



Western Australia

Library Board of Western Australia Act 1951

**Library Board (Registered Public Libraries)
Regulations 1985**

Library Board (Registered Public Libraries) Regulations 1985

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Library Board (Registered Public Libraries) Regulations 1985

Part I — Preliminary

1. Citation

These regulations may be cited as the *Library Board (Registered Public Libraries) Regulations 1985*¹.

2. Interpretation

In these regulations, unless the contrary intention appears —
book 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 of a like nature, forming part of the contents of the library whether or not the property of the Board or of the library authority;

librarian means the person for the time being appointed by the library authority to be in charge of the library, or the duly appointed delegate of that person;

library means a registered public library and included all premises forming part of or used by the library;

library authority means a participating body and in relation to a library means the participating body controlling that library;

library authority area means —

- (a) with respect to a library authority which is a local authority, the area enclosed by the boundaries of that authority;
- (b) with respect to a library authority which is other than a local authority, the service area as defined by agreement between that library authority and the Board;

permanent resident means a person who can show evidence, to the satisfaction of the relevant librarian, that he resides in the library authority area;

reader's ticket means a ticket issued by the library authority under regulation 5(3);

registered reader means a person to whom a reader's ticket is issued, in accordance with these regulations by a library authority;

recognized organization means any organization which is permitted to borrow books from a library under regulation 7.

3. Rights and liabilities of library authority when local authority restructured

Where in accordance with the *Local Government Act 1960*² a municipality that is a library authority within the meaning of these regulations (in this regulation referred to as "the former municipality") —

- (a) is included in the district of a new municipality constituted under that Act;
- (b) is united with a municipality that is not such a library authority; or
- (c) is dissolved and its district is included in that of a municipality that is not such a library authority,

then for the purposes of these regulations the municipality in which is included the district of the former municipality, shall in respect of the rights and liabilities of the former municipality relating to the library authority, exercise those rights and be subject to those liabilities to the same extent and in respect to

the same district only as the former municipality could do and was subject to, until the municipality on which those rights and liabilities are so conferred and imposed is declared to be a participating body pursuant to the provisions of the Act.

Part II — The conduct of libraries

4. Library hours

- (1) A library authority shall open the library on such days and during such hours as it may with the concurrence of the Board determine.
- (2) A library authority shall clearly exhibit and keep exhibited in or on the library in a conspicuous place a statement of the days and times during which the library will be open.

5. Registration of readers, generally

- (1) A person who is a permanent resident in a library authority area may make application on the appropriate form provided by the library authority to be registered by the library authority as a registered reader.
- (2) The library authority may require that an application from a child under the age of 18 years, for registration as a reader, shall be signed by a parent or other guarantor who will accept financial responsibility for books borrowed from the library.
- (3) The library authority shall issue to each registered reader one or more reader's tickets for use in accordance with regulation 11.
- (4) A registered reader who is registered with any library authority in the State is entitled, on the production of a current reader's ticket, subject to any conditions made by the library authority pursuant to these regulations, to borrow books from a library.

6. Certain other persons may be registered readers

- (1) A library authority may, subject to these regulations, register as a registered reader a person other than a person referred to in regulation 5, where that person —
 - (a) if employed within the library authority area, produces a recommendation from his employer, acceptable to the library authority, that he be accepted as a registered

- reader or pays to the library authority the deposit referred to in paragraph (c);
- (b) if attending an educational institution within that area, produces a recommendation authorised by the principal of the institution, acceptable to the library authority, that he be accepted as a registered reader or pays to the library authority the deposit referred to in paragraph (c); or
 - (c) pays to the library authority a refundable deposit of such amount as is determined by the library authority with the concurrence of the Board and displayed by notice in the library.
- (2) The library authority shall return the deposit referred to in subregulation (1) where the depositor —
- (a) becomes a permanent resident in the library authority area; or
 - (b) notifies the library, in writing, that he wishes to discontinue borrowing from the library, and has returned all books borrowed from the library,
- but any amount owing to the library by the depositor, for any reason including failure to return a book, may be offset against the deposit.
- (3) A library authority may dispense with the requirement for a refundable deposit.

7. Organizations may be permitted to borrow books

- (1) The library authority may permit any organization being an association, society, educational institution or business or any department or agency of the Government of the State or Commonwealth to borrow books which are required for the official business of the organization.
- (2) An organization wishing to borrow books shall make application on the appropriate form provided by the library authority signed by an officer of the organization.

8. Payment for certain services

A charge shall not be made for the registration of a reader, for the issue of a reader's ticket or for the loan of books, but the library authority may make a charge for the issue of a ticket to replace one lost or destroyed, the amount of which shall be determined by the library authority with the concurrence of the Board.

9. Reader's tickets

- (1) A reader's ticket shall remain in force until the holder of that ticket returns the ticket for cancellation or until the expiration of 2 years, or such longer period as the library authority may determine, from the date of issue whichever occurs first.
- (2) A reader's ticket is not transferable.
- (3) A person shall not make a copy of a reader's ticket with the intention of representing it to be an original.
- (4) A person is responsible for all books borrowed on the reader's ticket issued in his name.
- (5) Where a reader's ticket is lost or destroyed, the person in whose name the ticket was issued shall immediately notify the librarian —
 - (a) at the library where the ticket was issued; and
 - (b) at any library where the ticket was frequently used,but the person in whose name the ticket was issued shall remain responsible for any books borrowed on that ticket while the ticket remains current.
- (6) Where a person proves to the satisfaction of the librarian that his reader's ticket has been lost or destroyed, that person may, on payment of a fee, where so required, be issued with a reader's ticket in lieu of the one lost or destroyed.

10. Registered readers changing address or ceasing to use library

A registered reader who changes address or does not intend to use the library in the future shall notify the librarian forthwith and forward the reader's tickets for alterations or cancellation.

11. Use of reader's tickets

Before a book is borrowed from a library the person borrowing it shall present his reader's ticket at the issuing desk of the library.

12. Messengers may be refused

A librarian may refuse to issue books except to the borrower in person.

13. Period of loan of a book

- (1) A book may be borrowed for such period as the library authority determines.
- (2) The librarian may decline to change a book on the day on which it was issued.
- (3) If a book is not required by another reader the period of loan may be extended.
- (4) An application for the extension of a period of loan may be made —
 - (a) by presenting the book at the library from which it was borrowed in order that it may be reissued; or
 - (b) in such other manner as may be allowed by the librarian with the consent of the relevant library authority.

14. Retention of books beyond period of loan

- (1) A registered reader who retains a book beyond the period of loan shall incur such penalties as the library authority may with the concurrence of the Board determine.

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- (2) A registered reader upon whose reader's ticket a book is borrowed, shall, if required by the library authority, pay postage and all other expenses incurred by the library authority in endeavouring to secure the return of the book.
- (3) A librarian may refuse to issue books to a registered reader who is in arrear with payments due under subregulation (1) or (2) without prejudice to the claim of the library authority for payment of any sums due.
- (4) If a registered reader is frequently guilty of returning books beyond the period of loan the library authority may suspend or cancel his registration and request the return of his reader's tickets.

15. Return of books

When a book is returned to a library the registered reader shall deliver it or cause it to be delivered to the librarian of the library from which it was borrowed —

- (a) at the desk or other place set apart for the purpose; or
- (b) through the post in a prepaid package.

16. Lost or damaged books

Where a book —

- (a) is not returned after notice requesting its return has been given;
- (b) is lost whilst on loan to a registered reader; or
- (c) after being returned is found to have been damaged,

the registered reader who borrowed the book may be required by the Board —

- (d) to pay the cost of replacement of the book as determined by the Board and if the book is one volume of a set and it is impracticable to replace that volume, to pay the cost of replacement of the whole work; or

- (e) to compensate the library authority and the Board for the loss or damage sustained.

17. Damage to be reported

- (1) Where a book —
 - (a) is issued in a damaged or imperfect condition the registered reader shall report the fact to the librarian;
 - (b) receives damage whilst in the custody of a registered reader, he shall on returning the book call the attention of the librarian to any injury it has sustained.
- (2) Books stolen, lost or damaged remain the property of the Board although replaced or paid for and when recovered, the subsequent disposal of such books shall be at the discretion of the Board.
- (3) Nothing in this regulation is to be construed so as to diminish the effect of regulation 17.

18. Books may be reserved

- (1) Any book in the stock of the library may be reserved for a registered reader by the librarian on the completion of an application form provided by the library authority.
- (2) The librarian shall notify the registered reader when the book is available.

19. Books may be requested

- (1) A registered reader may apply to the librarian for a book which is not at the time in the stock of the library and the librarian shall inform the Board of the reader's application.
- (2) The Board may take such steps as are practicable to supply the book required and the librarian shall notify the registered reader of the outcome.

20. Reference books not to be borrowed

Where a book is provided in the library for reference use only it shall not be borrowed from the library unless the librarian agrees that special circumstances warrant that it should be permitted to be taken from the library.

21. Bags etc., to be deposited

- (1) The librarian may require that a person entering the library shall deposit bags, cases, parcels and other such articles in such place as may be set aside for the purpose.
- (2) The librarian or an officer authorised by the librarian may require a person to open any bags, cases, parcels or other such articles brought into the library.
- (3) Any article deposited in accordance with subregulation (1) which is not claimed within 7 days may be forwarded to a police station.
- (4) The library authority is not responsible for any loss or damage to any articles deposited in accordance with subregulation (1).

22. Behaviour of persons using a library

- (1) A person attending a library shall comply with any reasonable direction of a librarian and shall not wilfully obstruct any officer or servant of the library authority or the Board in the execution of his duty or wilfully disturb, interrupt or annoy any other person in the proper use of the library.
- (2) A person shall not —
 - (a) lie on the chairs, tables, floor or any other part of the library;
 - (b) smoke, sleep or partake of refreshment in the library,except in special areas, if any, specified by the library authority as being set aside for such activities or any one of them.

- (3) Except with the consent of the librarian, a person shall not offer any goods or services for sale in a library.
- (4) A person shall not behave in a disorderly manner, or use violent, abusive or obscene language in a library.
- (5) A person, other than an officer or servant of the library authority shall not, after proper warning, remain in the library beyond the hour fixed for the closing of the library.
- (6) A person shall not carelessly, negligently or maliciously soil, tear, cut, deface, damage, injure or destroy any book or any object forming part of the contents of the library, whether within the library or elsewhere.
- (7) A person shall not take a tracing from any book except through a protective screen and with the permission of the librarian.
- (8) A person shall not, without abiding by the rules of the library authority, take or cause to be taken from the library or receive or be in possession of any book forming part of the contents of the library, whether or not the property of the Board or of the library authority.
- (9) A person shall not misplace or secrete any book or any record of a book in the library with the intent to withhold its use from others.

23. Animals

A person shall not permit or cause any dog or any other animal belonging to him or under his control to enter or remain in the library, except that a guide dog used to escort a blind or poorly sighted person may be permitted to enter the library with the person being escorted.

24. Vehicles

Except with the consent of the librarian, a person shall not bring into the library a vehicle or conveyance but this regulation shall not be used to restrict the entry of persons in wheel chairs into

the library where that conveyance is necessary to give the reader access to the library.

25. Restricted areas

A person other than an officer or servant of the library shall not enter or remain in any part of the library which is not set apart for the use of the public except with the permission of the librarian.

26. No bills to be posted

Except with the consent of the librarian a person shall not affix or post any bill, placard or notice to or upon any part of the library.

27. Cleanliness

A person who is offensively unclean in person or in dress —

- (a) shall not enter a library;
- (b) may be excluded from a library at the direction of the librarian.

Part III — Librarians

28. Librarian's general authority

The librarian has the general control and charge of a library and is responsible to the library authority.

29. Authority of librarian

(1) A librarian may cause to be excluded or removed from a library —

- (a) any disorderly person;
- (b) any person who is guilty of offensive behaviour;
- (c) any person who appears to be intoxicated;
- (d) any person who is not using the library for the purpose for which it is intended; or
- (e) any person who has committed a breach of these regulations if it appears that his continued presence in the library may lead to a further breach of these regulations.

(2) A librarian —

- (a) may suspend the use of a reader's ticket; and
- (b) may refuse books and deny the use of the library to any person who refuses or neglects to comply with these regulations,

and a person who is aggrieved by the decision of a librarian made under this subregulation may appeal against the decision to the library authority.

Part IV — Miscellaneous

30. Recovery of outstanding sums, etc.

All sums and penalties that are payable under these regulations may be recovered in any court of competent jurisdiction by the Board or the library authority as the case may be.

31. Penalty for breach of regulations

A person who commits a breach of these regulations is liable to a penalty not exceeding an amount of \$100 and the amount of any expense incurred in consequence of the breach shall be paid by the person.

[32. *Omitted under the Reprints Act 1984 s. 7(4)(f).]*

Notes

- ¹ This is a reprint as at 9 January 2004 of the *Library Board (Registered Public Libraries) Regulations 1985*. The following table contains information about these regulations and any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|--------------------------|--------------|
| <i>Library Board (Registered Public Libraries) Regulations 1985</i> | 13 Sep 1985 p. 3554-8 | 13 Sep 1985 |
| Reprint 1: The <i>Library Board (Registered Public Libraries) Regulations 1985</i> as at 9 Jan 2004 | | |

- ² The *Local Government Act 1960* is now called the *Local Government (Miscellaneous Provisions) Act 1960*. Provisions in it relating to boundaries of districts and the like have been repealed. Provisions about such matters are now in the *Local Government Act 1995*. Under Sch. 9.3 cl. 3(2) of that Act, references to a municipality under the 1960 Act may, where the context so requires, be read as if it had been amended to include or be a reference to a local government under the 1995 Act.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|-------------------------------|---------------------|
| book | 2 |
| librarian..... | 2 |
| library..... | 2 |
| library authority | 2 |
| library authority area..... | 2 |
| permanent resident | 2 |
| reader's ticket..... | 2 |
| recognized organization | 2 |
| registered reader..... | 2 |