Operation and Use of Library Services Local Law No. 2 2020

Our Child Safety Commitment
West Gippsland Libraries is committed to the safety and wellbeing of all children and young people.

West Gippsland Libraries

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Operation and Use of Library Services Local Law No. 2 2020

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PART A – INTRODUCTION

1. Title

This is the West Gippsland Regional Library Corporation Library Operations and Use of Libraries Local Law No. 2 and referred to below as this Local Law.

2. Objectives of this Local Law

The objectives of this Local Law are to regulate the management and control of library services provided by West Gippsland Regional Library Corporation (the Corporation), or jointly by the Corporation with partners.

3. The power to make this local law

The Corporation's power to make this Local Law is contained in sections 71 of the *Local Government Act (Vic) 2020* and 196 of the *Local Government Act (Vic) 1989*.

4. Commencement and cessation

4.1 This local law comes into operation on the day following publication in the Victorian Government Gazette.

4.2 Unless this local law is revoked sooner its operation will cease on the 30th day of June 2030.

5. Definitions

In this local law, unless inconsistent with the context:

Board	Refers to the West Gippsland Regional Library Corporation Board
Chairperson	The person who chairs a meeting of the Corporation
Chief Executive Officer	Means the person who is appointed to be the Chief Executive Officer of West Gippsland Regional Library Corporation or any person acting in that position.
Deputy Chairperson	Means a Board Member authorised to deputise for the Chairperson.
Item	Includes any and every book, magazine, newspaper, pamphlet, gramophone records, video recording, digital recording, music score, picture, print, map, chart, manuscript, toy, reading or listening equipment, electronic resources, compact disc, audio tape recording, software program or any other article forming part of the contents of the Library available for borrowing, reference or perusal whether of not the property of the Corporation.
Library Service	Means all or any Library outlet or library facilities, resources and activities provided by or under the management or control of the Corporation and includes without limiting the generality of the foregoing, all buildings or portions thereof, mobile libraries and other areas, facilities and vehicles or digital platforms used in connection with the provision of the library service.
Library Service Area	Means the whole of the municipal districts of Bass Coast Shire Council, Baw Baw Shire Council and South Gippsland Shire Council.
Member	Means a person, school or institution holding a current and valid membership card issued in accordance with this Local Law.
Membership Card	Means a current and valid card issued physically or electronically to a member by the Corporation in accordance with this Local Law as authority to borrow items.

Membership Number	Means a number or combination of numbers and letters identifying the unique Member and Membership Card.
Patron	Means any person making use of the library service
Penalty Units	Means penalty units as prescribed in the *Sentencing Act 1992.*
Senior Officer	Has the meaning ascribed to it in *Local Government Act (Vic) 2020*

PART B – ADMINISTRATION OF THIS LOCAL LAW

6. Exercise of discretions

6.1 In exercising any discretion contained in this Local Law the Corporation must have regard to:

6.1.1 The objectives of this Local Law; and

6.1.2 Any guidelines made by the Corporation from time to time.

6.2 The Corporation may from time to time make guidelines for use by the Corporation, its Officers and other persons for the purpose of this Local Law.

6.3 Guidelines made by the Corporation must not be inconsistent with the objectives of this Local Law.

7. Power of the Chief Executive Officer

Any person using the library service shall obey the lawful directions of the Chief Executive Officer or an Authorised Officer in charge of the library service generally or any branch, section or portion thereof.

8. Appeals

Any person who is aggrieved by any matter under this Local Law may apply to the Corporation to be heard and may make a written submission for consideration by the Corporation, but this right will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under this Local Law.

PART C - MEMBERSHIP

9. Eligibility

9.1 Membership is available to any person who meets the membership requirements as determined by the Chief Executive Officer or Authorised Officer.

9.2 Persons are eligible to become a member if they:

9.2.1 Are a ratepayer of the Bass Coast Shire Council, Baw Baw Shire Council or South Gippsland Shire Council; or

9.2.2 Any resident of the Bass Coast Shire Council, Baw Baw Shire Council or South Gippsland Shire Council; or

9.2.3 Any non-resident who is employed in or who attends an educational institution in the Bass Coast Shire Council, Baw Baw Shire Council or South Gippsland Shire Council; or

9.2.4 Any person eligible to join a Victorian Government subsidised public library; or

9.2.5 Any temporary visitor to the library service area provided that they comply with the provisions of this Local Law.

10. Application

10.1 Persons wishing to borrow items shall:

10.1.1 Complete and submit an application form or such other application, which shall include an undertaking to comply with the provisions of this Local Law and any policy from time to time adopted by the Board or Chief Executive Officer; and

10.1.2 Provide proof of identity and eligibility; and

10.1.3 Has not previously infringed this Local Law; and

10.2 Be required to have a legal guarantor if under the age of 18 who satisfies the membership requirements. As part of the guarantee, the guarantor must

10.2.1 Provide a duly signed undertaking agreeing to be responsible for that Member's choice of items to be used or borrowed;

10.2.2 Make good the loss or damage to any item whilst in the members use or possession; and

10.2.3 To the effect that he or she will comply with this Local Law and any policies adopted by the Board or the Chief Executive Officer.

11. Institutional Membership

At the discretion of the CEO, institutional membership may be granted to any association, society, institution, corporation, partnership, unincorporated body, business or agency.

12. Period of Membership

Membership is current for the period of time determined by the Chief Executive Officer, unless suspended or cancelled. Persons whose membership has lapsed may be required by the Chief Executive Officer or Authorised Officer to re-register before borrowing items.

13. Cessation, Cancellation or Suspension of Membership

13.1 A member will cease to be a member if:

13.1.1 The membership period as determined By the Chief Executive Officer under clause 12 elapses from the date on which his or her application was granted;

13.1.2 He or she ceases to be eligible to become a member;

13.1.3 The Chief Executive Officer is satisfied that he or she has contravened; or failed to comply with any provision in this Local Law; or a policy adopted by the Board or the Chief Executive Officer and communicated to the Member.

13.2 If the Chief Executive Officer is satisfied that a member has contravened or failed to comply with any provision in this Local Law or a policy adopted by the Board or the Chief Executive Officer and communicated to the Member, the Chief Executive Officer may suspend or cancel the membership of the member and impose conditions for the reinstatement of such member.

13.3 The Chief Executive Officer or Authorised Officer may suspend or cancel the membership of any member who refuses to:

13.3.1 Return items borrowed;

13.3.2 Pay overdue, lost or damaged item charges;

13.3.3 Comply with any lawful request or action by the Chief Executive Officer or Authorised Officer under this Local Law.

14. Membership Card

14.1 Every member on being issued with a Membership Card shall:

14.1.1 Be responsible for the safe custody of the Membership Card;

14.1.2 Produce the membership card to Corporation Staff or scan the Membership Card with a self-checkout device whenever an item is borrowed;

14.1.3 Report the loss, theft or destruction of the card to the Corporation immediately upon such loss is discovered;

14.1.4 Notify any change of address to the Corporation; and

14.1.5 Surrender the card to the Corporation on ceasing to be eligible for membership.

14.2 Membership Cards are not transferable.

14.3 A member is responsible for the safe care of every item borrowed on his or her Membership Card.

14.4 If a Membership Card is lost or destroyed the Corporation may issue to the Member a replacement card upon reporting the loss, theft or destruction and payment of any fee fixed by resolution of the Board as being payable in the event of a replacement Membership Card being issued.

PART D – ACCESS, CONDUCT AND SERVICES

15. Access and Use

15.1 Any person shall have access to the Library to use services, items, resources and facilities provided for public use subject to the provisions of this Local Law.

15.2 The CEO is responsible for the management and administration of the Library Service in accordance with the policies and directions of the Board, as shall be determined from time to time.

15.3 Persons shall enter only those parts of the Library Service open for public use and during hours of opening fixed by the Board, except with the permission of the Chief Executive Officer or Authorised Officer.

15.4 Persons shall leave the Library Service at the times fixed for closing or at the request of the Chief Executive Officer or Authorised Officer.

15.5 The Board delegates to the Chief Executive Officer power to make amendments to the Library Service opening hours provided the amendments are not materially different.

15.6 All users shall have access to all items in the Library for consultation on the premises, with the exception of items determined by the Chief Executive Officer or Authorised Officer to be unavailable for lending or on restricted access.

15.7 Any person using the Library Service shall obey the lawful directions of the library staff.

15.8 No person may remove from the Library Service any items which they have not borrowed.

15.9 A Member has access on equal terms to all items available to be borrowed except where restricted by legislation.

15.10 The Corporation takes no responsibility for loss or damage to any bag or other article left at or in the Library Service.

15.11 Use of the Internet facilities and personal computers within the Library is conditional upon compliance with any Internet Policy approved by the Chief Executive Officer from time to time and which shall be published and made available to all Library Service Users.

15.12 The Corporation shall not be liable for any injury or damage to, or caused by any act or omission of any child under the age of five (5) years who is in the Library.

15.13 Any child who is in the library without a parent or guardian present after the time designated

for closing the Library to members of the Public must be placed in the custody of a member of the Victoria Police.

15.14 The Corporation is not liable or responsible for any cost incurred, loss, injury or damage to or caused by any person under the age of eighteen (18) years as a result of the retrieval of data or material accessed through the internet while using the Internet facilities at the Library.

15.15 The Chief Executive Officer or an Authorised Officer may request any person who activates or apparently activates the Library's security alarm to produce the contents of their bags, pockets, containers or other things adapted to the carrying of goods to ascertain, or attempt to ascertain, the cause of the activation of the security alarm.

15.16 The Chief Executive Officer or Authorised Officer may request a person to leave a Library Service if that person commits an offence against this Local Law.

16. Hire of Library Services

16.1 The Board, Chief Executive Officer or Authorised Officer may make available for hire, a designated part of parts thereof to any person or organisation within the Library Service subject to:

16.1.1 The provisions of this Local Law;

16.1.2 The use of the designated space being lawful;

16.1.3 Payment of any fees and charges determined by the Board subject to the provisions of this Local Law;

16.1.4 Compliance with Corporation policies and guidelines as determined by the Board or Chief Executive Officer.

17. Temporary Cessation or Admission

17.1 The Chief Executive Officer or Authorised Officer may at such times as are deemed fit:

17.1.1 Close the Library Service or any part thereof for any purposes or temporarily suspend admission or service or clear the premises of any person for any purpose; or

17.1.2 Refuse admission or service to any person who in the opinion of the Chief Executive Officer or Authorised Officer is causing or likely to cause offence, risk or intrusion upon any other person or property at the Library Service.

18. Behaviour

18.1 A person must not without the authority of the Council, Board, Chief Executive Officer or Authorised Officer:

18.1.1 Consume any intoxicating liquor, or supply or sell intoxicating liquor to any person or persons, within the Library Service;

18.1.2 Consume any drugs, or supply or sell any drugs to any person or persons, within the Library;

18.1.3 Bring any animal into the library, other than a companion animal for the blind or hearing impaired;

18.1.4 Act contrary to any sign;

18.1.5 Erect, fix or place any advertisements or notices within the Library Service;

18.1.6 Organise, hold or attend any rally, procession or demonstration within the Library Service;

18.1.7 Sell, expose or offer for sale within the Library Service any food, drink or other article;

18.1.8 Make a collection of money within the Library Service;

18.1.9 Ride any skateboard, bicycle or other recreational vehicle into or within the Library

Service;

18.1.10 Enter any area of the Library Service which is designated or set aside for the exclusive use of the Chief Executive Officer, Library staff or other member of the Library Service;

18.1.11 Distribute any handbills, pamphlets, advertisements, notices within the Library Service or give a public address.

18.2 A person must not:

18.2.1 Behave in a disorderly manner while within the Library Service;

18.2.2 Create or take part in a fight or disturbance while within the Library Service;

18.2.3 Use any offensive, indecent or abusive language while within the Library Service;

18.2.4 Offend against decency while within the Library Service, whether by reason of dress, conduct or use of information technology and internet access;

18.2.5 Commit a nuisance while within the Library Service;

18.2.6 Destroy, deface, defile or damage, remove or interfere with any notice, equipment, furniture, fixture, fitting, carpet, ceiling, wall or plant within the Library Service;

18.2.7 Endanger any other person or persons within the Library Service;

18.2.8 Smoke in any area of the Library Service;

18.2.9 Remain in the Library Service after having been lawfully directed to leave by the Chief Executive Officer, Authorised Officer or member of the Victoria Police.

18.2.10 Emit or cause to be emitted such a volume of noise as to interfere with the use and enjoyment of the Library Service by other patrons;

18.2.11 Leave within the Library Service any litter, other than in a bin or receptacle provided for such purpose; or

18.2.12 Engage in any illegal activity.

18.3 The Chief Executive Officer or an Authorised Officer may refuse any member or member of the public, admission to the Library Service if:

18.3.1 That person is in a drunken or intoxicated condition, or is under the influence of any prohibited drug;

18.3.2 Except in the case of a blind person who is in control of a companion animal, the person is accompanied by an animal, mammal, bird or reptile;

18.3.3 That person is carrying a firearm or an offensive weapon;

18.3.4 That person is not decently attired; or

18.3.5 That person is a child under the age of 10 years old is not in the apparent care of a responsible person.

19. Borrowing of Library Materials

19.1 Members shall be entitled to borrow items from the Library Service subject to the provision of this Local Law.

19.2 The Chief Executive Officer or Authorised Officer shall make rules from time to time stating the maximum number of items which may be borrowed at any one time

19.3 The time period for which items may be borrowed is determined by the Chief Executive Officer. The period for which different items may be borrowed may vary.

20. Use of Facilities and Equipment

20.1 Patrons may use equipment and facilities provided for the use of patrons.

20.2 The Chief Executive Officer or Authorised Officer may determine procedures or guidelines to the use of facilities and equipment by patrons.

21. Date of Return

21.1 All Borrowed items must be returned to the Library Service by the Due Date or when recalled.

21.2 No items shall be deemed to have been returned to the Library Service unless it has been handed to Corporation Staff or left in a place or receptacle designated for the return of items, or dispatched to the Library by post or other means approved by the Chief Executive Officer. Items returned by post shall not be deemed to be returned until received by the Corporation.

22. Circumstances Not Provided For

If any circumstances arise which are not provided for in this Part the Chief Executive Officer or Authorised Officer is empowered to make a decision regarding the appropriate course of action in order to resolve the issue in dispute.

PART E – FEES AND CHARGES

23. Setting Fees and Charges

The Board must determine by resolution the fines, fees and charges to apply under this Local Law which may include an administrative or processing fee or charge, and the Board must give notice of its resolution to set or alter fees and charges.

24. Fees and Charges Incurred from Borrowing Items

24.1 Any Library Member borrowing any item may be subject to any Fees and Charges determined by the Board from time to time for:

24.1.1 Items obtained on inter-Library Loan from another source;

24.1.2 The return of items after the Due Date or extended Due Date;

24.1.3 The replacement of lost, stolen or damaged Membership Cards or building access keys, cards or devices;

24.1.4 The cost of the replacement of items lost, stolen or damaged while borrowed plus administrative costs related to the replacement of items;

24.1.5 The replacement of items damaged in the Library;

24.1.6 A home delivery charge of items;

24.1.7 Library Services and such other purposes as the Board determines;

24.1.8 Items not returned, or proper restitution made when requested.

24.2 The Chief Executive Officer shall be under no obligation to send any notice regarding borrowed items not returned to the Library Service by the Due Date or any other outstanding charges incurred. Failure to send or receive such notices shall not be an excuse for non-payment of such charges. Any liability incurred under this clause or for any other Charges and Fees may be required to be discharged before any other items may be borrowed by a Library Member with any outstanding Charges or Fees.

25. Users May Incur Fees and Charges

25.1 Any User or Member using any Library Services may be subject to any Fees and Charges determined by the Board from time to time for:

25.1.1 Photocopies, or other printout copies which will remain the property of the member;

25.1.2 The cost of replacement of items damaged in or stolen from the Library Service;

25.1.3 Attending or participating in programs;

25.1.4 Library Services and such other purposes as the Board determines;

25.1.5 Hire of a designated part of parts thereof of the Library Service;

26. Waiver or Reduction of Fees and Charges

The Chief Executive Officer may waive or reduce any fee or charge with or without conditions.

PART F – ENFORCEMENT AND PENALTIES

27. Offences

27.1 Where any provision in this Local Law requires that an action may not occur, any person who does that act is guilty of an offence.

27.2 Where any provision in this Local Law requires that an action must be done, any person who fails to do that act is guilty of an offence.

27.3 Any person who commits an offence against this Local Law must:

27.3.1 Give his or her name and address to the Corporation, Chief Executive Officer or Authorised Officer if requested to do so; and

27.3.2 Leave the Library property immediately upon being requested by the Chief Executive Officer or an Authorised Officer if told to do so.

28. Penalties

28.1 Any offence under this Local Law is subject to a penalty of between 1 and 5 penalty units and shall apply for the purpose of an infringement notice which may be issued as an alternatively to prosecution in respect to offences against this Local Law where the Board, Chief Executive Officer or Authorised Officer determines to proceed by infringement notice.

29. Infringement Notices

29.1 The Chief Executive Officer or an Authorised Officer may serve a Local Law infringement notice in accordance with the requirements of infringement notices under the *Infringements Act 2006* on a person whom the Chief Executive Officer of Authorised Officer believes has committed an infringement requiring the person to pay the penalty for that offence within 28 days of the issue of the infringement notice.

29.2 If the infringement notice is not withdrawn and the person pays to the Corporation the amount referred to in the infringement notice within the period of 28 days or such further period as the Chief Executive Officer or an Authorised Officer may allow, no prosecution will be initiated in respect of the infringement.

30. Representations

30.1 If a person issued with an infringement notice makes a written representation to the Corporation within 28 days of the issue of the infringement notice, the representation may be considered, along with any relevant information, by the Chief Executive Officer or Authorised Officer.

30.2 Subject to clause 34 the decision of the Authorised Officer on any representation received will be final.

31. Withdrawal

31.1 The Board, Chief Executive Officer, or an Authorised Officer, may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.

31.2 Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made pursuant to the infringement notice.

32. Payment of Penalty

32.1 The penalty may be paid to the Chief Executive Officer or delegated officer at the Corporation.

32.2 If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Corporation or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.

33. Failure to Pay Penalty

In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Board, Chief Executive Officer or the Authorised Officer may permit, the Corporation, Chief Executive Officer of the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.

34. Rights of Offenders

Any person served with a local law infringement notice is entitled to disregard the notice and defend the prosecution in Court.

PART G – CERTIFICATION

Key Information

The following information is set down in order to facilitate the management of this Local Law.

Date Resolved by the Board:

Date Resolved by Baw Baw Shire Council:

Date Resolved by Bass Coast Shire Council:

Date resolved by South Gippsland Shire Council:

Responsible Officer: Chief Executive Officer

Affixing of the Common Seal

Resolution for making this Local Law agreed to by the Board of the West Gippsland

Regional Library Corporation on the day of , 2020

THE COMMON SEAL *of the* ***)***

OF WEST GIPPSLAND ***)***

REGIONAL LIBRARY CORPORATION ***)***

was affixed in the presence of:

…….

Chairperson/Board Member

…….

Chief Executive Officer/Deputy Chief Executive Officer

Notice of the confirmation of the Local Law was inserted in the Victorian Government Gazette dated the day of 2020 at page no.

A copy of this Local Law was sent to the Minister responsible for Local Government on the day of 2020.