

# **Local Government (Public Libraries) Amendment Bill**

Member's Bill

## **Explanatory Note**

Public libraries play an important role in our communities by helping New Zealanders to achieve access to information and entertainment. They also provide important community hubs. They empower New Zealanders to participate in their democracy and play a part in improving literacy and reading. They are important for New Zealand's social and cultural, educational, environmental and economic life, present and future.

At present the Local Government Act obliges those local authorities who provide for a library only to ensure that local residents can join the library free of charge. The result of this has been the growth of user charges for library use, including membership fees, rental charges, access fees and other cost barriers. There have been recent examples of local authorities introducing or proposing charges for books in addition to other resources such as DVDs and CDs.

This Bill attempts to fulfil the vision of the UNESCO Guidelines on Libraries and Information in New Zealand by ensuring that all local authorities provide for libraries and ensure that there is no charge for library services, including books, digital information and access to the internet.

The Bill also gives a role to the National Librarian to monitor and report on the implementation of the obligations on local authorities and to make recommendations concerning those obligations.

## **Clause by clause analysis**

*Clause 1* is the Title provision.

*Clause 2* provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

*Clause 3* sets out the purpose of the Bill.

*Clause 4* defines the Principal Act as the Local Government Act 2002.

*Clause 5* substitutes a new s142 in the Principal Act, expanding and defining the public library services that local authorities are required to provide for free. A local authority is obliged provide public library services, it must provide free membership to all residents of the authority's district or region, must not charge for any library material, and must provide reasonable internet access free of charge.

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## **The Parliament of New Zealand enacts as follows:**

### **1. Title**

This Act is the Local Government (Public Libraries) Amendment Act 2010.

### **2. Commencement**

This Act comes into force on the day after the date on which it receives the Royal Assent.

### **3. Purpose**

The purpose of this Act is to amend the Local Government Act 2002 to expand the public library services that local authorities are required to provide for free.

### **4. Principal Act Amended**

This Act amends the Local Government Act 2002.

### **5. Section 142 Substituted**

Section 142 is repealed and the following section substituted:

#### **“142. Obligation to provide free public libraries**

“(1) A local authority must provide for a library and library services for public use on the following minimum terms:

- “(a) the residents in the district or region of the local authority are entitled to join the library free of charge; and

- “(b) the library shall not charge any resident of the authority’s district or region for the use of library material, including books, non-print resources and digital information; and
  - “(c) the library shall not charge any resident of the authority’s district or region for access to the internet, in accordance with requirements for reasonable use.
- (2) (a) The National Librarian shall present an annual report to Parliament on the implementation by local authorities of clause (1), and make any such recommendations as he or she sees fit with regard to that implementation.
- (b) Local authorities shall furnish such information as is reasonably required by the National Librarian to complete his/her annual report to Parliament.