

Free Internet Access in Public Libraries Law and Policy

Public libraries in NSW are subject to the Library Act 1939 and operate with reference to a number of policies and guidelines adopted by the Library Council of New South Wales and the Australian Library and Information Association.

This legislative and policy framework makes it clear that NSW public libraries must provide free access to the Internet for clients seeking information.

1) Section 10 of the **Library Act 1939**¹ states that libraries must provide:

Free access to certain materials on library premises.

Any person (whether or not a member of the library) is entitled free of charge to access to any book of the library and to any information forming part of the information service of the library (other than information excepted from free access by guidelines issued by the [Library] Council) for use on the library premises.

2) The Library Council of NSW **Guidelines relating to Section 10**² clarify the intention of this provision:

The intention of this provision is to ensure that no charge is made for the use of books or access to the information services of the library by any person on the library premises.

The Library Act, 1939 defines 'book':

"Book" includes periodical, newspaper and any other printed matter and includes map, music, manuscript, picture, photographic plate and film and any other matter or thing whereby word, sounds or images are recorded or reproduced'.

3) The Issues Paper **Internet access to information: a basic and free service**³ makes it clear that the Internet is included in the definition of a "book" and should therefore be available free of charge.

The key to determining whether electronic publications are covered by the definition of a "book" is the phrase "any other matter or thing whereby words, sounds or images are recorded or reproduced". There is little doubt that the Internet is a medium whereby words, sounds or images are recorded or reproduced. Therefore electronic publications available via the Internet fit into the definition of a "book" as defined in the Library Act 1939. (p.17)

¹ Library Act 1939 <http://www.sl.nsw.gov.au/plb/legislation/>

² Guidelines relating to section 10, Library Amendment Act, 1992
<http://www.sl.nsw.gov.au/plb/legislation/>

³ Scully Paul, Internet access to information: a basic and free service, *Public Library Issues* no.1 June 1998 <http://www.sl.nsw.gov.au/plb/policies/>

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4) After considering the Issues Paper, the **Local Government and Shires Associations** Executive endorsed the principle that *public access to electronic publications available through the Internet in public libraries is a core service rather than a value-added service and should be a free service*.⁴

5) Policies adopted by the Library Council of NSW and the Australian Library and Information Association (ALIA) also support the provision of free access to electronic publications in public libraries:

- the Library Council of NSW guideline **Freedom of Collection and Access for Local Government Libraries**⁵ states that a local government library must accept responsibility for providing free access to materials and information.
- the ALIA **Statement on free access to information**⁶ states that libraries should ensure that the information needs of citizens are met independently of an ability to pay.
- the ALIA **Interim statement on public library services**⁷ states that local, state/territory and Commonwealth governments have an obligation to provide a basic level of core library services to all members of the library's clientele without direct charge to the user. The *Statement* defines access to networked electronic resources as a core service.
- the ALIA **Guidelines for public library funding**⁸ states that public libraries have an obligation to provide free of charge access to the collection and assistance with its use.

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⁴ Local Government and Shires Association Community Planning and Services Committee, Minutes of the meeting of 3 September 1997, p20 (resolved by Executive 2 October 1997).

⁵ Library Council of New South Wales, *Freedom of Collection and Access for Local Government Libraries* June 1984 <http://www.sl.nsw.gov.au/plb/policies/>

⁶ Australian Library and Information Association, *Statement on free access to information* October 2001 <http://www.alia.org.au/policies/free.access.html>

⁷ Australian Library and Information Association, *Interim Statement on public library services* 1999 <http://www.alia.org.au/policies/public.library.services.html>

⁸ Australian Library and Information Association, *Guidelines for public library funding* 1999 (originally endorsed by the Australian Council of Libraries and Information Services 1989) <http://www.alia.org.au/policies/public.library.funding.html>