



# **CORANGAMITE REGIONAL LIBRARY CORPORATION**

## **LIBRARY SERVICES LOCAL LAW**

**LOCAL LAW No.2 OF 2008**

## TABLE OF CONTENTS

<b>PART 1 – PRELIMINARY</b>	
Title	3
Objectives	3
Power to Make this Local Law	3
Commencement Date of this Local Law	3
Date this Local Law Ceases Operation	3
Scope of this Local Law	3
Words Used in this Local Law	4
<b>PART 2 – ADMINISTRATION</b>	
Exercise of Discretions	6
Register of Determinations	6
Power of Chief Executive Officer	6
Appeals	6
<b>PART 3 – MEMBERSHIP</b>	
Eligibility	7
Institutional Membership	7
Application	7
Period of Membership	8
Cessation of Membership	8
Membership Card	8
<b>PART 4 – BORROWING AND SERVICES</b>	
Access	10
Borrowing	10
Maximum Number of Items Borrowed	10
Behaviour	11
Guarantee	13
Personal Items	13
Use of Facilities and Equipment	13
<b>PART 5 – RETURN OF ITEMS</b>	
Date of Return	14
Returns	14
Replacement Charges	14
Items Not Returned/Damaged	14
<b>PART 6 – FEES AND CHARGES</b>	
Setting Fees and Charges	16
Waiver or Alteration to Fees and Charges	16

**CORANGAMITE REGIONAL LIBRARY CORPORATION  
LIBRARY SERVICES LOCAL LAW  
NO. 2 OF 2008**

**PART 1  
PRELIMINARY**

1.1 TITLE

This is the “Library Services Local Law” (Local Law No.2 of 2008).

1.2 OBJECTIVES

The principal objectives of this Local Law are to regulate the management and control of library services provided by the Corangamite Regional Library Corporation.

1.3 POWER TO MAKE THIS LOCAL LAW

This Local Law is made under the provisions of Part 5 of the Local Government Act 1989.

1.4 COMMENCEMENT DATE OF THIS LOCAL LAW

This Local Law shall come into operation on the day following publication of its making in the Victoria Government Gazette.

1.5 DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease ten (10) years after the day it comes in to operation.

1.6 SCOPE OF THIS LOCAL LAW

This Local Law shall apply to and have operation throughout the whole of the Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool.

**1.7 WORDS USED IN THIS LOCAL LAW**

<b>WORDS</b>	<b>MEANING</b>
Act	Means the Local Government Act 1989
Applicant	Means any person applying to become a Member
Authorised Officer	Means any person for the time being in charge of any branch, section or portion of the library service.
Board	Means the Corangamite Regional Library Corporation Board
Chief Executive Officer	Means the person appointed by the Corporation as Chief Executive Officer being in charge of the library service generally.
Corporation	Means the Corangamite Regional Library Corporation
Item	Includes any and every book, magazine, newspaper, pamphlet, gramophone record, video recording, digital videorecording, music score, picture, print, map, chart, manuscript, toy, reading or listening equipment, electronic resources, 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	Means all the library facilities, resources and activities provided by or under the management or control of the Corporation.
Library Service	Means all or any Library outlet under the management and control of the Corporation.
Library Service Area	Means the whole of the municipal districts of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool.
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 to a member by the Library in accordance with this Local Law as an authority to borrow books.

Patron Means any person making use of the library service.

## **PART 2 ADMINISTRATION**

### **2.1 EXERCISE OF DISCRETIONS**

- (1) In exercising any discretion contained in this Local Law the Corporation must have regard to:
  - (a) the objectives of the Local Law; and
  - (b) any guidelines made by the Corporation from time to time.
  
- (2)
  - (a) 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.
  - (b) Guidelines made by the Corporation must not be inconsistent with the objectives of this Local Law.

### **2.2 REGISTER OF DETERMINATIONS**

- (1) Any determinations or guidelines made by the Corporation for the purposes of this Local Law must be maintained by the Corporation in the register kept for that purpose.
  
- (2) The register kept for the purposes of this clause must be made available for inspection at the office of the Corporation during normal office hours.

### **2.3 POWER OF 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.

### **2.4 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 3 MEMBERSHIP**

#### **3.1 ELIGIBILITY**

- (1) Subject to the approval of the Chief Executive Officer or Authorised Officer, the following persons shall be eligible to become members:
  - (a) any ratepayer of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (b) any resident of Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (c) any non-resident who is employed in or who attends an educational institution in the Colac Otway Shire, Corangamite Shire, Moyne Shire and City of Warrnambool;
  - (d) any person eligible to join another Victorian Government subsidised public library; and
  - (e) any temporary visitor to the library service area.
- (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**

Institutional Membership may be extended to any association, society, school, institution, business or agency at the discretion of the Chief Executive Officer or Authorised Officer provided that the applicant's premises, predominant area of service, business activity or normal meeting place is situated within the library service area.

#### **3.3 APPLICATION**

Persons wishing to borrow items shall –

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

3.4 PERIOD OF MEMBERSHIP

Membership shall be current for a period of one thousand (1,000) days unless previously suspended or cancelled.

3.5 CESSATION OF MEMBERSHIP

- (1) A member will cease to be a member if:
  - (a) one thousand (1,000) days elapse from the date on which his or her application was granted; or
  - (b) he or she ceases to be eligible to become a member; or
  - (c) 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 he or she may suspend the membership of the member and impose conditions for the reinstatement of such membership.
- (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

- (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 an item is borrowed;
  - (c) report the loss of the membership 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;
  - (e) surrender the card to the Chief Executive Officer or Authorised Officer on ceasing to be eligible for membership.
- (2) Membership cards are not transferable.
- (3) A member is responsible for the safe care of every item borrowed on his or her membership card.
- (4) If a membership card is lost or destroyed the Chief Executive Officer may issue to the member a replacement membership card upon 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**

- (1) Any person shall have access to the Library to use services, resources and facilities provided for public use subject to the provisions of this Local Law.
- (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 Authorised Officer.
- (3) Persons shall leave the Library at the times fixed for closing the Library or at the request of the Chief Executive Officer or Authorised Officer.
- (4) All persons 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.
- (5) The Library shall not exclude borrowing of any items to persons under the age of 18 unless the availability of such items is restricted by legislation.

**4.2 BORROWING**

Members shall be entitled to borrow items from the Library subject to the provisions of this Local Law. Persons who are not members shall not be entitled to borrow items.

**4.3 MAXIMUM NUMBER OF ITEMS BORROWED**

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 BEHAVIOUR

- (1) Patrons shall not behave in the Library in such a manner as may, in the opinion of the Chief Executive Officer or Authorised Officer, cause serious inconvenience to any other person in the Library.
- (2) Patrons shall not eat, drink whilst in a Library unless in a specially designated area or with the consent of the Chief Executive Officer or Authorised Officer
- (3) The Chief Executive Officer or Authorised Officer may request a person to leave a Library if that person commits an offence against this Local Law.
- (4) 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 is in a drunken or intoxicated condition, or is under the influence of any prohibited drug;
  - (b) except in the case of a blind person who is in control of a guide dog, the person is accompanied by an animal, mammal, bird or reptile;
  - (c) that person is carrying a firearm or an offensive weapon;
  - (d) that person is not decently attired; or
  - (e) that person is under the age of five (5) years and is not in the apparent care of a responsible person;
- (5) 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) erect, fix or place any advertisements or notices within the Library.
  - (c) organise, hold or attend any rally, procession, demonstration or other public gathering within the Library;

- (d) sell, expose or offer for sale within the Library any food, drink or other article;
  - (e) make a collection of money within the Library;
  - (f) 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 blind person;
  - (g) enter any area of the Library which is designated or set aside for the exclusive use of Library staff;
  - (h) 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; or
  - (l) distribute any handbills, pamphlets, advertisements, notices within the Library or give a public address...
- (6) A person must not:
- (a) misplace or hide items with the intention of withholding their use from other patrons;
  - (b) deface, mutilate, mark or damage any item belonging to or in the care of the Library;
  - (c) consume any drugs, supply or sell any drugs to any person or persons, within the Library;
  - (d) smoke in any area of the Library;
  - (e) behave in a disorderly manner while within the Library;
  - (f) create or take part in a fight or disturbance within the Library;
  - (g) use any offensive, indecent or abusive language while within the Library;
  - (h) offend against decency while within the Library, whether by reason of dress, conduct or use of information technology and Internet access;
  - (i) ride any skateboard, bicycle or other recreational vehicle into or within the Library;

- (j) remain within the Library after having been lawfully directed to leave by the Chief Executive Officer, Authorised Officer, a member or a member of the Victoria Police;
- (k) 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;
- (l) endanger any other person or persons within the Library;
- (m) destroy, deface, defile or damage, remove or interfere with any notice, equipment, furniture, fixture, fitting, carpet, ceiling, wall or plant within the Library;
- (m) leave within the Library any litter, other than in a bin or receptacle provided for such purpose; or
- (n) engage in any illegal activity.

#### 4.5 GUARANTEE

Persons under the age of 18 may be required by Chief Executive Officer or Authorised Officer 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.

#### 4.7 PERSONAL ITEMS

Persons may, with the consent of the Chief Executive Officer or 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 container or receptacle brought into the Library may be opened for inspection on the request of the Chief Executive or Authorised Officer as the user leaves the Library.

#### 4.8 USE OF FACILITIES AND EQUIPMENT

- (1) Patrons may use equipment and facilities provided for the use of patrons.
- (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

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 or in person for an extension of 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

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

- (1) Items stolen or lost shall remain the property of the Corporation although replaced or paid for.
- (2) On return of an item upon which a replacement fee has been paid a member is entitled to a refund of the replacement fee.
- (3) A refund shall only be paid on items returned:
  - a. within twelve months of the original loan; and
  - b. deemed by the Chief Executive Officer or Authorised Officer to be in a satisfactory condition.
- (4) The amount refunded shall be the replacement fee less an amount deemed by the Chief Executive Officer or Authorised Officer as appropriate to cover administration and processing costs.

5.4 ITEMS DAMAGED OR NOT RETURNED

- (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 upon return.

- (2) If an item is not returned, or in the opinion of the Chief Executive Officer or Authorised Officer is damaged (either to the degree warranting withdrawal from the collection, or partially) or if it is stolen from a member, he or she shall at the discretion of the Chief Executive Officer or Authorised Officer pay to the Chief Executive Officer the full replacement value of the item to cover processing and administration costs, together with an amount deemed by the Chief Executive Officer or Authorised Officer appropriate.
- (3) The Chief Executive Officer or Authorised Officer may take such action as is deemed necessary for the recovery of an item or at the discretion of the Chief Executive Officer, the recovery of the replacement cost thereof, or the value of, at any time after the item becomes overdue together with such amount as the Chief Executive Officer deems appropriate as the costs associated with such recovery and the member who is recorded as having the item on loan shall be liable to pay the costs of any such recovery.

**PART 6  
FEES AND CHARGES**

6.1 SETTING FEES AND CHARGES

- (1) The Corporation may levy charges as determined from time to time which will be listed in the Register of Determinations.
- (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 an overdue notice or notice of charges incurred and failure to send such notice shall be no excuse for non-payment of such charges or 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

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

This Local Law was made by resolution of the Corangamite Regional Library Corporation on the 11<sup>th</sup> September 2008.

THE COMMON SEAL of the CORANGAMITE )  
REGIONAL LIBRARY CORPORATION )  
was affixed hereto this 24<sup>th</sup> September 2008 in the presence of: )



Colin Haynes Member

J.P. Wall Chief Executive Officer

---

The Regional Library Board resolved to advise Party Councils of its intention to develop this Local Law at its meeting of 24<sup>th</sup> April 2008.

All party Councils have, pursuant to section 197F of the Act, resolved to ratify the Local Law:

The Board resolved to give public notice of its intention to make this Local Law at its meeting held on the 10<sup>th</sup> July 2008.

The notice of intention to make this Local Law was advertised in the Victoria Government Gazette on the 24<sup>th</sup> July 2008, the Colac Herald on the 25<sup>th</sup> July 2008 and the Warrnambool Standard on the 26<sup>th</sup> July 2008.

The Board resolved to adopt this Local Law at its meeting held on the 11<sup>th</sup> September 2008.

The notice of the making of this Local Law was duly advertised in the Victoria Government Gazette on the 25<sup>th</sup> September 2008, the Colac Herald on the 26<sup>th</sup> September 2008 and the Warrnambool Standard on the 27<sup>th</sup> September 2008.