

NORTHERN TERRITORY OF AUSTRALIA

CHARLES DARWIN UNIVERSITY (LIBRARY) BY-LAWS

As in force at 26 January 2005

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the By-laws as in force at 26 January 2005. Any amendments that commence after that date are not included.

CHARLES DARWIN UNIVERSITY (LIBRARY) BY-LAWS

By-laws under the *Charles Darwin University Act*

1 Citation

These By-laws may be cited as the *Charles Darwin University (Library) By-laws*.

2 Definitions

In these By-laws:

- (a) **Library** means a library of the University or located on a campus of the University or under the general control and management of the University;
- (b) **Library Materials** means all informational materials held by a Library including, without limitation, books, manuscripts, serials, sound and image recordings and databases in whatever form, the media on which those things are stored and the equipment with which those things are read, viewed or otherwise used; and
- (c) **Managing Librarian** means a person nominated in writing by the Vice-Chancellor or otherwise appointed from time to time as the person responsible for the management of a Library or Libraries, irrespective of what that person's title is or how that person is otherwise described (and which may be more than one person in respect of a particular Library).

3 Role of Managing Librarian

- (1) Subject to these By-laws, a Managing Librarian of a Library has the control and management of that Library and has all the powers and functions that are necessary or convenient to have in connection with or incidental to the control and management of that Library.

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- (2) Without limiting by-law 3(1), a Managing Librarian has the following specific powers and functions in respect of that Library:
- (a) to determine the persons who are entitled to access and use the Library or Library Materials (which may differ between classes of borrowers and parts of the Library or types of Library Materials);
 - (b) to impose any conditions or restrictions on the access to or use of the Library or Library Materials by any person or by people generally;
 - (c) to regulate the opening hours of the Library;
 - (d) to close the whole or any part of a Library at any time without notice;
 - (e) to give a direction to any person with respect to the access to or use of the Library or Library Materials;
 - (f) to prescribe conditions on which Library Materials may be used in the Library (which may differ between classes of borrowers);
 - (g) to prescribe conditions on which Library Materials may be borrowed (which may differ between classes of borrowers);
 - (h) to revoke or waive or modify any determination, decision, direction, condition, restriction or regulation made by a Managing Librarian, but any such revocation or waiver or modification applies only to the extent specified by the Managing Librarian.
- (3) Where a Managing Librarian exercises any of his or her powers under by-law 3(2)(a), (b), (c), (f) or (g), the Managing Librarian must, where practicable, make available to all persons on request a written notice giving details of the manner in which that power has been exercised.
- (4) The powers and functions of a Managing Librarian are subject to any directions given by the Vice-Chancellor from time to time.
- (5) The powers conferred on a Managing Librarian or any exercise of those powers or other thing done by a Managing Librarian is without prejudice to the rights and obligations of any person under the *Charles Darwin University (Student Conduct) By-laws* or at law.

4 General conduct in the Library

- (1) Access to or use of a Library or Library Materials by any person is subject to these By-laws.
- (2) Any person having access to or using a Library or having access to or using or borrowing Library Materials must:
 - (a) comply with and observe all determinations, decisions, directions, conditions, restrictions or regulations made by a Managing Librarian from time to time in respect of that Library and those Library Materials;
 - (b) without limiting by-law 4(2)(a), not behave in a manner which:
 - (i) interferes with or is likely to interfere with the proper access to or use of the Library or Library Materials by others;
 - (ii) causes damage or is likely to cause damage to the Library or Library Materials or any other facilities in the Library.

5 Penalties

- (1) The Managing Librarian or the Vice-Chancellor may impose a penalty not exceeding 10 penalty units for a contravention of or a failure to comply with these By-laws.
- (2) The Managing Librarian or the Vice-Chancellor may waive, reduce or extend the period for payment of a penalty imposed under these By-laws by the Managing Librarian.

6 Evidential matters

Written or electronic records kept by or at the direction of a Managing Librarian with respect to the borrowing of Library Materials are, for the purpose of these By-laws and any instruments made under these By-laws, presumed to be correct unless the contrary is shown.

7 Repeal

The by-laws in force immediately prior to the date of commencement of these by-laws and cited as the *Northern Territory University (Library) By-laws* are repealed on and from the date of commencement of these by-laws.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Charles Darwin University (Library) By-laws

Notified	26 January 2005
Commenced	26 January 2005