

State Library of New South Wales

Policy on the Use of the State Library Under the *Library Regulation 2005* Part 3

Introduction

The *Library Regulation 2005* makes provisions for acceptable behaviours by people who use libraries and identifies measures to exclude persons who breach the regulations.

The State Library has a responsibility to ensure the safety and wellbeing of clients, visitors, staff and volunteers and to maintain the security of the collections, buildings and facilities. Library clients, visitors, staff and volunteers have the right to use the State Library's services, facilities and collections in safety and without being unnecessarily distracted or disturbed by other people.

Policy Statement

This policy supports the administration of the provisions of the *Library Regulation 2005* Part 3 Use of libraries and library books.

In particular the policy provides guidelines to assist staff in implementing the provisions of the *Library Regulation 2005* clause 17 with regard to asking a person to leave the Library's premises. It includes periods of exclusion of a person, the delegations and the process to be followed.

Legislative and Policy Framework

Library Act 1939

Occupational Health & Safety Act 2000

Freedom of Information Act 1989

Client code of conduct

Health Records & information Privacy Act 2002

Privacy and Personal Information Protection Act 1988

Guarantee of service

Internet Policy

Privacy Management Plan

This policy supports the Privacy Management Plan and the Information Security Management System.

Administration of the Library Regulation 2005 Part 3

All State Library staff are responsible for ensuring that the provisions of the *Library Regulation 2005* are implemented with regard to the use of the State Library, its collections, services and facilities.

Staff who identify that a person has breached the Regulation will advise the person of the breach and that compliance with the Regulation is required. The matter may be resolved by advising the person that a breach of the Regulation has occurred and offering the person a copy of the *Client Code of Conduct* and/or the *Library Regulation 2005*.

Many incidents are resolved through clients adjusting their behaviour once their breach of the Regulation has been advised by a staff member.

A decision to ask a person to leave the State Library can be made if there is a breach of the Regulation or if a person does not accept or refuses to accept the requirement to comply. (Clause 17(1)).

Delegations

The *Library Regulation 2005* gives all Library staff the authority to ask a person to comply with the Regulation, and to ask a person to leave the Library if a Regulation has been breached.

The Library Council of NSW has delegated to the State Librarian & Chief Executive the administration of the Regulation.

The State Librarian & Chief Executive has the authority to review and lift an exclusion.

The Executive Committee has the authority to extend the period of exclusion up to the maximum period, based on an assessment of available information. As the decision reviewer, the State Librarian & Chief Executive will absent themselves from the discussion and the decision on this agenda item.

The State Librarian & Chief Executive has delegated the administration of the Regulation to:

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|---|--|
| Officer in Charge of the reading rooms | <ul style="list-style-type: none">• Ask a person to leave the State Library premises, or issue a warning to a person that they risk being directed to leave |
| Security Coordinator | <ul style="list-style-type: none">• Ask a person to leave the State Library premises |
| Manager, Facilities and Security
Manager, Education & Training
Manager, Reader Services | <ul style="list-style-type: none">• Determine a period of exclusion of a person up to two (2) months• Sign a letter of exclusion for up to two (2) months |
| Assistant State Librarians and
Director, Finance & Strategy | <ul style="list-style-type: none">• Determine a period of exclusion of a person up to one (1) year• Sign a letter of exclusion for up to one (1) year• Review a request to lift an exclusion of a period equal to or less than one (1) year and determine to lift or maintain the exclusion• Report to the Executive Committee on the implementation of this policy |

- Executive Committee (not in the presence of the State Librarian & Chief Executive)
State Librarian & Chief Executive (or delegate not involved in the original decision)
- Endorse a period of exclusion of a person greater than one (1) year
 - Review a request to lift an exclusion of a period greater than one (1) year and determine to lift or maintain the exclusion

Staff training and communication

Relevant staff are updated on the Library's exclusion policy and related policy and procedure such as the client code of conduct, through their divisional and branch meetings. The management of incidents is regularly discussed at key meetings and is constantly monitored by reader services management.

Directing a person to leave the Library

The determination to ask a person to leave the State Library will be based on judgement as to the nature and severity of the breach and the likelihood of the matter being resolved without any further breach occurring.

The primary purpose of directing a person to leave the State Library is to ensure the safety and security of Library users, staff and volunteers, collections and facilities. The direction to leave may be for a cooling off period, and may not necessarily result in exclusion from the Library for a period other than for the cooling off period.

Breach of the Regulation

The giving of a direction to leave the State Library premises for a breach of the regulation by a person in the State Library is delegated to those State Library staff designated in this policy. The delegate may determine to issue a warning to the person that they risk being directed to leave the Library premises, or may direct the person to leave. The delegate may determine to allow the person to return to State Library premises, after a cooling off period the length of which the person is to be advised and must agree.

The authority to issue a warning and to direct a person to leave Library premises is delegated to the officer in charge of the reading room (the OC) and the Security Coordinator.

Exclusion from the State Library

The Library Council of New South Wales determined the period of exclusion of a person for a breach of the Regulation under clause 17(3) of the *Library Regulation 2005* at its meeting on 24 October 2005.

Period of exclusion

1. The maximum period for which a person may be excluded from the State Library is for life.
2. The usual period of exclusion for a person asked to leave the Library under clause 17(3) of the *Library Regulation 2005* will be two (2) months. The delegate determining the exclusion will consider:

- the nature and severity of the breach; and/or
 - whether the breach is a first or repeat occurrence.
3. Where the breach is a repeat occurrence and/or the nature and severity of the breach is deemed to warrant a longer period of exclusion, the period of exclusion may be up to one (1) year.
 4. The Manager, Facilities and Security, Manager, Education & Training and the Manager, Reader Services are delegated to determine a period of exclusion from Library premises for periods of up to two (2) months and to sign letters of exclusion for periods up to two (2) months.
 5. Assistant State Librarians and the Director, Finance & Strategy are delegated to determine a period of exclusion from the Library premises for periods of up to one (1) year and to sign letters of exclusion for periods up to (1) year.
 6. Where a person has been excluded for a period of one year, the exclusion may be reviewed and lifted if the State Librarian & Chief Executive or their delegate not involved in the original decision is satisfied that such action is warranted.
 7. The Library's Executive Committee (not in the presence of the State Librarian & Chief Executive) may extend a period of exclusion for a further period or determine a period of exclusion up to the maximum period. Such determinations are made on a case by case basis, taking into account the nature and severity of the breach, the safety and security of staff and volunteers, Library users and visitors, the collections and/or facilities. This determination will take into account any incidents or written reports during the period of exclusion.

Procedures for excluding a person from the State Library

Letter of exclusion

Where a person has been excluded from the State Library for a breach of the Regulation, a letter of exclusion will be delivered to the person, either by post or in person.

A letter of exclusion for a breach of the Regulation will be signed by the delegate. All letters of exclusion will include reasons supporting the decision to exclude and a summary of events. The summary will include the date(s), description of the incident(s) and the clause(s) of the Regulation breached. If a person refuses to identify his/her name, the letter will be addressed "Dear Sir/Madam".

Reviews and appeals

A person may seek a review of the period of exclusion by writing to the State Librarian & Chief Executive who will determine whether the period of exclusion will be reduced, maintained or extended. This determination will be

made by consideration of the available incident reports and records and any case put forward by the person seeking the review.

The State Librarian & Chief Executive may delegate this review to a senior manager. The reviewing officer will not be a person involved in the original decision to exclude the person.

Record Keeping

The keeping of records is essential in determining a period of exclusion and in ensuring the documentation of breaches of the Regulation is up-to-date, factual and accurate. A record of events or breaches may be made in the official diary, a staff member's work diary, or as a memo or file note. The record should be made on the day of the incident and signed and dated by the staff member(s) making the record. The staff member's supervisor should be advised of the incident and sign and date the record.

Reporting forms for completion and inclusion on official files are available to staff from the Library's Intranet.

This documentation will be used for the purposes of determining a period of exclusion and advising a person of the determination made and the reasons for it. The documentation will also be considered for determining whether and/or when an exclusion will be lifted.

The requirements of the Library's *Privacy Management Plan* apply in relation to all documentation and record keeping.

A copy of all correspondence, incident reports and related documentation is to be included on the restricted central file Access and Use – Procedures – Exclusions from the Library (File number 0783.)

Management and reporting

The procedural management of incidents involving clients and use of the Library is principally managed by the Assistant State Librarian, Reader Services or their delegate. Other divisions and managers will be involved where appropriate and required by the Library's Policy on the Use of the State Library under the *Library Regulation 2005* Part 3.

Finance and Strategy Division will manage policy and related matters such as reporting on exclusions to the Library's Executive and Library Council.

The Manager, Policy & Research will prepare a report on categories of incident and exclusions for the Executive Committee on a quarterly basis and Library Council at the end of each financial year.

Approval

This policy was approved by the Library Council on 22 May 2006.

Implementation Date

23 May 2006.

The implementation of this policy does not affect the period of current exclusions.

Review

This policy will be reviewed in April 2007 unless any change in legislation, government policy, or other matter deem it necessary to amend it sooner.

Wilma Norris

A/State Librarian & Chief Executive

22 May 2006

State Library of New South Wales

Client Code of Conduct

The State Library is committed to provide a welcoming and safe environment for research, study and learning. The State Library has a responsibility to ensure the safety and wellbeing of its clients, visitors and staff. All users and staff of the State Library have the right to use the Library's services, facilities and collections in safety and without being unnecessarily distracted or disturbed by other people.

This code outlines the conduct we expect from all State Library clients and visitors. It is based on the [Library Regulation 2005](#). Copies of the Regulation are available.

- Treat fellow clients and Library staff with respect and courtesy. Unsociable behaviour, including harassing clients or staff, is not allowed. This includes the use of offensive or threatening language and the making of threats to staff or clients.
- Meet acceptable levels of personal hygiene or dress, in the interests of your health and safety and the interests of other people using State Library collections, facilities and services.
- Maintain a quiet environment for study. Disruptive behaviour and excessive noise are not allowed.
- Turn off mobile phones or personal audio devices such as electronic games, pagers, CD players in public areas.
- Take care of Library collections, equipment and furniture. Mutilating Library material through marking, cutting or tampering with security tags is a breach of the regulation.
- Ensure Library material is not hidden or deliberately misplaced.
- Refrain from bringing food or drink into the reading rooms or galleries, and to refrain from smoking on Library premises.
- Keep valuable items with you at all times. The Library is not responsible for your personal belongings.
- Leave your bags, cases or personal belongings in the lockers provided. Library staff have the right to inspect equipment, folders, bags or property as clients enter or leave the reading rooms.
- Leave the Library when requested at closing time and during emergency procedures.
- Inform Library staff promptly of any concerns you have relating to the behaviour of other clients.

Clients who do not comply with the Library Regulation 2005 and this Code of Conduct may be asked to leave the Library or may be refused access to the State Library buildings. Clients who are asked to leave the State Library may be excluded from the Library for a period as determined by the Library Council of New South Wales.

For your safety, surveillance cameras have been placed in public areas.

Feedback

Comments on this policy are welcome. Please complete a Feedback form, available at the Inquiry Desk on Level 1, Macquarie Street Wing.

April 2006