



**WHITEHORSE MANNINGHAM
REGIONAL LIBRARY CORPORATION**

LOCAL LAW NO 2

LIBRARY SERVICES LOCAL LAW

Adopted at the ordinary meeting of the Library Corporation Board 24 February 2010

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PART I
PRELIMINARY

1.1 TITLE

- 1.1.1 This Local Law will be known as the Whitehorse Manningham Regional Library Corporation Local Law No.2 and referred to below as this Local Law.

1.2 OBJECTIVES OF THIS LOCAL LAW

- 1.2.1 To regulate the management and control of library services provided by the Whitehorse Manningham Regional Library Corporation.

1.3 POWER TO MAKE THIS LOCAL LAW

- 1.3.1 The power to make this Local Law is contained in sections 111 and 197F of the *Local Government Act 1989*.

1.4 OPERATIONAL DATE OF THIS LOCAL LAW

- 1.4.1 This Local Law operates from the day following publication in the Victoria Government Gazette.

1.5 DATE THIS LOCAL LAW CEASES OPERATION

- 1.5.1 Unless this Local Law is revoked sooner, its operation will cease ten years after it became operative.

1.6 SCOPE OF THIS LOCAL LAW

- 1.6.1 This Local Law shall apply to and have operation throughout the library services operated by the Corporation and within the Cities of Whitehorse and Manningham.

1.7 DEFINITIONS

1.7.1 In this Local Law, the words listed below have the meaning indicated:

| Words | Meaning |
|-------------------------|--|
| Act | The <i>Local Government Act</i> 1989. |
| Applicant | Any person applying to become a Member. |
| Authorised Officer | A person appointed as an authorised officer pursuant to this Local Law and section 224 of the Act. |
| Board | The governing body of the Whitehorse Manningham Regional Library Corporation. |
| Chief Executive Officer | The person appointed by the Corporation as Chief Executive Officer being in charge of the Library service generally. |
| Corporation | The Whitehorse Manningham Regional Library Corporation. |
| Item | Includes any and every book, magazine, newspaper, pamphlet, video recording, digital video recording, music score, picture, print, map, chart, manuscript, toy, reading or listening equipment, electronic resource, compact disk, audio tape recording, software program or any other article forming part of the contents of the Library available for borrowing, reference or perusal whether or not the property of the Corporation. |
| Library | All the library facilities, resources and activities provided by or under the management or control of the Corporation. |
| Library service | All or any Library outlet under the management and 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 used in connection with the provision of the library service. |

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| Library Service Area | The whole of the municipal districts of Whitehorse and Manningham City Councils. |
| Member | A person, school or institution holding a current and valid membership card issued in accordance with this Local Law. |
| Membership Card | A current and valid card issued to a Member by the Library in accordance with this Local Law as an authority to borrow items. |
| Patron | Any person making use of the library service. |

PART 2

ADMINISTRATION OF THIS LOCAL LAW

2.1 EXERCISE OF DISCRETIONS

- 2.1.1 In exercising any discretion contained in this Local Law the Corporation must have regard to:
- a. the objectives of this Local Law; and
 - b. any guidelines or policies made by the Corporation from time to time.
- 2.1.2 The Corporation may from time to time make guidelines for use by the Corporation, its officers and other persons for the purposes of this Local Law.
- 2.1.3 Guidelines made by the Corporation must not be inconsistent with the objectives of this Local Law.

2.2 POWER OF THE CHIEF EXECUTIVE OFFICER

- 2.2.1 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.

2.3 APPEALS

- 2.3.1 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 3
MEMBERSHIP

3.1 ELIGIBILITY

3.1.1 Subject to the approval of the Chief Executive Officer or an Authorised Officer, the following persons shall be eligible to become Members:

- a. any ratepayer of the Whitehorse City Council or Manningham City Council;
- b. any resident of Whitehorse City Council or Manningham City Council;
- c. any person enrolled to vote at elections for the Manningham City Council or the Whitehorse City Council;
- d. any non-resident who is employed in, or who attends an educational institution in, the area of Whitehorse City Council or Manningham City Council;
- e. any person eligible to join another Victorian Government subsidised public library; and
- f. any temporary visitor to the library service area provided that they comply with Part 4.

3.1.2 All persons in the categories listed in Clause 3.1.1 of this Local Law shall provide proof of eligibility as shall be required by the Chief Executive Officer or Authorised Officer.

3.2 INSTITUTIONAL MEMBERSHIP

3.2.1 Institutional membership may be extended to any association, society, school, institution, business or agency at the discretion of the Chief Executive Officer or an Authorised Officer.

3.3 APPLICATION

3.3.1 Persons wishing to borrow items or use other designated services shall:

- a. complete and sign the appropriate application form or other such application process, 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;
- b. satisfy the Chief Executive Officer or an Authorised Officer that he or she (or guarantor of an applicant under 18 years of age) is eligible for membership, providing proof of name and current address; and
- c. in the case of persons under the age of 18 years, the membership application must be accompanied by an undertaking duly signed by a parent/legal guardian of the applicant to the effect that he or she will comply with this Local Law and any policies adopted from time to time by the Board or the Chief Executive Officer.

3.4 PERIOD OF MEMBERSHIP

3.4.1 Membership shall be current for a period of three years unless previously 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 or using other designated services.

3.5 CESSATION AND CANCELLATION OF MEMBERSHIP

3.5.1 A Member will cease to be a Member if:

- a. three (3) years elapse from the date on which his or her application was granted;
- b. he or she ceases to be eligible for membership;
- c. 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; or

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- d. 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. He or she may suspend the membership of the Member and impose conditions for the reinstatement of such membership.

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

- a. return items borrowed; or
- b. pay overdue, lost or damaged item charges; or
- c. comply with any lawful request or action by the Chief Executive Officer or Authorised Officer under this Local Law.

3.6 MEMBERSHIP CARD

3.6.1 Every Member on being issued with a membership card shall:

- a. be responsible for the safe custody of the membership card;
- b. produce the membership card to the Chief Executive Officer or Authorised Officer whenever requested;
- c. report the loss, theft or destruction of the card to the Chief Executive Officer or Authorised Officer immediately such loss is discovered;
- d. notify any change of address to the Chief Executive Officer or Authorised Officer; and
- e. surrender the card to the Chief Executive Officer or Authorised Officer on ceasing to be eligible for membership.

3.6.2 Membership cards are not transferable.

3.6.3 A Member is responsible for the safe care of every item borrowed on his or her membership card.

3.6.4 If a membership card is lost or destroyed, the Chief Executive Officer may issue to the Member a replacement card upon their reporting of 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 4
BORROWING AND SERVICES

4.1 ACCESS AND CONDUCT

- 4.1.1 Subject to the provisions of this Local Law, any person shall have access to the Library to use services, resources and facilities provided for public use.
- 4.1.2 Persons shall enter only those parts of the Library open for public use and during hours of opening fixed by the Board, except with the permission of the Chief Executive Officer or an Authorised Officer.
- 4.1.3 Persons shall leave the Library at the times fixed for closing the Library or at the request of the Chief Executive Officer or an Authorised Officer.
- 4.1.4 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 an Authorised Officer to be unavailable for lending or on restricted access.
- 4.1.5 The Library shall not, subject to 3.3.1 (c), exclude borrowing of any items to persons under the age of 18 unless confined by legislation.
- 4.1.6 Patrons shall behave in a manner that does not, in the opinion of the Chief Executive Officer or Authorised Officer, cause serious inconvenience to any other person in the Library.
- 4.1.7 Patrons shall not eat or drink whilst in the Library unless in a specially designated area or with the consent of the Chief Executive Officer or an Authorised Officer.
- 4.1.8 The Chief Executive Officer or Authorised Officer may request a person to leave the Library if that person commits an offence against this Local Law.
- 4.1.9 The Chief Executive Officer, or an Authorised Officer, may refuse any Member or member of the public admission to the Library if:
- a. that person appears to be in a drunken or intoxicated condition, or is under the influence of any prohibited drug;
 - b. that person is accompanied by an animal, mammal, bird or reptile; (except in the case of a visually impaired or hearing impaired person who is in control of a guide dog within the meaning of the *Domestic (Feral and Nuisance) Animals Act 1994*);
 - c. that person is carrying a firearm or an offensive weapon;
 - d. that person is not decently attired; or

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- e. that person is under the age of ten (10) years and is not in the apparent care of a responsible person.

4.1.10 A person must not, without the authority of the Board or the Chief Executive Officer:

- a. consume any intoxicating liquor, or supply or sell any intoxicating liquor to any person or persons, within the Library;
- b. consume any drugs, or supply or sell any drugs to any person or persons, within the Library;
- c. smoke in any area of the Library or within five metres of an external entrance, window or airlock;
- d. erect, fix or place any advertisements or notices within the Library;
- e. distribute any handbills, pamphlets, advertisements, notices within the Library or give a public address;
- f. organise, hold or attend any rally, procession, demonstration or other public gathering within the Library;
- g. sell, expose or offer for sale within the Library any food, drink or other article;
- h. conduct any commercial activity within the Library;
- i. make a collection of money within the Library;
- j. permit any animal owned by him or her or of which he or she is in charge to be within the Library unless, in case of the dog, such dog is a guide dog under the control of a visually impaired or hearing impaired person;
- k. ride any skateboard, bicycle or other recreational vehicle into or within the Library;
- l. enter any area of the Library which is designated or set aside for the exclusive use of the Chief Executive Officer, Library staff members or other member of the Library or the Board's staff; or
- m. enter or use any room which has been designated or set aside for persons of the opposite sex unless that person is a child under the age of six (6) years who is in the care of a responsible person.

4.1.11 A person must not:

- a. behave in a disorderly manner while within the Library;
- b. create or take part in a fight, act of violence or act of disturbance within the Library;

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- c. use any offensive, indecent or abusive language while within the Library;
 - d. offend against decency while within the Library, whether by reason of dress, conduct or use of information technology and Internet access;
 - e. emit or cause to be emitted such a volume of noise as to interfere with the use and enjoyment of the Library by other persons;
 - f. endanger any other person or persons within the Library;
 - g. destroy, deface, defile or damage, remove or interfere with any library materials, notice, equipment, furniture, fixture, fitting, carpet, ceiling, wall or plant within the Library;
 - h. leave within the Library any litter, other than in a bin or receptacle provided for such purpose;
 - i. engage in any unlawful activity; or
 - j. remain within the Library after having been lawfully directed to leave by the Chief Executive Officer, Authorised Officer, or a member of the Victoria Police.

4.2 BORROWING

- 4.2.1 Members shall be entitled to borrow items from the Library subject to the provisions of this Local Law.

4.3 MAXIMUM NUMBER OF ITEMS BORROWED

- 4.3.1 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.

4.4 GUARANTEE

- 4.4.1 Persons under the age of 18 may be required by the Chief Executive Officer or Authorised Officer to have a guarantee to make good the loss or damage to any item whilst in the Member's use or possession signed by an adult.

4.5 PERSONAL DETAILS

- 4.5.1 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 on receipt of written consent from the Member, in response to a Court Order, or 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 Corporation shall not be liable for any loss or damage incurred from the use of information held or provided by the Library and its staff.

4.6 PERSONAL ITEMS

- 4.6.1 Patrons may, with the consent of the Chief Executive Officer or an Authorised Officer, bring into the Library reading or writing materials, bags, parcels or other articles. Large bags and trolleys shall be left in designated areas while their owners are using the Library. The Corporation takes no responsibility for loss or damage to any bag or other article so left. Any personal item brought into the Library is done so at the owner's risk. Any container or receptacle brought into the Library may be opened for inspection on the request of the Chief Executive Officer or Authorised Officer as the user leaves the Library.

4.7 USE OF FACILITIES AND EQUIPMENT

- 4.7.1 Patrons may use equipment and facilities provided for public use.
- 4.7.2 The Chief Executive Officer or Authorised Officer may determine procedures or guidelines for the use of facilities and equipment by patrons

PART 5
RETURN OF ITEMS

5.1 DATE OF RETURN

- 5.1.1 The time allowed for retaining an item and the date for return shall be clearly indicated to the Member. However, a Member may apply by telephone, post, Internet or in person for extension of the time allowed for retaining an item, and where the request has been received prior to the date the item is to be returned to the Library, such extension may be granted if the item has not been reserved by another Member.

5.2 RETURNS

- 5.2.1 No item shall be deemed to have been returned to the Library unless it has been handed to the Chief Executive Officer or Authorised Officer or left in a place or receptacle designated for the return of items, or dispatched to the Library by a means previously approved by the Chief Executive Officer or Authorised Officer.

5.3 REPLACEMENT CHARGES

- 5.3.1 Items stolen or lost shall remain the property of the Corporation although replaced or paid for.
- 5.3.2 On return of an item upon which a replacement fee has been paid, a Member is entitled to a refund upon said item. A refund shall only be paid on items returned inside twelve months of the original loan, excluding administration and processing costs.

5.4 ITEMS DAMAGED OR NOT RETURNED

- 5.4.1 A Member is responsible for reporting to the Chief Executive Officer or Authorised Officer any damage discovered in any item on loan to him or her. This damage shall be reported at the time of issue or immediately on return.
- 5.4.2 If an item is not returned, or in the judgment of the Chief Executive Officer or Authorised Officer, damaged to the degree warranting withdrawal from the collection, or other partial damage, or if it is stolen from a Member, he or she shall, at the discretion of the Chief Executive Officer, pay to the Chief Executive Officer the full replacement value of such items plus such amount for processing and administration.

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- 5.4.3 The Chief Executive Officer or Authorised Officer may take such action as deemed necessary for the recovery of an item or the value thereof at any time after the item becomes overdue and all or any costs associated with such recovery will be charged to the Member.

PART 6

FEES AND CHARGES

6.1 SETTING FEES AND CHARGES

6.1.1 The Corporation may levy charges as determined from time to time.

6.1.2 A Member may be required to pay a charge for retaining an item beyond the time allowed. The amount of such charge shall be advised by notice in a manner to be determined by the Chief Executive Officer. The Library shall have no obligation to send any notice of charges incurred and failure to send such notice shall be no excuse for non-payment of such charges on non-return of an item. At the discretion of the Chief Executive Officer, liabilities incurred by a Member under this clause shall be discharged before any item is issued.

6.2 WAIVER OR ALTERATION TO FEES AND CHARGES

6.2.1 The Corporation may waive, reduce or alter any fee or charge with or without conditions.

This Local Law was made by resolution of the Whitehorse Manningham Regional Library Corporation on 24 February 2010.

THE COMMON SEAL of the)
WHITEHORSE)
MANNINGHAM)
REGIONAL LIBRARY)
CORPORATION)
was affixed hereto in the)
presence of:)
)

_____Chairperson

_____Chief Executive Officer

The Board resolved to give notice of its intention to make this Local Law at its meeting held on 26 August 2009 and this was duly advertised in the Victoria Government Gazette on 21 January 2010 and The Manningham and Whitehorse Leaders on 9 September 2009.

The Board resolved to adopt this Local Law at its meeting held on 24 February 2010.

In accordance with section 197F of the Act, this Local Law was ratified by the Manningham City Council on 30 March 2010 and the Whitehorse City Council on 17 May 2010.

The making of this Local Law was duly advertised in the Victoria Government Gazette on 27 May 2010 and The Manningham and Whitehorse Leaders on 26 May 2010.
