



Library Services Local Law No. 6

Adopted: 21 June 2011



Campaspe
Shire Council

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CAMPASPE SHIRE COUNCIL

LIBRARY SERVICES - LOCAL LAW NO 6

PART 1 PRELIMINARY

1.1 NAME

This Local Law is the Shire of Campaspe Library Services Local Law No. 6 and referred to below as this Local Law.

1.2 OBJECTIVE

The objectives of this Local Law:

- (a) To provide for the administration of Council's powers and functions.
- (b) To ensure the delivery of high quality library services to the community
- (c) To assist in the management of library services to the community

1.3 AUTHORISING PROVISION

This Local Law is made pursuant to Section 111(1) of the Local Government Act 1989.

1.4 OPERATION DATE

This Local Law comes into operation on 21 June 2011.

1.5 REVOCATION DATE

This Local Law ceases to operate on 21 June 2021.

1.6 DEFINITIONS USED IN THIS LOCAL LAW

"authorised officer" means a person or agent appointed as an authorised officer under Section 224 of the Local Government Act 1989.

"Council" means the Shire of Campaspe

<i>"library"</i>	means all or any library outlet under the management and control of or on behalf of the Council and includes all buildings or portions thereof, and other depots, facilities and vehicles used in connection with the provision of the library service.
<i>"library item"</i>	includes any and every book, magazine, newspaper, pamphlet, video recording, audio-tape recording, compact disc, computer, or any other articles forming part of the contents of the library available for borrowing, reference or perusal whether or not the property of the Council.
<i>"library service area"</i>	means the whole of the municipal district of the Shire of Campaspe and the Murray Shire.
<i>"library services"</i>	means all the public library facilities, resources and activities provided directly by or on behalf of the Council.
<i>"library staff"</i>	means the person or agent for the time being in charge of the library service generally, or any section or portion thereof.
<i>"member"</i>	means a person or institution holding a current and valid membership card issued in accordance with this Local Law.
<i>"membership card"</i>	means a current and valid card issued to a member by the library staff in accordance with this Local Law as an authority to borrow or use library items.
<i>"penalty unit"</i>	has the same meaning and value as in Section 110 of the Sentencing Act 1991.
<i>"prohibited information"</i>	material which is obscene, offensive, upsetting, defamatory or unsuitable for people under the age of 18 years, or can be regarded as prohibited content or potential prohibited content under applicable law
<i>"reference item"</i>	means an item that is available for use, inspection or perusal only on the library premises.
<i>"user"</i>	means any person making use of the library service.

PART 2 REGULATION OF LIBRARY SERVICES

2.1 ADMINISTRATION

- 2.1.1 Library staff shall be responsible for the management and administration of the library service in accordance with the policies and directions of the Council as shall be determined from time to time.
- 2.1.2 Any person using the library service shall obey the lawful directions of the library staff.

2.2 EXERCISE OF DISCRETION

- (a) In exercising any discretion contained in this Local Law, the Council must have regard for:
- i. the objectives of this Local Law;
 - ii. any standards included in this Local Law; and
 - iii. any guidelines prepared by the Council from time to time.
- (b) Guidelines
- i. The Council may, from time to time, prepare guidelines for use by the Council, Council officers and other persons for the purposes of this Local Law.
 - ii. Guidelines prepared by the Council must not be inconsistent with the objectives of this Local Law or with any standards contained therein.
 - iii. In preparing guidelines, the Council must have regard to the objectives of this Local Law or with any standards contained therein.
 - iv. No guideline shall override, amend or alter the laws set out herein.

2.3 ACCESS AND USE

- 2.3.1 The Council shall determine the hours the library will be open for use by the public.
- 2.3.2 Subject to the provisions of this Local Law any person shall have access to the library for the purpose of using the services and facilities on the library premises during the hours it is open to the public.
- 2.3.3 No charge shall be made for the borrowing of library items for use on or off the library premises, or for reference items however charges may be made for reservation of library items, including those borrowed from other libraries on behalf of a member, and for photocopies or other printed copies which shall remain the property of the member.
- 2.3.4 No person other than library staff or persons duly authorised by library staff or the Council shall enter or remain in the library at times other than when the library is open for public use unless prior arrangement has been made.

2.4 MEMBERSHIP

- 2.4.1 Any resident of Victoria and Murray Shire NSW, may become a member of the library upon completion and signing of the appropriate application form which shall include an undertaking to comply with this Local Law and the production of identification to the satisfaction of library staff. A membership card will be provided to the member on acceptance of the application.
- 2.4.2 No charges will be made for registration of members who are resident within Victoria or Murray Shire. Where a membership card is lost, stolen, misplaced or damaged and requires replacement, a charge to cover replacement costs, as determined by the Council, will be levied.
- 2.4.3 A visitor to the library who is resident outside Victoria or the Murray Shire may apply for temporary membership of the library. A refundable administrative fee as determined from time to time by the Council may be levied.
- 2.4.4 Institutional Membership may be extended to an association, society, institution, business or agency at the discretion of library staff.
- 2.4.5 Persons under the age of 18 will be required by library staff to provide a guarantee signed by a parent or guardian to make good the loss or damage to any item whilst in the member's use or possession.
- 2.4.6 Every member on being issued with a membership card shall:
- (i) be responsible for the custody of the card;
 - (ii) produce the card to the library staff whenever an item is borrowed;
 - (iii) report the loss of the card to the library staff immediately such loss is discovered;
 - (iv) notify any change of address, telephone number and other contact details to the library staff;
 - (v) surrender the card to Library staff upon having no further requirement to use the Library;
 - (vi) produce or surrender the card in exchange for access to certain equipment or reference materials.
- 2.4.7 The library staff may suspend or cancel the membership of any members who:
- (i) repeatedly retains library items beyond the loan period;
 - (ii) who repeatedly loses or damages items; or
 - (iii) owes monies above \$10
- 2.4.8 Membership of the Library may lapse should the membership card not be utilised for a period of three (3) years.
- 2.4.9 It shall be an offence under this Local Law for any person within the library to:
- (i) be in a drunken or intoxicated condition;
 - (ii) be under the influence of any prohibited drug;
 - (iii) carry a firearm or weapon;
 - (iv) endanger the safety of other persons within the library;
 - (v) damage any library property;
 - (vi) alter or delete any configuration or settings on the library computers or cause them to be altered or deleted;
 - (vii) access any prohibited information on the library computers
 - (viii) add any programs, files, or malicious code to the library computers, or download these from the internet onto the library computers
- 2.4.10 When so directed to by library staff or an authorised officer a person must immediately leave the library.

2.5 CONDITIONS OF BORROWING

- 2.5.1 The maximum number of library items which may be borrowed at any one time and the time allowed for retaining the items shall be determined by library staff.
- 2.5.2 The date for return of library items shall be clearly indicated to the member.
- 2.5.3 Members shall be responsible for the safe care of library items borrowed and for their return to the library by the due date.
- 2.5.4 A member will be required to pay a fine as determined by this local law for retaining a library item beyond the time allowed. The library shall have no obligation to send any notice of fines incurred and failure to send such notice shall be no excuse for non payment of such fines. Liabilities incurred by a member under this clause shall be discharged before any other library item issued and subject to discretion of library staff.
- 2.5.5 A member may apply for extension of the time allowed for retaining a library item. Such extension may be granted provided the library item has not been reserved by another member or the maximum loan period has been exceeded.
- 2.5.6 Any library item, except for the reference items, may be reserved for a member on request to library staff. The library staff shall notify the member when the item is available. The member will be required to pay on collection the fee as determined by Council.
- 2.5.7 (a) A member may request library staff to borrow an item from another library on their behalf.
- (b) Where an item is borrowed from another library, the member will be required to pay on collection a fee as determined by Council to recover the cost of requesting or obtaining the inter/intra library loan.
- 2.5.8 Where a library item is designated for reference use only, it shall not be borrowed except at the discretion of library staff.
- 2.5.9 A member shall be responsible for reporting to library staff any damage discovered in any library item on loan to him or her. This damage shall be reported at the time of issue or immediately on return.
- 2.5.10 If a library item, which has been issued against a member's membership card is lost or damaged beyond repair, or it is stolen from a member, he or she shall pay to the Council the full replacement value of such items plus such amount for processing costs as shall be determined by Council. No refunds will be given if the items are then subsequently recovered.
- 2.5.11 No library item shall be deemed to have been returned to the library unless it has been handed to library staff or left in a place or receptacle designated for the return of books, or by a means previously approved by library staff.
- 2.5.12 Library staff may take such action as deemed necessary for the recovery of a library item or the value thereof at any time after the item becomes overdue.
- 2.5.13 Library staff have the authority to lend items to other library services.
- 2.5.14 Library items stolen or lost shall remain the property of the Campaspe Shire although replaced or paid for.

2.6 USER'S RIGHTS

- 2.6.1 All users shall have access to all library items for consultation on the library premises except that some items may be on restricted access because of rarity, physical condition, embargo on use set by donors, or by legislation.
- 2.6.2 All members shall have equal access to all library items for borrowing purposes except that some items may be restricted by legislation.
- 2.6.3 The library shall not exclude borrowing of books or access to information to persons under the age of 18 unless the availability of such is restricted by legislation.
- 2.6.4 Personal details of members, including information held in files outside the Library and in computer files, required for membership registration purposes shall not be made available to outside enquiries except upon receiving written consent from the member or in response to a Court Order. Nor shall such details be used by library staff for any purposes other than follow up of unreturned items, or for statistical purposes. Membership and circulation statistics shall not be produced in such form as will identify individual members. The Council shall not be liable for any loss or damage resulting from the use of information held or provided by the Library and its staff.

2.7 OFFENDERS TO PROVIDE NAME AND ADDRESS

Any person who commits an offence against this Local Law shall:

- 2.7.1 give his or her name and address to library staff if requested to do so; or to an authorised officer pursuant to Section 224 of the Local Government Act, and;
- 2.7.2 leave the library immediately upon being requested to do so by library staff or an authorised officer.

PART 3 FINES, FEES AND CHARGES

3.1 SETTING FINES, FEES AND CHARGES

The Council 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 Council must give public notice of its resolution to set or alter fees and charges.

3.2 DIFFERENTIAL OR STRUCTURED FINES, FEES AND CHARGES

In determining any fines, fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it appropriate.

PART 4 ENFORCEMENT AND PENALTIES

4.1 OFFENCES

- 4.1.1 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.
- 4.1.2 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.

4.2 PENALTIES

- 4.2.1 Any offence under this Local Law is subject to a penalty not exceeding 20 penalty units.
- 4.2.2 A penalty of between 1 and 5 penalty units shall apply for the purpose of an infringement notice which may be issued as an alternative to prosecution in respect to offences against this Local Law where Council or an authorised officer determines to proceed by infringement notice.

4.3 INFRINGEMENT NOTICES

- 4.3.1 An authorised officer may serve a Local Law infringement notice in the form or to the effect of Schedule 1 on a person whom the 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.
- 4.3.2 If the infringement notice is not withdrawn and the person pays to Council the amount referred to in the infringement notice within the period of 28 days or such further period as Council or an authorised officer may allow, no prosecution will be initiated in respect of the infringement.

4.4 REPRESENTATIONS

- 4.4.1 If a person issued with an infringement notice makes a written representation to Council within 28 days of the issue of the infringement notice, the representation may be considered, along with any relevant information, by the authorised officer.
- 4.4.2 Subject to clause 4.8 the decision of the authorised officer on any representation received will be final.

4.5 WITHDRAWAL

- 4.5.1 Council, 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.
- 4.5.2 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.

4.6 PAYMENT OF PENALTY

4.6.1 The penalty may be paid to the Chief Executive Officer or delegated officer at the Shire of Campaspe.

4.6.2 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 Council 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.

4.7 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 Council or the authorised officer may permit, Council or 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.

4.8 RIGHTS OF OFFENDERS

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

The Shire of Campaspe adopted Local Law No. 6 – Library Local Law, at its meeting on June 21, 2011

The Common Seal of the).....	Councillor
Shire of Campaspe).....	Councillor
was hereunto affixed).....	Chief Executive Officer
on the 21 June 2011)	

SHIRE OF CAMPASPE

LOCAL LAW NO. 6

LIBRARY SERVICES

INFRINGEMENT NOTICE

Date of Notice: / /

Family Name (or Company)

Given Names

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Address (including post code)

YOUR OFFENCE	PENALTY
	Penalty Unit *

Code

Time	Street
Date	Place

Information about the offence:

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If you pay the penalty indicated within 28 days from the date of this notice to the Shire of Campaspe by CHEQUE or MONEY ORDER for the FULL AMOUNT posted to PO Box 35, Echuca, VIC 3564, or by CHEQUE or MONEY ORDER or CASH to the Cashier at any of the Shire of Campaspe Customer Service Centres, this matter will not be brought to Court and no conviction will be recorded.

Signed by Authorised Officer

* The Sentencing Act 1991 provides that the value of each penalty unit is \$100.00 or such other amount as revised from time to time.

SHIRE OF CAMPASPE**LOCAL LAW NO. 6****GUIDELINES FOR CONDUCT OF PERSONS WITHIN THE LIBRARY**

1. Users shall not behave in the library in such a manner as may, in the opinion of library staff, interfere with other persons enjoyment of the library environment by:
 - (a) using loud or abusive language;
 - (b) causing an inconvenience or annoyance to any other person;
 - (c) causing discomfort to any other person; and
 - (d) engaging in any other loud or offensive behaviour.
2. Permission from library staff shall be required to bring any animal, other than an assistance dog into the library.
3. Smoking in the library is not permitted.
4. Users shall not wilfully or negligently break, damage or interfere with the library furniture, fittings, materials, equipment or software belonging to, or in the care of, the library.
5. Users shall not deface, mutilate or mark by writing or otherwise any part of any materials, equipment or software belonging to, or in the care of the library.
6. Users shall not misplace or hide books or any library records with the intention to withhold their use from others.
7. Users shall not use Internet and computer workstations to deliberately access prohibited information or deliberately crash or crack programs.
8. Users may bring into the library reading and writing materials, handbags, briefcases, notebooks and other mobile hand held devices; however Council shall take no responsibility for the security of such articles. Library staff may prevent certain inappropriate articles being taken into the library, such as school bags.
9. Any container or receptacle brought into the library shall be opened for inspection on the request of library staff as the user leaves the library.
10. No person may distribute or display handbills or literature, or deliver a public address in the library unless the consent of library staff is obtained.
11. Users shall enter only those parts of the library open for public use, except with the permission of library staff.
12. Users shall leave the library at the times fixed for closing the library or at the request of library staff.
13. Children under the age of 10 years should be accompanied at all times by an adult while in the library