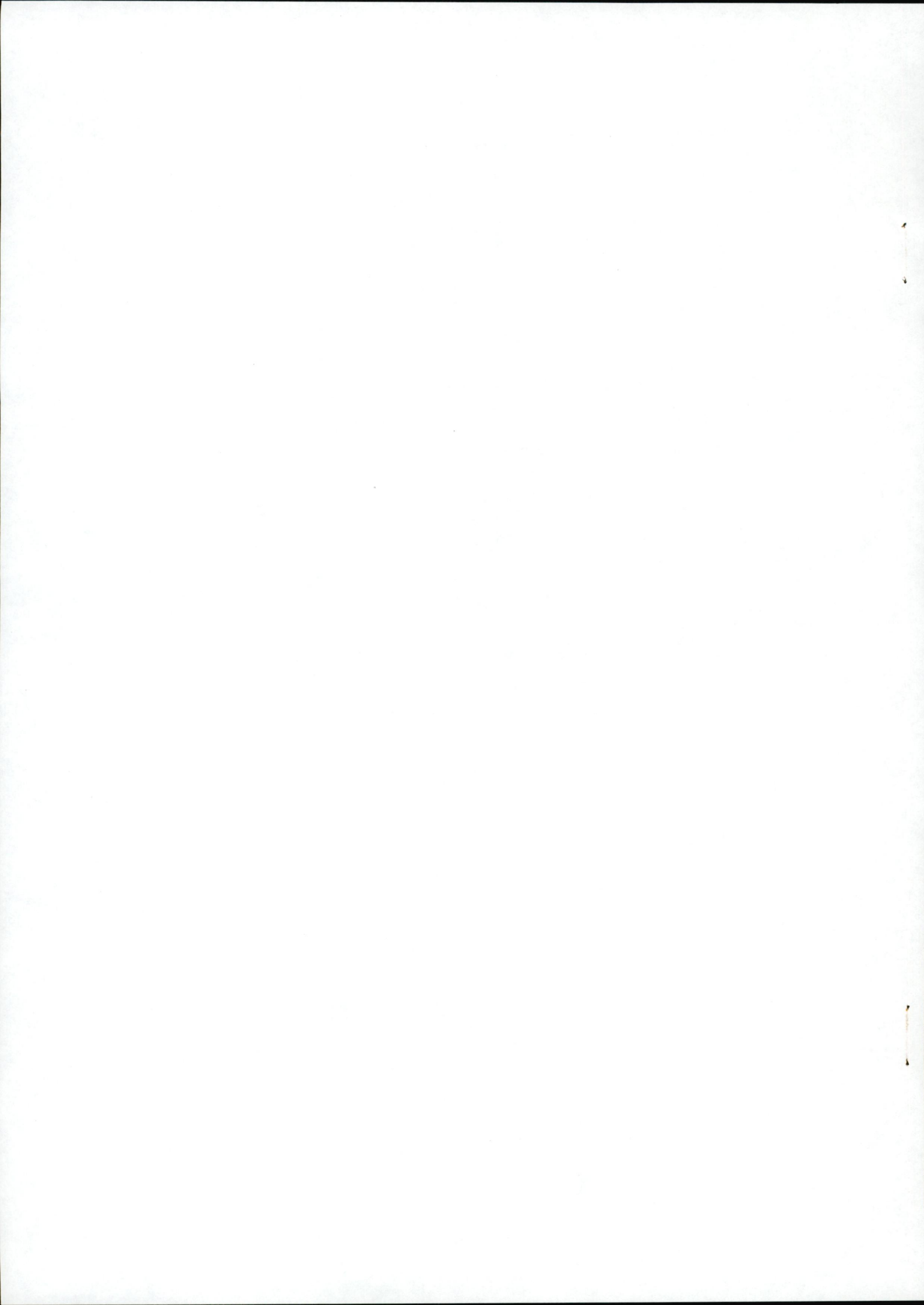


**TABLE OF PROVISIONS**

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

**SCHEDULE 1—AMENDMENTS**

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

**NEW SOUTH WALES**



**Act No. 40, 1992**

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

*Library (Amendment) Act 1992 No. 40*

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The Legislature of New South Wales enacts:

**Short title**

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

**Commencement**

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

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

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

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Sections 10, 10A:

Omit section 10, insert instead:

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

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

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

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

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

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

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

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



*Library (Amendment) Act 1992 No. 40*

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SCHEDULE 1—AMENDMENTS—*continued*

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

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

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

• **Free basic reference services to members**

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

• **Free ordering of books for members**

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

• **Provision of certain commercial services prohibited**

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

• **Restriction on use of State subsidy**

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

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

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

*Library (Amendment) Act 1992 No. 40*

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SCHEDULE 1—AMENDMENTS—*continued*

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

(4) In this section:

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

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

**Restrictions on borrowing entitlements etc.**

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

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

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

(3) A determination under subsection (2):

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

*Library (Amendment) Act 1992 No. 40*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 13 (3A):

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

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[Minister's second reading speech made in—

Legislative Assembly on ~~5 March 1992~~

Legislative Council on 5 May 1992]

26 February 1992

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BY AUTHORITY

R. J. MILLIGAN, ACTING GOVERNMENT PRINTER—1992

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