

## OPERATIONAL POLICY – OP038

# CENTRAL WEST LIBRARIES EXCLUSION

OP038

F286

### 1. OVERVIEW

- 1.1 Public libraries in NSW operate under the Library Act 1939, the Library Regulation 2018 and the Local Government Act 1993. Section 17 of the Library Regulation provides a power to direct library clients to leave if the rules for proper use of a library have not been observed.
- 1.2 The Library Regulation 2018 makes provisions for acceptable behaviours by people who use libraries and identifies measures to exclude persons who breach the regulations. Central West Libraries has a responsibility to ensure the safety and wellbeing of library clients, visitors, staff and volunteers and to maintain the security of the collections, buildings and facilities. People have the right to use the Library's services, facilities and collections in safety and without being unnecessarily distracted or disturbed by other people.
- 1.3 This policy supports the administration of the provisions of the *Library Regulation 2018 Part 2, Division 2, 6 Local Library Rules*; and *Part 3, Use of libraries and library materials*. In particular the policy provides guidelines to assist staff in implementing the provisions of the *Library Regulation 2018 Part 3, 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.

### 2. POLICY OBJECTIVES

The objectives of this policy are to identify the conditions under which library clients may be removed or excluded from branches of Central West Libraries.

### 3. APPLICABILITY

- 3.1 This policy applies to library clients of all branches of Central West Libraries.

### 4. LIBRARY REGULATION 2018

- 4.1 All Library staff are responsible for ensuring that the provisions of the *Library Regulation 2018* are implemented with regard to the use of Central West Libraries, 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 2018*. Both documents are on public display within the Library.
- 4.2 Many incidents are resolved through library 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 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)).
- 4.3 A library staff member may direct any person to leave the library, and not re-enter

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the library for such a period as directed if the staff member is of the opinion that:

- The person's condition, conduct, dress or manner is likely to give offence to any other person's use of the library
- Disruptive behaviour, which includes disorderly conduct, unsupervised children, noise, or activity that interferes with the rights of others, physical abuse, abusive or threatening language and misuse of library furnishings
- Soliciting, selling or canvassing (for example soliciting signature for a petition) other than library approved activities
- Theft, vandalism or other illegal acts
- Being in a state of intoxication that causes a public disturbance or interferes with others' use or enjoyment of library facilities and resources by other clients
- Loitering on the premises under circumstances that warrant alarm for the safety or health of any person or property in the vicinity
- Personal hygiene issues that disrupt others' use of facilities
- Intimidation and/or harassment of library clients or staff
- Deliberately breaching the security of the library computer network
- Deliberately breaching the Library's Internet Public Use Policy.

4.4 Some offences should result in a warning and a request to desist, rather than a request to leave the Library. Examples of this include but are not restricted to:

- Smoking
- Gambling
- Bringing animals other than seeing eye dogs and companion animals into the library (including the foyer)
- Consuming beverages and/or hot food in a manner that could damage library property
- Inappropriate use of resources, equipment
- Talking in a quiet study area
- Using mobile telephones to distraction of other clients
- Littering
- Monopolising library space to the exclusion of other clients
- Conducting business for profit, other than tutors registered under the *Tutoring in the Library Operational Policy*.

### 5. PROCEDURE

5.1 Any staff seeing library clients engage in minor offences can ask the client to desist. This must then be reported to the Desk Supervisor who will decide if any further action is required.

5.2 A client may be requested by the Desk Supervisor, to leave the library because of prohibited behaviours. If, following a request, the client fails, or refuses, to comply or responds in an abusive fashion, he/she will be required to leave the building for the balance of that calendar day. If he/she fails to leave he/she is considered a trespasser, and the Police will be called.

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- 5.3 The Police may be called at any time where a client is involved in illegal activity or when staff have a fear for their own safety or that of other library clients. Whether the client is notified that this action has been taken will depend on the circumstances at the time.
- 5.4 Parents and guardians will be notified where possible after the second recorded instance of a child or young adult being asked to leave the library.
- 5.5 The staff member requesting the client to leave will complete a Vault incident report. The WHS Team should be notified immediately by telephone.
- 5.6 If the client is asked to leave the library, the Manager Central West Libraries will determine if any further action is required or, if a recommendation of exclusion is to be made to the Director Community, Recreation and Cultural Services, Orange City Council.
- 5.7 Upon a second recorded instance (whether the client has been required to leave the library premises or not) the Director Community, Recreation and Cultural Services, Orange City Council shall be notified and, barring exceptional circumstances, the client will be excluded from the library. The period between incidences and the gravity of the incident will inform the exclusion period. As a general guide:
- 5.8 **Periods between incidents Maximum Exclusion period**

Period between offences	Exclusion period
30 days	12 month
3 months	6 month
6 months	3 month
12 months	1 month
24 months	A further verbal warning

- 5.9 Where there is a two-year gap between incidents, the incident will be treated as a first offence.
- 5.10 All exclusions will be notified in writing. In the case of minors, this will include a letter to parents or guardians. Exclusion from the Library means all branches of Central West Libraries.
- 5.11 Library staff will deal firmly and courteously with clients who engage in prohibited behaviours. Where possible all interaction with the offending client will be undertaken by the Desk supervisor or other senior staff.
- 5.12 If staff feels that the person may be suffering from a mental illness, they will advise the desk supervisor or another senior staff member. Clients with a mental illness will always be treated fairly and with sensitivity.
- 5.13 **Enforcing the exclusion policy**  
In the event a client barred from the use of the library attempts entry to the library during any period of exclusion, the Police will be called.
- 5.14 **Repeat offenders**  
If a client persists with abusive conduct or abusive behaviour following a period of exclusion, the Manager Central West Libraries will consider long term exclusion.
- 5.15 **Letter of exclusion**  
Where a person has been excluded from Central West Libraries for a breach of the Regulation, a letter of exclusion will be delivered to the person, either by post or in person.
- 5.16 A letter of exclusion for a breach of the Regulation will be signed by the Manager Central West Libraries. All letters of exclusion will include reasons supporting the decision to exclude and a summary of

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events. The summary will include the date(s), description of the incident(s) and the clause(s) of the Regulation breached.

### 5.17 Reviews and appeals

A person may seek a review of the period of exclusion by writing to the Director Community, Recreation and Cultural Services who will determine whether the period of exclusion will be reduced, maintained or extended.

### RELATED DOCUMENTS

- OP039 - Central West Libraries Internet Public Use
- OP037 - Central West Libraries Client Code of Conduct
- OP040 - Tutoring in the Library
- Library Act 1939
- Library Regulation 2018
- Local Government Act 1993

*All policies can be reviewed or revoked by the Chief Executive Officer, at any time.*

### OP038 – Operational Policy – Central West Libraries Exclusion

#### Amendments:

- Major review
- Formatting update

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Approved By: Chief Executive Officer

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