



LACHLAN SHIRE COUNCIL LIBRARY EXCLUSION AND DIRECTION TO LEAVE POLICY

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Further Information: Lachlan Shire Council ☎ 02 6895 1900 ✉ Email: council@lachlan.nsw.gov.au					
Version: 1	Adopted	Commencement Date:	Last Review Date:	Next Review Date:	Content Manager Ref:
Council Meeting Day Month Year	Resolution: 2023/72	April 2023	New	April 2027	D23/6258

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1. BACKGROUND

Lachlan Shire Council is committed to providing a safe and welcoming place for all visitors to enjoy our library resources and spaces for education, enjoyment, programs, events, or for a period of respite.

2. SCOPE

This policy applies to all members and visitors to the Libraries, both onsite and online as well as all library staff.

3. OBJECTIVE

Library Regulation 2018 (the Regulation) is made under the *Library Act 1939*. Part 2 of the Regulation and empowers the Lachlan Shire Council to make rules to regulate the use of any facilities, services or collections of the Library. Part 3 of the Regulation outlines the use of libraries and library material, and allows for the exclusion of those who breach it.

The policy includes periods of exclusion, delegated authority and the processes to be followed.

4. DEFINITION/S

Abuse

Physical injury; emotional or psychological harm; an unreasonable and non-consensual denial of financial, social or personal autonomy; damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.

For example, physical abuse includes but is not limited to intentional bodily injury include slapping, pinching, choking, kicking, shoving, or inappropriately using drugs or physical restraints. Sexual abuse is non-consensual sexual contact (any unwanted sexual contact).

Exclusion

The act of not allowing someone to take part in an activity or to enter a place. **For example**, exclusion occurs when someone is not allowed in to the Library or to take part in any library program due to abusive behaviour.

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Offensive language

Consists of behaviour calculated to wound feelings, arouse anger, resentment, disgust or outrage in the mind of a reasonable person. For example, swearing or offensive gestures.

Theft

The act of dishonestly taking something that belongs to someone else and keeping it. For example, removing library property or resources from the building without it being checked out in the library management system (LMS).

Unacceptable behaviour

Includes but is not limited to bullying, harassment and victimisation. May involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. Bullying or harassment may be by an individual against an individual or involve groups of people.

5. POLICY IN BRIEF

Library users may be directed to leave the library for any breach of what is considered unacceptable behaviour, including physical abuse, theft, or using offensive language;

1. A library staff member may direct a person to leave the library and not re-enter for such period as the staff member directs, if the staff member is of the opinion that:
 - a) The person has contravened any provision of the Library Act or Provision, or
 - b) The person's condition, conduct, dress or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library.
2. A person to whom such a direction is given must comply with the direction or the Police will be contacted to enforce such direction to vacate.

6. POLICY IN DETAIL

Directing a person to leave

The decision to ask a person to leave the 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.

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The primary purpose of directing a person to leave the Library is to ensure the safety and security of visitors, staff, volunteers, collections and facilities. The direction to leave may be for an immediate period of time only, and may not necessarily result in further exclusion from the Library for a longer period. Depending on the nature and severity of the breach, the staff member may also recommend that a written letter of warning be issued to the person.

Exclusion from the library

In cases where the breach is repeated or serious in nature a person may be excluded from the Library for a set period of time.

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 *Library Regulation 2018*.

Period of exclusion

1. The usual period of exclusion for a person asked to leave the Library under clause 17(3) of *Library Regulation 2018* will be two (2) months for example, offensive language. The Library member determining the exclusion will consider:
 - a) the nature and severity of the breach; and/or
 - b) whether the breach is a first or repeat occurrence.
2. 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. Where the breach is deemed to be extreme, a person may be permanently excluded from the Library, for example theft or physical or sexual abuse.

Failure to follow a direction to leave the Library premises or re-entering the premises during a period of exclusion will be referred to the NSW Police.

Reviews and appeals

A person may seek a review of the period of exclusion/suspension by writing to the Librarian who will determine whether the period of exclusion or suspension will be reduced, maintained or extended. This determination will be made by consideration of the available incident reports and records, and will include any case put forward by the person seeking the review.

The Librarian may delegate this review to a senior manager.

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7. FURTHER INFORMATION

Further information about this policy can be obtained by:

- contacting the Librarian
- contacting the Director Corporate and Community Services

8. RELATED DOCUMENTS

Related Lachlan Shire Council policies and legislation includes, but is not limited to:

- Library Regulation 2018
- Copyright Act 1968 (Cwth)
- Library Membership and Loan Policy CSG052
- Government Information (Public Access) Act 2009
- Library Act 1939
- Privacy and Personal Information Protection Act 1998
- Work Health & Safety Act 2011
- State Records Act 1998
- State library New South Wales policy on Exclusions and Directions to Leave
- State Library New South Wales Reader and Visitor Code of Conduct

Nothing in this policy limits any applicable legislation.

9. RIGHT TO VARY

Council reserves the right to terminate or vary this policy at any time.

Greg Tory

GENERAL MANAGER

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