

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (PUBLIC LIBRARY) BY-LAWS 2009

As in force at 1 July 2021

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NORTHERN TERRITORY OF AUSTRALIA

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ALICE SPRINGS (PUBLIC LIBRARY) BY-LAWS 2009

By-laws under the *Local Government Act 2019*

1 Citation

These By-laws may be cited as the *Alice Springs (Public Library) By-laws 2009*.

2 Enactment and commencement

- (1) These by-laws were made by special resolution of the Alice Springs Town Council on the 27th day of January 2009 pursuant to Part 13.1 of the Local Government Act.
- (2) These by-laws have force and effect from the 1st day of March 2009 or the date that they are notified in the Gazette whichever is later.
- (3) The *Alice Springs (Public Libraries) By-laws* (Subordinate Legislation No. 36 of 1988) are repealed.

Note for clause (1)

These By-laws were made under the Local Government Act 1993 (Act No. 83 of 1993) and are continued in force by:

- (a) *section 270(1)(b) of the Local Government Act 2008 (Act No. 12 of 2008);*
and
- (b) *section 348 of the Local Government Act 2019.*

3 Definitions

In these By-laws:

book or material means a book, magazine, newspaper, pamphlet, music score, gramophone record, video recording, audio-tape recording, compact disc, digital video disc, print, photograph, map, chart, plan, film, slide, microform, manuscript, toy, poster or other article forming part of the contents of the library available for borrowing, reference or perusal;

borrower means a borrower registered under By-law 5;

borrowers card means a current and valid borrowers card issued in accordance with By-law 6;

Council means the Alice Springs Town Council;

Council area means the area within a circle having a radius of 100 kilometres having at its centre the Alice Springs Post Office;

determined means determined by Council by resolution;

library means the Alice Springs Public Library (otherwise known as the Nevil Shute Memorial Library) and includes any branch of that library and any other public library that may be administered by Council;

Library Manager means the person appointed to be responsible to Council for the management of the library;

officer means:

- (a) a person who is appointed or employed as an officer of the library; and
- (b) an authorised person as defined in section 7 of the *Local Government Act 2019*; and

penalty unit, refer Penalty Units Act.

4 Hours of opening

- (1) Council must cause the library to be open to the public on such days and at such hours as it may from time to time determine.
- (2) The Library Manager shall cause a notice stating the hours of opening to be affixed to the main entrance to the library or some other suitable place.

5 Registration

- (1) Subject to clause (3) and By-law 12(2), the Library Manager must on:
 - (a) the application of a person permanently resident in the Council area; and
 - (b) the production of evidence of that person's place of residence register that person as a town borrower.

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- (2) Subject to clause (3) and By-law 12(2), the Library Manager may on:
 - (a) the application of a person resident outside the Council area;
and
 - (b) the production of evidence that that person has a permanent postal address in the Council arearegister that person as a country borrower.
 - (3) An application for registration by a person under the age of 18 years (a **minor**):
 - (a) must be signed by the parent or guardian of the minor; and
 - (b) must contain a guarantee by that parent or guardian to pay any fees or charges incurred under these By-laws by the minor before he or she attains the age of 18 years and to pay for any book or material lost or damaged whilst on issue to him or her under these By-laws before he or she attains that age.
 - (4) Registration shall be current for a period of 2 years and may be renewed.
 - (5) Despite clause (1) and (2), Council may determine any other category of borrower and the conditions of borrowing attaching to that category.

6 Fees and charges

- (1) Subject to by-law 8(2), there is no fee for registration as a borrower under By-law 5.
- (2) However, Council may from time to time determine fees and charges applying to the administration and enforcement of these by-laws.

7 Borrowers card

- (1) Upon registering a person as a borrower under by-law 5 the Library Manager must issue a borrowers card to that person authorising that person to borrow books or materials from the library.
- (2) A borrowers card must be used only by the person to whom it is issued and is not transferable.

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- (3) A borrower must, when borrowing books or materials from the library, present the borrowers card to an officer together with the books or materials.
 - (4) Where a borrower loses or mislays a borrowers card that fact must immediately be reported to the Library Manager or a senior staff member.
 - (5) Where a borrower loses or mislays a borrowers card the Library Manager:
 - (a) may issue a replacement borrowers card; and
 - (b) must require the borrower to pay a sum determined from time to time in respect of that replacement borrowers card.
 - (6) Where, in the opinion of the Library Manager, hardship or other special circumstances exist, the Library Manager may refund or remit the whole or part of the charge incurred under clause (5)(b).

8 Effect of registration

- (1) Subject to these By-laws, a person who is registered as a borrower is entitled to:
 - (a) borrow, free of charge, for use away from the library any book or material of the library which is designated by the Library Manager as a book or material which is available for lending purposes; and
 - (b) access, free of charge, such other services that the library may from time to time provide.
- (2) Where the nature or value of a book or material is such that Council considers a borrowing fee should be charged, Council may from time to time determine such a fee.

9 Conditions of borrowing

- (1) The period for which books or materials borrowed from the library may be retained shall be determined by Council.
- (2) A borrower may be required to return any books or materials to the library by a date earlier than that on which the loan would otherwise expire by a notice issued by or on behalf of the Library Manager and posted to the address of the borrower as shown on the library records.
- (3) The number of books or materials which a borrower may borrow from the library shall be determined by the Library Manager.

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- (4) Books or materials shall be considered to have been returned to the library:
 - (a) where the borrower delivers or causes them to be delivered to the library or Library Manager; or
 - (b) where the books or materials are posted to the library in a prepaid postage packet addressed to the library or Library Manager, upon receipt by the Library Manager of the books or materials.
 - (5) Where a book or material is not required for another borrower the Library Manager may extend the period of the loan.
 - (6) An application by a borrower for the extension of a loan may be made:
 - (a) by presenting the book or material at the library for reissuing; or
 - (b) in any other manner determined by the Library Manager.
 - (7) Where a book or material is required by a borrower, but is not presently available for loan, then the Library Manager may reserve that book or material for a borrower on completion by the borrower of an application form provided by the Library Manager.
 - (8) Where an application form has been completed in accordance with clause (7), the Library Manager must notify the intended borrower when the book or material is available for loan.
 - (9) Books or materials provided in the library for reference use only shall not be borrowed unless the Library Manager considers that special circumstances exist which warrant that they should be permitted to be taken from the library.

10 Loss or damage

- (1) The borrower is responsible for the safe care of, and for the return on or before the due date of, all books or materials borrowed.
- (2) Where a book or material is damaged when on loan to a borrower the borrower must, on returning that book or material, report the damage to the Library Manager.
- (3) Where a book or material is not returned after due notice requesting its return has been given by the Library Manager, or is lost when on loan to a borrower, or on being returned is on examination found to have been damaged or to have sustained loss of value, the person with whose borrower's card the book or material was borrowed

may:

- (a) be required by the Library Manager to pay the cost of or relating to replacing the book or material or to repairing the damage; or
 - (b) may instead, with the approval of the Library Manager, provide the library with a replica of the book or material.
- (4) A borrower who complies with clause (3)(a) or (b) in respect of the loss of any book or material does not by so doing acquire any property in the item, and, if the item is subsequently returned to the library, the Library Manager may direct the repayment to the borrower of the whole or part of any sum paid or the return of any replica provided by the borrower.

11 Change of address

- (1) A borrower must, within 7 days of changing address, notify the Library Manager of the change.
- (2) A person registered under by-law 5(1) who permanently leaves the Council area must, before leaving or within 7 days after, return the person's borrowers card to the Library Manager.

12 Suspension or cancellation of registration

- (1) Where a borrower fails to comply with these By-laws the Library Manager may suspend or cancel the borrower's registration.
- (2) Where a person's registration is cancelled under clause (1), the Library Manager is not obliged to subsequently register the person as a borrower.

13 Conduct in library

- (1) If in the opinion of the Library Manager or an officer the behaviour, conduct, condition, dress or manner of a visitor to the Library is likely to:
 - (a) cause offence to any other person in the library; or
 - (b) interfere with the use and enjoyment of the library by another person

the Library Manager or officer may direct that person to leave the library.

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- (2) A person who does not immediately leave the library after being directed to do so under clause (1) commits an offence.

Penalty: 1 penalty unit

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Alice Springs (Public Library) By-laws 2009 (SL No. 1, 2003)***

Notified	18 March 2009
Commenced	18 March 2009

Local Government Act 2019 (Act No. 39, 2019)

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (<i>Gaz</i> S27, 30 June 2021)

Amending Legislation***Statute Law Revision Act 2020 (Act No. 26, 2020)***

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Local Government Amendment Act 2021 (Act No. 15, 2021)

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

3 LIST OF AMENDMENTS

bl 2 – 3 amd Act No. 39, 2019, s 370