

# **WEIPA TOWN AREA LOCAL LAW NO. 4 (LIBRARIES)**

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**PART 1<sup>3/4</sup> PRELIMINARY**

**Citation**

1. This local law may be cited as Local Law No. 4 (Libraries).

**Objects**

2. The objects of this local law are to—
  - (a) provide for a library service that effectively meets the needs of the community; and
  - (b) confer the necessary powers for the administration, management and control of a library and library services; and
  - (c) provide for the protection of library resources.

**Definitions**

3. In this local law—

"**authorised person**" means a person authorised by the local government to exercise the powers of an authorised person under this local law;

"**item**" means a library resource that is available for loan from a library to library members or a particular class of library members;

"**library**" means a collection of books and other materials administered for the benefit of the community;

"**library authority**" means the person to whom, or body of persons to which, the local government assigns responsibility for administering the library;

"**library policy**" means local law policy about the administration, management or operation of a library, or the management or use of library resources;

"**library premises**" means a place (which may include a vehicle) at which library services are provided;

**"library resource"** means—

- (a) an article available for use in, or for loan from, a library; or
- (b) equipment or facilities available for use in a library;

**"library rule"** means a requirement of this local law, or a library policy;

**"membership card"** means a card or other form of identification issued to a person who has been enrolled as a member of the library;

**"reciprocating library"** means a library to which a reciprocal arrangement under Part 2 relates.

## **PART 2<sup>3/4</sup> ESTABLISHMENT AND ADMINISTRATION OF LIBRARY**

### **Establishment of library**

4. The local government may establish and maintain a library.

### **Library authority**

5. The local government may assign the responsibility for administering a library to a particular person or body of persons.

### **Control and management of library**

6. The library authority has, subject to direction by the local government, the administration, management and control of the library.

### **Authorised persons**

7. (1) The local government may authorise a person to exercise the powers of an authorised person under this local law.

(2) An authorisation may be given under subsection (1) on conditions the local government considers appropriate.

**Reciprocal arrangements with other libraries**

**8. (1)** The local government may enter into a reciprocal arrangement with another local government under which—

- (a) the members of the library may have access to library resources acquired by the other local government for a library (the "reciprocating library") maintained by the other local government; and
- (b) the members of the reciprocating library may have access to library resources acquired by the local government for the use of the library maintained under this local law.

**(2)** A reciprocal arrangement under this section may be made on conditions mutually agreed between the participating local governments.

**PART 3<sup>3</sup>/<sub>4</sub> LIBRARY MEMBERSHIP****Library membership**

**9.** Library membership is available to interested persons under this Part.

**Classes of membership**

**10. (1)** The local government may, by library policy, create different classes of membership.

**(2)** Classes of membership may, for example, be created by reference to 1 or more of the following factors—

- (a) whether the member has full legal capacity;
- (b) whether the member is an individual or a body corporate and, if a body corporate, the purpose for which it was formed or the nature of its activities;
- (c) whether the member is resident or employed in the area or connected with the area in some other way;

- (d) whether the member's personal circumstances may give rise to difficulty in complying with the usual requirements of membership or create special needs for access to library resources and facilities;
- (e) whether the member is also a member of a reciprocating library.

### **Application for membership**

**11. (1)** A person may apply to the library authority for library membership.

**(2)** An application for membership—

- (a) must be in writing; and
- (b) must include the information required by library policy; and
- (c) must be accompanied by the fee (if any) required by library policy.

**(3)** An applicant for library membership must, at the request of the library authority, provide further information the authority requires to decide the application.

### **Enrolment of members**

**12. (1)** The library authority may, on receipt of an application for enrolment, enrol the applicant as a member of the library.

**(2)** If library membership is divided into classes, the enrolment must be in the class of membership appropriate to the applicant.

**(3)** The library authority may enrol an applicant on conditions the library authority considers necessary to protect library resources or the proper operation of the library.

#### *Example*

*The library authority may, for example, enrol a person on a condition that a responsible person, who is acceptable to the authority, guarantees the member's compliance with the obligations of membership.*

**(4)** The library authority may reject an application for library membership if—

- (a) the applicant is not, in the authority's opinion, acceptable as a borrower or user of library resources because of unsatisfactory past conduct; or
- (b) the enrolment of the applicant would, in the authority's opinion, be contrary to a library policy.

## **PART 4<sup>3/4</sup> RIGHTS AND OBLIGATIONS OF MEMBERSHIP**

### **Rights and obligations of membership**

**13. (1)** A library member is entitled to the rights of membership.

**(2)** A library member must comply with the obligations of membership.

**(3)** Rights and obligations of membership may vary according to the member's membership class.

### **Definition of the rights of membership**

**14. (1)** The local government may, by library policy, define the rights and obligations of library membership.

**(2)** A library policy may, for example—

- (a) prescribe procedures for borrowing items from the library;
- (b) define the borrowing rights of members generally or a particular class of members;
- (c) prescribe the time limit within which borrowed items, or borrowed items of a particular class, must be returned and provide for the extension of time;
- (d) prescribe charges or fines to be paid on failure to return a borrowed item within the prescribed period and provide for the remission of the charge or fine in appropriate cases;

- (e) limit the time for which library resources may be used by any one person in a library.

### **Items in heavy demand**

**15. (1)** The library authority may—

- (a) withdraw from loan an item that is in heavy demand; or
- (b) limit the time for which an item in heavy demand may be borrowed or impose other special restrictions on borrowing.

**(2)** A library member must comply with a time limit, or other special restriction, imposed under this section.

### **Suspension or cancellation of membership**

**16. (1)** If a library member contravenes a library rule, the library authority may, by written notice to the member, restrict the member's membership rights, or suspend the membership.

#### *Examples*

*The library authority may restrict borrowing rights, or suspend membership, if a member retains borrowed items for substantially longer than permitted by the library rules.*

*If a member fails to pay for loss of, or damage to, a library resource, the library authority may suspend the member's membership until the appropriate payment is made.*

**(2)** The library authority may cancel the membership of a member who—

- (a) persistently contravenes a library rule; or
- (b) behaves in a way that shows the member to be unfit to hold library membership.

**(3)** Before the library authority suspends or cancels a member's membership, or restricts membership rights, the authority must give the member notice of the proposed action and allow the member a reasonable opportunity to make representations, orally or in writing, to the library authority.

**(4)** If a person's membership is suspended or cancelled, the person must return the membership card to the library authority.

## **PART 5<sup>3/4</sup> CONDUCT IN LIBRARIES**

### **Harassment or disturbance**

**17.** A person who is asked by an authorised person to desist from behaviour in library premises that harasses or disturbs another, or interferes with the reasonable use of library resources, must not persist in the behaviour.

Maximum penalty—10 penalty units.

### **Exclusion from library**

**18. (1)** If a person—

- (a) persists in contravention of a library rule after being asked by an authorised person to desist; or
- (b) remains in library premises without making genuine and proper use of the library resources;

an authorised person may direct the person to leave the library.

**(2)** A person who is directed to leave a library under subsection (1) —

- (a) must comply immediately with the direction; and
- (b) must not re-enter the library on the same day.

Maximum penalty—10 penalty units.

**Direction to comply with library rule**

**19.** A person must, if asked by an authorised person to comply with a library rule, immediately comply with the rule.

Maximum penalty—10 penalty units.

**Copyright and licences**

**20.** A person who makes use of facilities provided in a library for—

- (a) photocopying or reproducing materials; or
- (b) obtaining access to information stored in a computer data base;

is solely responsible to ensure that the use of the facilities for the purpose does not result in a breach of copyright, or contravention of the provisions of a relevant licence.

**PART 6<sup>3/4</sup> PROTECTION OF LIBRARY RESOURCES****Misuse of library resources**

**21. (1)** A person must not wilfully damage a library resource.

Maximum penalty—10 penalty units.

**(2)** A person must not, unless authorised under the library rules, remove a library resource from library premises.

Maximum penalty—10 penalty units.

**Damage to library resources**

**22. (1)** A person who loses or damages a library resource must, on demand by the library authority, pay to the local government the appropriate charge.

**(2)** If a library resource is lost or damaged while on loan to a library member, the member (or the member's guarantor) must, on demand by the library authority, pay to the local government the appropriate charge.

**(3)** The appropriate charge is—

- (a) if the library resource is lost, or irreparably damaged—the cost of replacing the resource together with an administrative charge fixed by the local government; or
- (b) if the library resource is damaged, but not irreparably—a repair charge fixed under a scale approved by the local government.

**(4)** The library authority's decision on whether damage is irreparable is final.

## **PART 7<sup>3/4</sup> LOCAL LAW POLICIES**

### **Power to make local law policies**

**23.** The local government may make local law policies about—

- (a) the administration, management and operation of a library; and
- (b) the management and use of library resources.