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**WHITEHORSE MANNINGHAM  
REGIONAL LIBRARY CORPORATION**

**LOCAL LAW NO 4**

**LIBRARY SERVICES LOCAL LAW**

# LIBRARY SERVICES LOCAL LAW

## TABLE OF CONTENTS

<b>Clause No.</b>	<b>Topic</b>	<b>Page</b>
1.1	Title	3
1.2	Objectives of this Local Law	3
1.3	Power to make this Local Law	3
1.4	Operational date of this Local Law	3
1.5	Date this Local Law ceases operation	3
1.6	Scope of this Local Law	3
1.7	Definitions	4
2.1	Exercise of discretions	6
2.2	Power of CEO	6
2.3	Appeals	6
3.1	Eligibility	7
3.2	Institutional membership	7
3.3	Application	8
3.4	Period of membership	8
3.5	Cessation and cancellation of membership	8
3.6	Membership card	9
4.1	Access and conduct	10
4.2	Borrowing	12
4.3	Maximum number of items borrowed	12
4.4	Guarantee	12
4.5	Personal details	13
4.6	Personal items	13
4.7	Use of facilities and equipment	13
4.8	Unattended Children	14
5.1	Date of return	14
5.2	Returns	14
5.3	Replacement charges	14
5.4	Items not returned or damaged	14
6.1	Setting fees and charges	16
6.2	Waiver or alteration to fees and charges	16

**PART I**  
**PRELIMINARY**

**1.1 TITLE**

- 1.1.1 This Local Law will be known as the Whitehorse Manningham Regional Library Corporation Library Services Local Law No. 4 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 municipal districts of 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.
Assistance Dog	Has the same meaning as in the <i>Equal Opportunity Act</i> 2010.
Authorised Officer	A person appointed by the Corporation as an authorised officer under section 224 of the Act.
Board	The governing body of the Whitehorse Manningham Regional Library Corporation.
CEO	The person appointed by the Corporation as Chief Executive Officer and includes a person acting in that position.
Corporation	The Whitehorse Manningham Regional Library Corporation.
Electronic Device	A device that enables access to or use of an electronic communication service, remote computing service, or location information service
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.
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 either physical or electronic form in accordance with this Local Law as an authority to borrow items.

Officer

Any employee of the Corporation.

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 CEO**

- 2.2.1 Any person using the Library Service shall obey the lawful directions of the CEO 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 decision made 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 CEO 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 the most recent general election for the Manningham City Council or the Whitehorse City Council;
  - d. any person eligible to join another Victorian Government subsidised public library;
  - e. any temporary visitor to the Library Service Area provided that they comply with Part 4; and
  - f. any other person or class of persons as the Corporation may determine from time to time.
- 3.1.2 All persons in the categories listed in Clause 3.1.1 of this Local Law shall provide such proof of eligibility as may be required by the CEO or Authorised Officer determining their eligibility for membership.

#### **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 CEO 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 CEO;
- b. satisfy the CEO 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, provide 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 CEO.

### **3.4 PERIOD OF MEMBERSHIP**

3.4.1 Membership shall be current for a period of three (3) years unless suspended or cancelled earlier.

3.4.2 Persons whose membership has lapsed may be required by the CEO or Authorised Officer to re-register before borrowing Items or otherwise using the Library Service.

### **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; or
- c. the CEO is satisfied that the Member has contravened, or failed to comply with any provision of this Local Law or a policy adopted by the Board or the CEO and communicated to the Member.



- 3.5.2 The CEO or Authorised Officer may suspend or cancel the membership of any Member who refuses to:
- a. return Items borrowed;
  - b. pay overdue, lost or damaged Item charges; or
  - c. comply with any lawful request or action by the CEO or Authorised Officer under this Local Law.
- 3.5.3 The CEO or Authorised Officer may, when cancelling or suspending a membership under clause 3.5.2, impose such conditions on the reinstatement of that membership as they consider appropriate.

### **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 CEO or an Authorised Officer whenever requested;
  - c. report the loss, theft or destruction of the membership card to the CEO or an Authorised Officer immediately such loss is discovered;
  - d. notify any change of address to the CEO or an Authorised Officer; and
  - e. surrender the membership card to the CEO or an 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 CEO 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 all Library 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 the hours of opening fixed by the Board, except with the permission of the CEO or an Authorised Officer.
- 4.1.3 Every person shall leave the Library at the times fixed for closing the Library or at the request of the CEO 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 CEO or an Authorised Officer to be unavailable for lending or on restricted access.
- 4.1.5 The Library shall not, subject to clause 3.3.1(c), prevent a person who is under the age of 18 from borrowing any Items unless persons under the age of 18 years are prohibited by legislation from doing so.
- 4.1.6 Patrons shall not behave in a manner that unreasonably interferes with any other person's use and enjoyment of the Library.
- 4.1.7 Patrons shall not eat or drink whilst in the Library unless in a specially designated area or otherwise with the consent of the CEO or an Authorised Officer.
- 4.1.8 The CEO or an Authorised Officer may request a person to leave the Library if that person commits an offence against this Local Law.
- 4.1.9 The CEO or an Authorised Officer may refuse any person, including a Member, admission to the Library if:
  - a. that person appears to be in a drunken or intoxicated condition, or under the influence of any prohibited drug;
  - b. that person is accompanied by an animal, mammal, bird or reptile; (except an Assistance Dog);
  - c. that person is carrying a firearm or other offensive weapon;
  - d. that person is not decently attired; or
  - e. that person is under the age of 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 CEO:

- 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 or 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 or 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 (except an Assistance Dog);
- 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 Board members, the CEO or other Officers; 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;

- 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 or conduct or by their use of information technology, Electronic Devices or 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 directed to leave by the CEO, an 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 CEO or an 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 CEO or an Authorised Officer to have a guarantee to make good the loss of 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 be managed in accordance with the Information Privacy Policy of the Library, the *Privacy and Data Protection Act* 2014 and the *Health Records Act* 2001.
- 4.5.2 Membership and circulation statistics shall be produced by the Library in a de-identified form so that individual Members cannot be identified from those statistics.

#### **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.
- 4.6.2 Any container or receptacle brought into the Library may be opened for inspection on the request of the CEO 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 CEO or Authorised Officer may determine procedures or guidelines for the use of facilities and equipment by patrons

#### **4.8 UNATTENDED CHILDREN**

For the safety and comfort of children under the age of 10 years:

- 4.8.1 A responsible parent / carer:
  - a. must accompany a child while they are using the Library Services; and
  - b. is responsible for the child's welfare and for monitoring and regulating their behaviour.

## **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 at the time of borrowing.
- 5.1.2 A Member may apply by telephone, webform 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 will, subject to clause 5.1.3, be granted if the Item has not been reserved by another Member.
- 5.1.3 The Corporation may grant an extension of the time allowed for retaining an Item without application under clause 5.1.2, if the CEO or an Authorised Officer considers that it is appropriate to do so.

#### **5.2 RETURNS**

- 5.2.1 No Item shall be deemed to have been returned to the Library unless it has been:
  - a. handed to the CEO or an Authorised Officer;
  - b. left in a place or receptacle designated for the return of Items; or
  - c. dispatched to the Library by a means previously approved by the CEO or an Authorised Officer.

#### **5.3 REPLACEMENT CHARGES**

- 5.3.1 Items stolen or lost shall remain the property of the Corporation until the replacement charge is paid by the responsible Member.
- 5.3.2 Upon payment of a replacement charge ownership of the Item will transfer to the Member.
- 5.3.3 No refund of the replacement charge will be payable, including in the event that the Item in respect of which the replacement charge is paid is recovered.

#### **5.4 ITEMS DAMAGED OR NOT RETURNED**

- 5.4.1 A Member is responsible for reporting to the CEO or an Authorised Officer any damage discovered in any Item on loan to him or her, either at the time of borrowing or immediately on return.
- 5.4.2 If an Item is:
  - a. not returned;

- b. returned with damage necessitating withdrawal of the Item from the collection;
- c. returned with partial damage which requires repair but does not necessitate withdrawal of the Item from the collection; or
- d. stolen from a Member,

the Member shall pay to the Corporation the:

- e. full replacement value of the Item; or
- f. reasonable cost of repairing the Item; and
- g. administration costs associated with replacement or repair of the Item,

as directed by the CEO, in his or her absolute discretion.

- 5.4.3 The CEO or an 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 fix and levy such fees and charges for use of the Library Service as it determines from time to time.

#### **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 10 March 2021.

**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 16 December 2020 and this was duly advertised in the Victoria Government Gazette on (14 January 2021 and The Age of 8 January 2021).

The Board resolved to adopt this Local Law at its meeting held on 10 March 2021.

In accordance with section 197F of the Act, this Local Law was ratified by the Manningham City Council on (# Date #) and the Whitehorse City Council on (# Date #).

The making of this Local Law was duly advertised in the Victoria Government Gazette on (# Date #) and The Age on (# Date #).

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