

POLICY:	CUSTOMER EXCLUSION
DATE ADOPTED:	Director Cultural & Community Services Report #1 Policy 6 July 2016 Council 20 July 2016 Minute Book No. 12315
LAST REVIEW:	July 2021 - Adopted Council 19 August 2021
FILE REFERENCE:	21.00054
OBJECTIVE:	To determine the parameters and guidelines for library staff to follow in regard to exclusion of members of the public from Bathurst Library

Bathurst Library is committed to providing a safe and pleasant environment for the public to enjoy while at the same time ensuring that the staff, volunteers and visitors are provided with a secure and productive place in which to work and enjoy. To achieve this, Bathurst Regional Council and Bathurst Library follow the legislative guidelines for libraries set out in the NSW Library Regulation 2018.

Policy Objectives

Bathurst Library Customer Exclusion Policy is guided by the NSW Library Regulation 2018, Part 3 Use of libraries and library books. This policy determines the parameters and guidelines for library staff to follow regarding exclusion of members of the public from libraries. It is the intention of Bathurst Library that these parameters be used in conjunction with staff judgement to make informed decisions that assist in providing safe and pleasant environments for the public and staff. This policy applies to Bathurst Library and any future branches.

General Principles of the Bathurst Library Customer Exclusion Policy

The NSW Library Regulation 2018 assigns authority to all library staff to request a person comply with the regulation or, in the case that said person does not comply, to ask the person to leave the library premises if the regulation has been breached.

The public and staff are responsible for abiding by the intent of this policy. A person who is seen to have breached the regulation may be advised by staff that compliance with the regulation is required. *(Staff may offer to provide the person with a copy of this policy or direct them to the policy on the internet)*

The Bathurst Library Customer Exclusion Policy is available to the public via the Bathurst Library website.

Staff training and communication

Staff are made aware of their responsibilities to ensure a safe and pleasant environment for themselves, the public, volunteers and other people visiting libraries. Bathurst Library staff will be kept up-to-date with information where appropriate.

Process for asking a person to leave the library

Staff may request that a person leave the library if it is decided that there has been a breach of the Library Regulation 2018.

Where a person is seen to be in breach of the Library Regulation 2018 and has resisted complying after being requested to by staff, staff can ask the person to leave the library to ensure the safety and wellbeing of those in the library. The person is allowed re-entry to the library when they comply and agree to follow staff guidelines and instructions.

Exclusion from the library for a period of time

Part 3 Clause 17 of the Library Regulation 2018 provides guidelines for libraries regarding customer exclusion from NSW public libraries. Periods of exclusion will only be enforceable by the Manager Library Services or Officer-in-Charge of Bathurst Library in consultation with the Director of Cultural and Community Services.

Periods of exclusion

The standard period of exclusion for an initial breach of clause 17(3) of the Library Regulation 2018 will be two (2) months. Consideration will be taken as to the nature and severity of the breach and whether the person has breached the regulation prior to the current incident.

The Library Manager or Officer-in-Charge of Bathurst Library, in consultation with the Director of Cultural and Community Services, will determine the length of the period of exclusion from the standard period of exclusion (2 months) up to a maximum of life. The period of exclusion will be directed by the severity of the breach and the impact on staff, volunteers and library users and visitors. The General Manager of Bathurst Regional Council will be notified of the exclusion.

Notification of exclusion

Notification in writing will be provided to a person who is excluded from the library for a breach of the Regulation. The letter will be provided either in person or by post where the person's name and address are known. If the person is not known to staff, and the person refuses to provide their name, the person will be notified on their return to the library with the letter addressed generically and hand delivered. The letter will identify the breach of the Regulation and the non-compliance after request. The letter will also identify the period for which the person will be excluded from the library and set out the review and appeal process, should there be one. Communication of the exclusion will be provided to staff.

Review and appeal process

A person who has been excluded from the library may ask to have their case reviewed by the Library Manager. A determination will be made in relation to whether the exclusion will remain in force or if the time limit of the exclusion will be reduced or extended. The determination will be made with all available documentation regarding the exclusion, including incident reports, and will take into account the case put forward by the person seeking the review.

Records management

All incidents, including breaches of the Regulation, will be recorded by the staff member initially involved in the incident. Reports of breaches should be made on the day of the incident and signed and dated by the staff member(s) making the record. Staff members will advise their supervisor of the incident and provide the report as soon as convenient whereby the supervisor will sign and date the report.

Records of exclusion will be recorded by the Library Manager and kept as per Bathurst Regional Council's record keeping requirements.

Related legislation

The Bathurst Library Customer Exclusion Policy, which is guided by the Library Regulation 2018, determines guidelines for all stakeholders, including staff and the public, in relation to excluding members of the public from Bathurst Library. The Library Regulation 2018 Part 3 states:

- (1) A library staff member may direct any person to leave the library, and not to re-enter the library 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 this Part, 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 direction is given must not fail to comply with the direction.*
- (3) The period for which a person may be excluded from the library by such a direction must not exceed the maximum period determined by the governing body of the library.*

Amendments

Amendments to this policy in relation to operational matters may be made with the approval of the Manager Library Services or Director Cultural and Community Services.

RELEVANT LEGISLATION

[NSW Library Act 1939](#)

[NSW Library Regulation 2018](#)

[Work Health and Safety Act 2011](#)