NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (PUBLIC LIBRARIES) BY-LAWS

As in force at 22 March 2001

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ALICE SPRINGS (PUBLIC LIBRARIES) BY-LAWS

By-laws under the *Local Government Act*

1 Citation

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

2 Definitions

In these By-laws, unless the contrary intention appears:

book or material means a book, magazine, newspaper, pamphlet, music score, gramophone record, video recording, audio-tape recording, picture, 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 country borrower, a town borrower or a temporary borrower, as the case may be.

borrowers card means a current and valid borrowers card issued in accordance with these By-laws.

Council means the Alice Springs Town Council.

Council area means the area within a circle having a radius of 100 km centered on the Alice Springs Post Office.

country borrower means a person registered as a borrower under by-law 4(2).

library means the Nevil Shute Memorial Library in Alice Springs, and includes a branch of that library and any other public library administered by the Alice Springs Town Council.

Librarian means the person appointed to be responsible to the Council for the management of the library, and includes an officer acting for or under the direction of the Librarian.

officer means a person who is appointed or employed as an officer of the library, and includes the Librarian, and also includes any other person authorised by the Council to be an officer for the purposes of these By-laws.

person, in relation to a borrower, includes a body corporate or other body established in the Territory.

place of residence, in relation to a body corporate or other body, means a place of business or an address for service in the Territory.

temporary borrower means a person borrowing books or materials under by-law 7.

town borrower means a person registered as a borrower under by-law 4(1).

3 Hours of opening

(1) The Council shall 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 Librarian shall cause a notice stating the hours of opening to be affixed to the main entrance to the library or some other suitable place.

4 Registration

(1) Subject to this by-law, the Librarian may:

(a) on the application of a person resident in the Council area; and

(b) on the production of evidence of that person's place of residence,

register that person as a town borrower.

(2) Subject to this by-law, the Librarian may:

(a) on the application of a person resident outside the Council area; and

(b) on the production of evidence of that person's place of residence,

register that person as a country borrower.

(3) An application for registration under this by-law by a person under the age of 18 years:

(a) shall be signed by the parent or guardian of the person; and

(b) shall contain a guarantee by that parent or guardian to pay any fees or charges incurred under these By-laws by that first-mentioned person before he or she attains that age 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) An application under this by-law shall be made in writing on an application form provided for that purpose by the Librarian.

(5) Registration shall be current for a period of 3 years and may be renewed.

5 Borrowers card

(1) Upon registering a person as a borrower under by-law 4 the Librarian shall issue a borrowers card to that person authorizing that person to borrow books or materials from the library.

(2) A borrowers card shall be used only by the person to whom it is issued and is not transferable.

(3) A borrower shall, 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 shall immediately be reported to the Librarian.

(5) Where a borrower loses or mislays a borrowers card the Librarian:

(a) may issue a replacement borrowers card; and

(b) shall require the borrower to pay a sum fixed from time to time by the Council in respect of that replacement borrowers card.

(6) Where, in the opinion of the Librarian, hardship or other special circumstances exist, the Librarian may refund or remit the whole or part of the charge incurred under clause (5)(b).

6 Effect of registration

(1) Subject to these By-laws, a person who is registered as either a town borrower or a country borrower is entitled to borrow, free of charge, for use away from the library any book or material of the

library which is designated by the Librarian as a book or material which is available for lending purposes.

(2) Where the nature or value of a book or material is such that the Council considers a borrowing fee should be charged, the Council may from time to time prescribe such a fee.

7 Temporary borrowers

(1) Where a person wishes to borrow books or materials from the library but is not registered as a borrower under by-law 4 the Librarian may allow that person to borrow books or materials as a temporary borrower.

(2) A temporary borrower may be required by the Librarian to pay a deposit of up to $20 for each book or material borrowed, and is entitled, subject to by-laws 8 and 9 and to whether or not a fee has been prescribed under by-law 6(2), to have the deposit refunded upon the return of all books and materials borrowed.

8 Conditions of borrowing

(1) The period for which books or materials borrowed from the library may be retained shall be determined by the 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 Librarian 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 Librarian.

(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 Librarian; or

(b) where the books or materials are posted to the library in a prepaid postage packet addressed to the library or Librarian, upon receipt by the Librarian of the books or materials.

(5) Where a book or material is not required for another borrower the Librarian may extend the period of the loan.

(6) An application by a borrower for the extension of a loan shall be made:

(a) by presenting the book or material at the library for reissuing; or

(b) in any other manner determined by the Librarian.

(7) Where a book or material is required by a borrower, but is not presently available for loan, then the Librarian may reserve that book or material for a borrower on completion by the borrower of an application form provided by the Librarian.

(8) Where an application form has been completed in accordance with clause (7), the Librarian shall 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 Librarian considers that special circumstances exist which warrant that they should be permitted to be taken from the library.

9 Replacement of and damage to books or materials

(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 shall, on returning that book or material, report the damage to the Librarian.

(3) Where a book or material is not returned after due notice requesting its return has been given by the Librarian, 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:

(a) may be required by the Librarian 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 Librarian, provide the library with a replica of or replacement for 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 Librarian may direct the repayment to the borrower of the whole or part of any sum paid or the return of any replica or

replacement provided by the borrower.

10 Change of address

(1) A borrower shall, within 7 days of changing address, notify the Librarian of the change.

(2) A person registered under by-law 4 who permanently leaves the area shall, before leaving or within 7 days after, return the person's borrowers card to the Librarian.

11 Conduct of persons in library

(1) The Librarian may give such directions and take such action as is considered necessary for securing the orderly conduct of the library and compliance with these By-laws.

(2) A person shall not at any time negligently or wilfully soil, tear, cut, crease, mark, deface, damage, or destroy any book or material which is in the library or is on issue from the library.

(3) A person shall not:

(a) wilfully disturb or interrupt any person in the use of the library;

(b) behave in disorderly or indecent manner in the library;

(c) eat or drink in the library other than in an area designated by the Librarian for that purpose;

(d) strike a light or smoke in the library other than in an area designated by the Librarian for that purpose;

(e) enter or use the library if the person is unclean in dress or person or appears to the Librarian to be intoxicated;

(f) unless authorized to do so by an officer of the library or the person is such an officer, enter or remain in any part of the library after those hours during which the library is designated open for public use;

(g) swear or use obscene, offensive or abusive language in the library;

(h) unless authorized to do so by an officer of the library or the person is such an officer, enter or remain in any part of the library not set aside for the use of the public;

(j) offer anything for sale in the library without having first obtained permission from the Council;

(k) put up a bill, placard or notice in the library without having first obtained permission from the Librarian; or

(m) deface the walls, furniture or any other part of the Library.

(4) If the Librarian so requires, a person entering the library with a case, bag, parcel or similar item shall deposit it, at the person's own risk, in a place designated by the Librarian for that purpose.

(5) Without prejudice to clause (4), a person who has brought a case, bag, parcel or similar item into the library shall, if so requested by an officer, allow it to be inspected before the person leaves the library.

(6) A person who contravenes or fails to comply with any of the provisions of this by-law may be removed or excluded from the library by the Librarian or an officer.

12 Cancellation of registration

Where a borrower refuses or neglects to comply with these By-laws the Librarian may cancel the borrower's registration.

ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

***Alice Springs (Public Libraries) By-laws* (SL No. 36, 1988)**

Notified	7 September 1988
Commenced	7 September 1988

***Statute Law Revision Act 2001* (Act No. 3, 2001)**

Assent	22 March 2001
Commenced	22 March 2001

3 LIST OF AMENDMENTS

bl 11 amd Act No. 3, 2001, s 9