

## Library Act 1939: Guidelines to Section 10



These guidelines have been developed by the Library Council of New South Wales to assist local authorities in interpreting the provisions of the *Library Act 1939* in relation to local public libraries.

This Guideline is issued pursuant to Section 10(5) of the Act, which sets out that the Library Council of NSW may issue guidelines to local authorities for the purposes of Section 10.

### Section 10(1)

#### Guideline 1 Free membership

*(a) "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."*

The intention of this provision is to ensure that membership of the library for residents and ratepayers is provided free.

Free membership is membership of a local authority library, including if required, provision of a library card for residents of that local authority's area and for residents of other local authorities who are signatories to Reciprocal Membership Agreements. Reciprocal membership is enabled by s10(3) of the Act.

#### Guideline 2 Free access

*(b) "Any person (whether or not a member of the library) is entitled free of charge to access to any library material of the library and 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."*

The intention of this provision is to ensure that no charge is made for the use of library materials or access to the information services of the library by any person on the library premises, other than information excepted from free access by guidelines issued by the Council.

The *Library Act 1939* defines library material:

Library material includes book, periodical, newspaper and any other printed matter and also includes map, music, manuscript, picture, photographic plate and film and any other matter or thing on or by which words, sounds or images are recorded or reproduced.

This definition includes electronic publications and information that is accessible via the internet, and it means that members of the public can enter a public library and access information, regardless of its format, free of charge (other than information excepted from free access by guidelines issued by the Council).

"Information service" is "personal assistance provided by members of the reference staff to library users in pursuit of information. Synonymous with reference service". (The ALA Glossary of Library and Information Science, ALA, 1983.)

For further discussion of the provision of basic (core) and value-added (non-core) information/reference services see discussion under Guideline 5: Basic Reference Services.

### **Guideline 3 Free loans**

*"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 library material of the library which has been classified by the librarian of the library as being of literary, informative, or educational value or as being fiction."*

The intention of this provision is to ensure that residents and ratepayers are able to borrow free of charge any materials which have been classified by the librarian as loan material which has literary, informative, or educational value and fiction materials (including large print and other special format fiction materials).

The term 'classified by the librarian of the library' acknowledges that librarians within individual local authorities have responsibility for determining what constitutes educational and informative material. For the purposes of this provision, the librarian of the library must classify loan materials as being of literary, informative or educational value.

It is intended that librarians will take account of the need to provide for the development of literacy skills of adults and children with special needs.

It is unlikely that local public libraries will develop significant collections of materials which have no literary, informative or educational merit.

Fiction includes all novels, prose and short stories and includes large print and other special format fiction materials.

This provision is about items being loaned for free, not that all items must be available for loan. The discretion of whether items are classified not for loan is with the librarian – s10(2).

Section 10(2) sets out that library materials classified as reference by the librarian may be deemed not for loan.

### **Guideline 4 Free delivery**

*(d) "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."*

This section relates to services currently known as "housebound" or "home library" services.

The intention of this provision is to ensure that no charge is levied where the local library provides a delivery service to members of the library who by reason of sickness or disability are unable to attend the library.

Each local authority may determine whether to provide such a service and the extent of the geographic area served by its delivery service where such services are provided.

It is not within the province of these guidelines to prescribe that a local library requires medical certification of disability by individuals who request delivery of library materials or information. The option to request such certification is available to local public libraries.

#### **Guideline 5 Free basic reference service**

*(e) "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."*

It is the intention of this provision to ensure that public libraries make provision for free basic reference or information services.

Note: "Information service" and "reference service" are synonymous for the purposes of the guidelines.

Basic reference/information services which are to be provided free include:

- provision of independent access to reference materials for persons who seek such information from the library including assistance in identifying and locating library materials (by any appropriate means) within the library or from other sources.
- provision of assistance by library staff in identifying, retrieving, and making available, relevant information (by any appropriate means) in response to requests for information by library clients.

Reference/information services which may, at the discretion of the local authority, attract a charge include in-depth reference/information searches at the request of an individual library user.

The criteria for determining whether a reference or information search is in-depth include an assessment of:

- the extent of the search
- the level of staff interaction
- the cost incurred
- the level of analysis of the information
- the amount of repackaging or formatting (eg. preparation of a summary or a report)
- the method of delivery.