1. Summary

Library Regulation 2010 (Regulation) is made under the Library Act 1939. Part 3 outlines the use of libraries and library material and allows for the exclusion of those who breach the Regulation.

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. State 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 throughout the entire Library premises including exterior areas.

2. Policy statement

This policy supports the administration of the provisions of Library Regulation 2010 Part 3 ‘Use of libraries and library material’.

In particular the policy provides guidelines to assist staff in implementing the provisions of Library Regulation 2010 Clause 17, ‘Library users may be directed to leave’. The policy includes periods of exclusion, the delegations and the process to be followed.

3. Legislative and Policy Framework

Most relevant legislation
- Government Information (Public Access) Act 2009
- Health Records and Information Privacy Act 2002
- Library Act 1939
- Privacy and Personal Information Protection Act 1998
- Work Health & Safety Act 2011

Related and/or most relevant State Library and government policies
- Client Code of Conduct
- Internet Usage Policy
- Privacy Management Plan
- Web Privacy Statement
4. Responsibilities

All State Library staff are responsible for ensuring that the provisions of Library Regulation 2010 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 are to 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 Library Regulation 2010. 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)).

Staff training and communication

Relevant staff are updated on the State Library’s exclusion policy and related policies and procedures, 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 Access & Information management.

Directing a person to leave the State Library

The determination to ask a person to leave the State Library will be based on judgment 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 State Library clients, visitors, 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 State Library for a period other than for the cooling off period.

Breach of Library Regulation 2010

The giving of a direction to leave State Library premises for a breach of Library Regulation 2010 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 State 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 State 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 Library Regulation 2005 at its meeting on 24 October 2005. The period of exclusion remains the same under the Library Regulation 2010.

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 State Library under clause 17(3) of Library Regulation 2010 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.

Delegations

Library Regulation 2010 gives all State Library staff the authority to ask a person to comply with the Regulation, and to ask a person to leave the State Library if the Regulation has been breached.

The Library Council of New South Wales has delegated to the NSW State Librarian & Chief Executive the administration of the Regulation. The NSW State Librarian & Chief Executive has the authority to review and to 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 NSW State Librarian & Chief Executive will absent themselves from the discussion and the decision on this agenda item.

The NSW State Librarian & Chief Executive has delegated the administration of Library Regulation 2010 to:

| Officer in Charge of the reading rooms | • 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 | • Ask a person to leave the State Library premises, or issue a warning to a person that they risk being directed to leave |
| Manager, Access & Information | • Determine a period of exclusion of a person up to two (2) months |
| Manager, Facilities & Security | • Sign a letter of exclusion for up to two (2) months |
| Director, Library Services  
| Director, Operations & CFO  
| Director, Marketing & Business Development |  
| • 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 NSW State Librarian & Chief Executive)  
| NSW State Librarian & Chief Executive (or delegate not involved in the original decision) |  
| • Endorse a period of exclusion of a person of greater than one (1) year  
| • Review a request to lift an exclusion of a period of greater than one (1) year and determine to lift or maintain the exclusion  

5. **Reporting requirements**
Library Services Division will manage policy and related matters such as reporting on exclusions to the Library’s Executive and Library Council of New South Wales.

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

6. **Procedures**
Procedures for excluding a person from the State Library (Appendix 1).

7. **Approval**
This policy was approved by NSW State Librarian & CE on 5 April 2012 for submission to the Library Council of NSW for immediate implementation.

8. **Implementation**
This policy is implemented on 20 April 2012.

9. **History**
This policy replaces Policy on the Use of the State Library Under the *Library Regulation 2005* Part 3.

10. **Related Policy**
This policy is related to the Client Code of Conduct.

11. **Prepared by:**
A/Coordinator, Client Services, Access & Information  
15 March 2012
## 12. Document History and Version Control

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<th>Date approved</th>
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<td>1.0</td>
<td>5 April 2012</td>
<td>NSW State Librarian &amp; CE</td>
<td>First release</td>
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Appendix 1
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 Library Regulation 2010 (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 NSW 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 NSW 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.

Recordkeeping
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.

An Incident Report form for completion and inclusion on official files is available to staff from the State 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 State Library’s Privacy Management Plan apply in relation to all documentation and recordkeeping.

For exclusions, a copy of all correspondence, original incident reports and related documentation must be forwarded to the Records Management Coordinator for filing to one of the following restricted General Office Files:

- Access & Use – Access Regulation – Exclusions (Less than 1 Year)
- Access & Use – Access Regulation – Exclusions (1 Year or Greater)

For non-exclusions, Access & Information incident reports and warning letters are to be filed on the following restricted General Office File, maintained by the Coordinator, Client Services, Access & Information:
- Access & Use – Access Regulation – Access & Information – Incidents and Warnings

Management and reporting
The procedural management of incidents involving clients and use of the State Library is principally managed by the Director, Library Services or their delegate. Other divisions and managers will be involved where appropriate and required by the State Library's Policy on the Use of the State Library Under Library Regulation 2010 Part 3.

Library Services Division will manage policy and related matters such as reporting on exclusions to the Library’s Executive and Library Council of New South Wales.

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