

# LOCAL LAW NO. 17 (LIBRARIES)

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# LOCAL LAW NO. 17 (LIBRARIES)

## PART 1 - PRELIMINARY

### 1. Citation

This local law may be cited as Local Law No. 17 - (Libraries).

### 2. Commencement

This local law commences on the date on which notice of the making of the local law is published in the gazette.

### 3. Objects

The objects of this local law are to:

- (a) provide for a library service that effectively meets the needs of the community; and
- (b) confer the necessary powers for the administration, management and control of a library and library services; and
- (c) provide for the protection of library resources.

### 4. Relationship with Other Local Laws

This local law is in addition to, and does not derogate from other laws about libraries.

### 5. Definitions

In this local law:

**"library"** means a collection of books and other materials administered for the benefit of the community;

**"library authority"** means the person to whom, or body of persons to which, the Council assigns responsibility for administering the library and if there is no such assignment, the Council;

**"library member"** means a person who has been enrolled as a member of the library;

**"library premises"** means a place (which may include a vehicle or other mobile facility) at which library services are provided;

**"library resource"** means:

- (a) an article available for use in, or for loan from, a library; or
- (b) equipment or facilities available for use in a library,

whether held in the library premises permanently or temporarily and whether owned by the Council or not;

**"membership card"** means a card or other form of identification issued to a person who has been enrolled as a member of the library;

**"official sign"** means any sign caused to be erected by Council at the library premises for the purpose of regulating the use of, access to, or requirements for behaviour at any library premises;

**"reciprocating library"** means a library to which a reciprocal arrangement under Part 3 relates;

**"terms and conditions"** means the terms and conditions imposed on a library membership.

## **PART 2 - LOCAL LAW NO. 1 - (ADMINISTRATION)**

### **6. Administration Local Law**

- (1) This local law must be read with Local Law No. 1 - (Administration).
- (2) Where there is an inconsistency between this local law and Local Law No. 1 - (Administration) this local law will apply.

## **PART 3 - ESTABLISHMENT OF LIBRARY**

### **7. Establishment of Library**

The Council may establish and maintain a library.

### **8. Library Authority**

The Council may assign the responsibility for administering a library to a particular person or body of persons (the **"library authority"**).

### **9. Control and Management of Library**

The library authority is, subject to direction by the CEO, responsible for the administration, management and control of the library.

### **10. Reciprocal Arrangements with other Libraries**

- (1) The Council may enter into a reciprocal arrangement with another local government under which:

- (a) the members of the library may have access to library resources acquired by the other local government for a library (the "reciprocating library") maintained by the other local government; and
  - (b) the members of the reciprocating library may have access to library resources acquired by the Council for the use of the library maintained under this local law.
- (2) A reciprocal arrangement under this section may be made on conditions mutually agreed between the Council and the other local government.

## **PART 4 - LIBRARY MEMBERSHIP**

### **11. Classes of membership**

- (1) The classes of membership are:
- (a) Adult member; and
  - (b) Child member; and
  - (c) Corporate member; and
  - (d) Visiting member.
- (2) The Council may by local law policy determine the criteria to be applied in deciding which class of membership applies to a person.

### **12. Application for Membership**

A person applying for library membership must do so in accordance with the requirements of Local Law No. 1 - (Administration).

### **13. Enrolment of Members**

- (1) If the application is approved, the library authority shall:
- (a) enrol the applicant as a member of the library; and
  - (b) issue the applicant with a membership card and a copy of the terms and conditions applying to their class of membership.
- (2) The enrolment must be in the class of membership appropriate to the applicant.
- (3) Without limiting the grounds on which the library authority may refuse an application for library membership, the library authority may refuse an application for library membership:
- (a) if the applicant is not, in the library authority's opinion, acceptable as a borrower or user of library resources because of unsatisfactory past conduct either in the library or another library; or
  - (b) if the applicant does not, in the library authority's opinion fall within one of the classes of membership created under section 11; or
  - (c) on any other grounds prescribed by local law policy.

- (4) Notwithstanding any other provision of this local law, the library authority may enrol any person who is not otherwise so entitled to library membership upon such special conditions as the library authority considers appropriate.

## **PART 5 - RIGHTS AND OBLIGATIONS OF MEMBERSHIP**

### **14. Rights and Obligations of Membership**

- (1) A library member is entitled to the rights of membership set out in the terms and conditions.
- (2) A library member must comply with the obligations of membership set out in the terms and conditions.

Maximum Penalty - 20 penalty units

- (3) A guarantor guaranteeing a library member's obligations of membership set out in the terms and conditions must ensure that the library member complies with the obligations of membership.

Maximum Penalty - 20 penalty units

- (4) The rights and obligations of membership may vary according to the member's membership class.

### **15. Definition of the Rights of Membership**

- (1) The Council may by local law policy define the terms and conditions which may, for example:
  - (a) prescribe procedures for borrowing items from the library;
  - (b) define the borrowing rights of members generally or a particular class of members;
  - (c) prescribe the time limit within which borrowed items, or borrowed items of a particular class, must be returned and provide for an extension of time;
  - (d) prescribe charges or fines to be paid on failure to return a borrowed item within the prescribed period and provide for the remission of the charge or fine in appropriate cases;
  - (e) limit the time for which library resources may be used by any one person in a library;
  - (f) require a responsible person who is acceptable to the library authority, to guarantee the member's compliance with the obligations of membership.

### **16. Items in Heavy Demand**

- (1) The library authority may:
  - (a) withdraw from loan a library resource that is in the library authority's opinion in heavy demand; or

- (b) limit the time for which the library resource which in the library authority's opinion is in heavy demand may be borrowed or impose other special restrictions on borrowing.
- (2) A library member must comply with a time limit, or other special restriction, imposed under this section.

Maximum Penalty - 20 penalty units

## **17. Suspension or Cancellation of Membership**

- (1) If a library member contravenes this local law or the terms and conditions, the library authority may restrict the member's membership rights or suspend the membership.
- (2) The library authority may cancel the membership of a member:
  - (a) who persistently contravenes this local law or the terms and conditions; or
  - (b) who behaves in a way that shows the member to be unfit to hold library membership; or
  - (c) who has not used their membership card for 3 years or more; or
  - (d) who the library authority believes to be dead or unlikely to use their membership card in the future; or
  - (e) in any other circumstances the library authority considers appropriate; or
  - (f) for any other reason prescribed by local law policy.
- (3) Where membership is cancelled under subsection (2)(c) or 2(d) the library authority is not required to comply with the requirements of subsections 13(1) or (2) of Local Law No. 1 - (Administration) in cancelling the membership.
- (4) If a person's membership is suspended or cancelled, the person must return the membership card to the library authority.

Maximum Penalty - 20 penalty units

- (5) A library member may by written or verbal notice cancel his or her library membership at any time.

## **PART 6 - CONDUCT IN LIBRARIES**

### **18. Misconduct**

- (1) A person must not on library premises behave in a riotous, disorderly, indecent or offensive manner or harass other persons using the library.

Maximum Penalty - 10 penalty units

- (2) The Council may direct a person to desist from behaviour set out in subsection (1).

## **19. Exclusion from Library**

- (1) If a person:
  - (a) persists in contravention of this local law or the terms and conditions after being asked by the Council to desist; or
  - (b) remains in library premises without making genuine and proper use of the library resources; or
  - (c) wilfully damages, interferes with or misuses a library resource, the Council may direct the person to leave the library.
- (2) A person who is directed to leave a library under subsection (1):
  - (a) must comply immediately with the direction; and
  - (b) must only re-enter the library premises in accordance with the terms of the direction.

Maximum Penalty - 10 penalty units

## **20. Direction to Comply**

A person must, if directed by the Council to comply with this local law or the terms and conditions, immediately comply with the direction.

Maximum Penalty - 10 penalty units

## **PART 7 - PROTECTION OF LIBRARY RESOURCES**

### **21. Misuse of Library Resources**

- (1) A person must not wilfully damage, interfere with or misuse a library resource.

*Example:*

- *Modification of installed hardware or software.*

Maximum Penalty - 10 penalty units

- (2) A person must not, unless authorised under this local law or the terms and conditions, remove a library resource from library premises.

Maximum Penalty - 10 penalty units

- (3) For the purposes of this section, "library resource" includes a membership card.

### **22. Damage to Library Resources**

- (1) A person who loses or damages a library resource must, on demand by the Council, pay to the Council the prescribed fee.

- (2) If a library resource is lost or damaged while on loan to a library member, the member (or the member's guarantor) must, on demand by the Council, pay to the Council the prescribed fee.
- (3) The Council's decision on whether damage is irreparable is final.
- (4) For the purposes of this section, "library resource" includes a membership card.

## **PART 8 - MISCELLANEOUS**

### **23. Local Law Policies**

The Council may make local law policies in relation to those matters about which this local law specifically allows for the making of local law policies.