

NORTHERN TERRITORY OF AUSTRALIA
DARWIN (PUBLIC LIBRARIES) BY-LAWS
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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 14*

By-laws under the *Local Government Act*

The Darwin City Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 204(2) and (3) of the Act, at a meeting held on 29 January 1991, made the following By-laws, and for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Garry Raymond Storch, the Town Clerk, to sign them.

Dated 1 February 1991.

G.R. Storch
Town Clerk

DARWIN (PUBLIC LIBRARIES) BY-LAWS

PART 1 - PRELIMINARY

1. CITATION

These By-laws may be cited as the Darwin (Public Libraries) By-laws.

2. INTERPRETATION

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

"book or material" includes a periodical, newspaper, pamphlet, music score, picture, print, photograph, microfilm, map, chart, plan, manuscript, film, slide, sound recording, video recording or any other article forming part of the library collection whether or not the property of the Council or the Territory;

"borrower's card" means a borrower's card issued under by-law 9;

"Council" means the Darwin City Council;

* Notified in the *Northern Territory Government Gazette* on 24 April 1991.

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"librarian" in respect of a library, means the person appointed by the Council to be in charge of the library, and includes an officer acting for or under the direction of the librarian;

"library" means a public library in the municipality administered by the Council and includes all premises forming part of or used by or in conjunction with the library;

"municipality" means the municipality of Darwin;

"permanent resident" means a person who, in the opinion of a librarian, resides permanently in the municipality;

"registered borrower" means a person, organization or institution registered as a borrower under these By-laws.

PART 2 - LIBRARIES

3. LIBRARY HOURS

(1) A library shall be open on such days and during such hours as the Council, from time to time, by resolution determines.

(2) A statement of the days and times a library is open shall be clearly exhibited and kept exhibited by the librarian in a conspicuous place in or about the library.

4. REGISTRATION OF BORROWERS

(1) Subject to these By-laws, a librarian may -

(a) on the application of a person who is a permanent resident; and

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

register that person as a borrower.

(2) Subject to these By-laws, a librarian may on the application of a person who is not a permanent resident but who is -

(a) employed in the municipality; or

(b) attending an educational institution in the municipality,

register that person as a borrower.

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(3) A librarian may require a person referred to in -

(a) clause (2)(a), to provide a recommendation from the person's employer, in a form approved by the librarian, that the person be registered as a borrower; or

(b) clause (2)(b), to provide -

(i) a recommendation, authorised by the principal of the educational institution, that the person be registered as a borrower; or

(ii) a current identity card that is acceptable to the librarian,

before registering the person as a borrower.

(4) A librarian may require an application under this by-law by a person who has not attained the age of 18 years to be signed by a parent or a person as guarantor of that person.

(5) Where, under clause (4), an application under this by-law is signed by a parent or a person as guarantor, the parent or person shall sign a guarantee that the parent or person will pay any fees and charges incurred under these By-laws by the person to whom the application relates, and to pay, in accordance with these By-laws, for any book or material lost or damaged whilst on loan to that person, before that person attains the age of 18 years.

5. REGISTRATION OF TEMPORARY BORROWER

(1) A librarian may register a person who is not qualified to be registered under by-law 4 as a temporary borrower.

(2) A person registered as a temporary borrower may borrow books or materials from a library on such terms and conditions as the librarian may from time to time determine.

6. REGISTRATION OF ORGANISATIONS AND INSTITUTIONS

(1) A librarian may register an organisation or institution as a borrower.

(2) An organisation or institution registered as a borrower under clause (1) may borrow books or materials from a library on such terms and conditions as the librarian may from time to time determine.

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7. BORROWERS FROM OTHER LIBRARIES

(1) A librarian may register as a borrower a person registered as a borrower with another public library in the Territory (which is outside the municipality).

(2) A person wishing to be registered as a borrower under clause (1) shall produce to the librarian the person's borrower's card from the public library where the person is registered as a borrower.

(3) A person registered as a borrower under clause (1) may borrow books or materials from a library on such terms and conditions as the librarian may from time to time determine.

8. EFFECT OF REGISTRATION

Subject to these By-laws and, where applicable, to any terms and conditions determined by a librarian under these By-laws, a registered borrower may borrow, free of charge, for use away from a library any book or material which is designated by the librarian as a book or material which is available for lending purposes.

9. BORROWERS' CARDS

(1) Each registered borrower shall be issued with a borrower's card.

(2) A borrower's card shall remain in force, unless sooner cancelled or suspended, for a period of 2 years from the date of issue or such other period as a librarian may from time to time determine.

(3) A borrower's card is not transferable.

10. LOSS OR DESTRUCTION OF BORROWERS' CARDS

(1) A registered borrower whose borrower's card is lost or destroyed shall notify a librarian of the loss or destruction as soon as possible after becoming aware of the loss or destruction.

(2) Where a registered borrower satisfies a librarian that his or her borrower's card has been lost or destroyed, the librarian may, subject to clause (3), on payment of such fee, if any, as the Council may from time to time by resolution determine, issue to the borrower a new borrower's card.

(3) A librarian shall not issue a borrower's card under this by-law to a registered borrower unless the borrower has returned all books and materials that the borrower has on loan and the borrower has paid any outstanding fees and charges incurred under these By-laws.

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(4) Notwithstanding that a borrower's card is lost, the registered borrower in whose name the card is issued is liable under these By-laws for any loss of or damage to books or materials borrowed using the card (whether or not the books or materials were borrowed by the registered borrower using the card) until such time as a librarian is notified under clause (1).

11. CANCELLATION OF BORROWERS' CARDS

- (1) A registered borrower who -
 - (a) changes his or her name; or
 - (b) does not intend to continue borrowing books or materials from a library,

shall notify a librarian accordingly and forward to the librarian the borrower's card for cancellation.

(2) A librarian may cancel, or suspend for such period as the librarian thinks fit, a borrower's card where the registered borrower in whose name the card is issued has contravened or failed to comply with these By-laws.

12. USE OF BORROWERS' CARD

A person shall not be permitted to borrow a book or material from a library unless the person presents a borrower's card to the librarian or an employee of the Council at the area designated for the purpose of issuing books or materials at the library.

13. BORROWER TO ATTEND IN PERSON

A librarian may refuse to lend a book or material except to a registered borrower in person.

14. PERIOD OF LOAN OF BOOK OR MATERIAL

(1) A book or material may be borrowed from a library for such period as the librarian from time to time determines.

(2) The number of books and materials a registered borrower may borrow from a library shall be determined from time to time by the librarian.

(3) Where a registered borrower has borrowed a book or material from a library, the librarian may decline to change the book or material on the same day on which it was borrowed.

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(4) Where a book or material is not required by another registered borrower, the librarian may extend, for one further period only, the period of the loan.

(5) An application for the extension of a period of a loan of a book or material may be made -

(a) by presenting the book or material at the library from which it was borrowed; or

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

15. RETENTION OF BOOKS OR MATERIALS BEYOND PERIOD OF LOAN

(1) A registered borrower who retains a book or material beyond the period of loan shall, if required by a librarian, pay the reasonable costs incurred by the Council in obtaining the return of the book or material.

(2) A librarian may refuse to loan books or materials to a registered borrower who fails to pay an amount required to be paid under clause (1).

16. DAMAGE TO BOOKS OR MATERIALS TO BE REPORTED

Where a book or material is -

(a) damaged whilst on loan; or

(b) issued in a damaged or imperfect condition,

a registered borrower shall, on returning the book or material to the library, report the damage to the librarian.

17. LOST OR DAMAGED BOOKS OR MATERIALS

(1) Where a book or material is -

(a) damaged whilst on loan;

(b) not returned after due notice requesting its return has been given by a librarian; or

(c) lost whilst on loan,

a librarian may require the registered borrower of the book or material to pay the cost of replacing the book or material or of repairing the damage caused and if the book or material is one of a set and it is impracticable to repair or replace the book or material, to pay the cost of replacing the set.

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(2) A book or material which is stolen, lost or damaged remains the property of the Council or the Territory, although replaced or paid for, and, if recovered, the subsequent disposal of such book or material shall be at the discretion of the Council or the Territory.

18. BOOKS OR MATERIALS MAY BE RESERVED

(1) Where a book or material is required by a registered borrower, but is not presently available for loan, a librarian may reserve the book or material for that borrower.

(2) The librarian shall notify a registered borrower when the book or material reserved under clause (1) becomes available for loan.

19. BOOKS OR MATERIALS MAY BE REQUESTED

(1) A registered borrower may apply to a librarian to borrow a book or material which does not form part of the library's collection.

(2) Where an application is made under clause (1), the librarian shall take such steps as are practicable to supply the book or material required and shall notify the registered borrower of the outcome.

(3) Nothing in this by-law shall require the Council to purchase a book or material in respect of which an application is made under clause (1).

20. REFERENCE BOOKS OR MATERIALS NOT TO BE BORROWED

A book or material provided in a library for reference use only shall not be borrowed from the library unless the librarian considers that special circumstances exist which warrant that it should be permitted to be taken from the library.

PART 3 - MISCELLANEOUS

21. POWERS OF LIBRARIANS, &c.

(1) A librarian may give such directions and take such action as the librarian considers necessary for securing orderly conduct at a library and compliance with these By-laws.

(2) A librarian may prohibit a child entering or remaining in a library if the child is not under the supervision of an adult or another child who, in the opinion of the librarian, is capable of supervising that child.

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(3) A person who contravenes or fails to comply with these By-laws or a direction of a librarian under clause (1) or (2) may be removed or excluded from the library by the librarian, an officer or an employee of the Council.

(4) A person aggrieved by a decision of a librarian under these By-laws may appeal against that decision to the Council.

22. BAGS, &c., TO BE DEPOSITED

(1) A person entering a library may be required by the librarian to deposit any bag, case, parcel or other such article in the person's possession in such place as may be set aside for that purpose.

(2) A person who brings a bag, case, parcel or other such article into a library shall, when requested by the librarian, allow it to be inspected by the librarian before the person leaves the library.

(3) A bag, case, parcel or article deposited in a library in accordance with clause (1), which is not claimed within 24 hours after its deposit, may be forwarded by the librarian to a police station in the municipality.

(4) The Council or a librarian is not liable for the loss of or damage to a bag, case, parcel or article deposited in a library in accordance with clause (1).

23. ANIMALS IN LIBRARIES

(1) Subject to clause (2), a person shall not bring an animal into a library.

(2) Clause (1) does not apply to a person bringing a dog used to escort a blind or visually impaired person into a library.

24. VEHICLES IN LIBRARIES

(1) Subject to clause (2), a person shall not, except with the permission of the librarian, bring a vehicle or conveyance into a library.

(2) Clause (1) does not apply to a person bringing a wheelchair into a library where the person requires the wheelchair to gain access to the library.

25. CONDUCT OF PERSONS IN LIBRARIES

(1) A person shall not -

(a) obstruct a librarian or an officer or employee of the Council in the execution of his or her duties under these By-laws;

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- (b) disturb, interrupt or annoy any person in a library;
- (c) lie on a chair or table in, or on the floor of, a library;
- (d) smoke, eat or drink in a library, except in an area designated by the librarian for that purpose;
- (e) sleep in a library;
- (f) except with the consent of the librarian, offer anything for sale in a library;
- (g) behave in a disorderly manner in a library;
- (h) swear or use violent, abusive or obscene language in a library;
- (j) enter or remain in a library after the hour fixed for the closing of the library;
- (k) enter or use a library if unclean in dress or person or under the influence of alcohol or drugs;
- (m) soil, tear, cut, deface, damage, injure or destroy a book or material or an object forming part of the contents of a library, whether in the library or elsewhere;
- (n) take a tracing from a book or material in a library except through a protective screen and with the permission of the librarian;
- (p) except under and in accordance with these By-laws, take or cause to be taken from a library, or receive or be in possession of, a book or material forming part of the contents of the library;
- (q) wilfully misplace or conceal a book or material or a record of a book or material in a library;
- (r) make a copy of a borrower's card;
- (s) except with the consent of the librarian, enter or remain in any part of a library not set aside for the use of the public; or
- (t) except with the consent of the librarian, affix or post a bill, placard, notice or petition in or on any part of a library.

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(2) A person shall not enter or remain in a library with a child who has not attained the age of 5 years unless that person keeps the child under direct supervision at all times while the child is in the library.

The common seal of the Darwin City Council was affixed hereto in pursuance of a resolution of the Council passed on 1991, authorizing the seal to be so affixed.

A.K. Markham
Lord Mayor

G.R. Storch
Town Clerk
