

# LIBRARY EXCLUSION AND BANNING PROCEDURE



## 1 Scope

This procedure applies to the removal and exclusion of members of the public from Rockhampton Regional Council Libraries when found in breach of the Rockhampton Regional Libraries Conditions of Entry.

## 2 Purpose

The purpose of this procedure is to ensure that libraries provide a pleasant atmosphere, conducive to the enjoyment and proper use of library facilities and resources by both visitors and employees. This procedure details the consequences of breaching the Conditions of Entry and the process for dealing with those breaches.

## 3 Related Documents

### 3.1 Primary

Library Policy

### 3.2 Secondary

*Human Rights Act 2019*

Library Membership Procedure

Rockhampton Regional Libraries Conditions of Entry

## 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds as appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Conditions of Entry	The Conditions of Entry applicable to the libraries, which are displayed in and around the premises.
Council	Rockhampton Regional Council
Customer	Refers to all users of, or visitors to, libraries, whether or not they are library members.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Independent minor	Independent minor is understood to be from 16-17 years inclusive and living independently of a parent/guardian.

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Libraries	Refers to all Council libraries, which includes the library premises and immediate vicinity of the buildings of: (a) Gracemere Library; (b) Mount Morgan Library; (c) North Rockhampton Library; and (d) South Rockhampton Library.
Library Resource	Includes: (a) An article available for use in, or for loan from, a library; (b) Equipment or facilities available for use in a library; and (c) eContent (eAudio, eBooks, eMagazines, film streaming, training courses or database access) available for use or loan on a library or personal device.
Qld Police	Queensland Police Service
Responsible Employee	The employee who has responsibility for the library at the time.
Unacceptable Behaviour	Unacceptable behaviour is taken to occur if a person breaches any of the Conditions of Entry at or within the libraries. Unacceptable behaviour refers, but is not limited to, any of the following behaviours: (a) Engage in disorderly, indecent, offensive or unlawful behaviour; (b) Cause fear or distress to persons; (c) Assault, threaten, intimidate, insult or harass any person, either verbally or physically; (d) Disrupt others or the library operations; (e) Consume alcohol or illicit substances, or enter the library in any already intoxicated state (alcohol consumption at an approved library event or program excepted); (f) Administer or sell illicit drugs; (g) Smoke or consume tobacco products or vapour cigarettes or devices within the library premises or within the legislated distance from entrances; (h) Display offensive or objectionable material such as pornography, expressions of racial or religious hatred or representations of violence, including on any computer screen or device, whether personally owned or library provided; (i) Use library technology, systems, property, assets or processes inappropriately or for other than their intended purposes; (j) Wilfully and deliberately make excessive noise (including the use of mobile phones in designated quiet areas); (k) Cause damage to persons or property; (l) Leave personal possessions unattended; (m) Use an audio or visual recording device without approval; (n) Take photos or other imagery of a person without that person's consent; (o) Operate or solicit a business unless as part of an endorsed Council activity; (p) Undertake fund raising (including selling raffle tickets or soliciting donations); (q) Carry out any religious, charitable or other hawking; (r) Distribute a petition or conduct a survey; (s) Leave an unattended minor whose unsupervised behaviour presents a risk or impact upon other users; and/or (t) Bring a dog or animal into the library, with the exception of certified guide, hearing or assistance dogs.

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## 5 Procedure

Any person entering the libraries must comply with the Conditions of Entry. If a customer breaches or behaves contrary to the Conditions of Entry, the following consequences may be incurred, depending on the nature and severity of the unacceptable behaviour:

- (a) 24 hour exclusion from the libraries for persistent but low-level unacceptable behaviour, as outlined in paragraph 5.2.
- (b) Banning from the libraries for more serious breaches, for a period as specified, following the process of verbal warnings and incident reports, as outlined in paragraph 5.3.
- (c) Immediate banning from libraries for dangerous or unlawful activity, as outlined in paragraph 5.4. Unacceptable behaviour of this severity may also result in Qld Police being called.

Unless expressly stated otherwise, persons issued a 24 hour exclusion or a ban notice are not to enter any libraries for the duration of the exclusion or ban period.

### 5.1 Authority

All library employees have the authority to request a person cease unacceptable behaviour.

The responsible employee has the authority to exclude a person from the libraries for a period of 24 hours.

The Manager Communities and Culture and General Manager Community Services have the authority to ban a person from the libraries for longer periods. This ban may take effect immediately or after the specified ban process of verbal warnings and incident reports, depending on the nature and severity of the unacceptable behaviour.

### 5.2 24 Hour Exclusion – Low-Level Unacceptable Behaviour

For persistent but low-level unacceptable behaviour, an employee will issue a verbal warning and request a change of behaviour to ensure compliance with the Conditions of Entry.

The responsible employee will issue a second verbal warning if behaviour does not change. The customer will be advised that a third verbal warning will result in a 24 hour exclusion from library premises.

If non-compliance continues, the responsible employee will issue the third verbal warning and issue an exclusion notice, advising that the customer should leave the library premises and not return for a period of 24 hours. The 24 hour exclusion period pertains to all libraries.

### 5.3 Banning from the Libraries

A ban can be issued for a minimum period of 48 hours to a maximum period of up to three years. The final decision to issue the ban resides with the Manager Communities and Culture and General Manager Community Services who may escalate the matter to the CEO.

Ban letters will include details of:

- (a) The Conditions of Entry that were breached;
- (b) The period of the ban; and
- (c) The appeal rights and procedures.

For persons under the age of 18 years, the written notification will be addressed to the parent or guardian except when the person is legally an independent minor.

#### 5.3.1 Banning Due to Serious and/or Sustained Nature

Breaches of the Conditions of Entry of a more serious and/or sustained nature may result in a longer exclusion period or ban, whether occurring during a single visit or as a pattern of repeated unacceptable behaviour over multiple visits.

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Before a ban letter is issued a person will receive two verbal warning notifications as detailed in paragraphs 5.3.1.1 and 5.3.2.2. If the unacceptable behaviour continues a verbal and written notification (the ban letter) of the ban will be issued. The written notification will be handed to the person when they are advised of the ban. If that is not possible or they destroy the letter, a copy will be sent via registered mail when and if an address is known.

#### **5.3.1.1 First Warning**

Issue the first verbal warning advising a breach of the Conditions of Entry and request a change of behaviour to ensure compliance. A copy of the Conditions of Entry should be handed to the customer at this time.

#### **5.3.1.2 Second Warning**

Issue a second verbal warning advising a breach of the Conditions of Entry and request a change of behaviour to ensure compliance. The customer will be advised that a third breach will result in a ban from libraries. This warning should be delivered by the responsible employee.

#### **5.3.1.3 Notification of the Ban and Issuing of Ban Letter**

If there is a third instance of unacceptable behaviour, notification of the ban, to be effective immediately, is delivered to the person, advising that the ban letter include the Conditions of Entry that were breached, the period of the ban and the appeal rights and processes. Notification can be issued by the Coordinator Library and Child Services, the Supervisor Client Services, the Supervisor Library Collections and Systems or, if they are not available, the responsible employee.

If the person tears up or throws away the ban letter, they are still considered to have been advised of the ban.

The person is directed to leave the library premises. Unless expressly stated otherwise, persons issued a ban letter are not to enter any library for the duration of the ban period. A copy of the signed ban letter should be kept at all libraries for the duration of the ban period as a record.

Qld Police should be advised of the issuing of the ban by the Manager Communities and Culture. A person who enters any library while they are under a ban is trespassing and their removal will be facilitated by an employee or Qld Police. A person who is trespassing may also be prosecuted under Queensland law. Entering or attempting to enter library premises during the term of the ban may be grounds for extending the ban.

### **5.3.2 Immediate Banning – Dangerous or Unlawful Behaviour**

An immediate ban can be issued if the person's behaviour is dangerous or unlawful. Unacceptable behaviour warranting an immediate ban may include:

- (a) Carrying out any unlawful act;
- (b) Carrying a weapon;
- (c) Using or dealing in illegal substances; and/or
- (d) Damaging public property.

In the event of behaviour of this nature:

- (a) An employee will Call Qld Police in the first instance; and
- (b) A ban letter will be sent via registered mail when an address is known, or Qld Police will be requested to issue the ban letter at a suitable time. The letter will include the Conditions of Entry that were breached, the period of suspension and the appeal rights and processes. The duration of the ban will depend on the nature and severity of the unacceptable behaviour.

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## 5.4 Library Events and Activities

Behaviour in line with the Conditions of Entry is also expected at any library event or activity, whether held on library premises or an external location, including outdoor venues. Unacceptable behaviour that breaches the Conditions of Entry at such an event or activity can incur the same consequences, depending on the nature and severity of the unacceptable behaviour, namely:

- (a) 24 hour exclusion from libraries or event location for persistent but low-level unacceptable behaviour, as outlined in paragraph 5.2.
- (b) Banning from libraries or event location for more serious breaches, for a period as specified, following the process of verbal warnings and incident reports, as outlined in paragraph 5.3.1.
- (c) Immediate banning for dangerous or unlawful activity, as outlined in paragraph 5.3.2. Unacceptable behaviour of this severity may also result in Qld Police being called.

## 5.5 QLD Police Involvement

Requests from QLD Police to exclude a person from a library must be referred to the Coordinator Library and Child Services. Employees can contact QLD Police at any time if they feel threatened when dealing with unacceptable behaviour.

## 5.6 Appeals

A person who has been banned may appeal to the CEO in writing within seven days. The appellant must be informed of a decision within 28 days of receipt of the appeal. A ban may be revoked or its duration reduced on appeal. Details of the appeals process will be included in the ban letter. The ban will remain in force until a determination of the appeal is made by the CEO.

## 5.7 Human Rights Act 2019

In creating this procedure Council has considered the human rights of the customers in accordance with the *Human Rights Act 2019*. Any limitation of human rights are reasonable and demonstrably justified in the circumstances in accordance with section 13 of the *Human Rights Act 2019*.

## 6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Communities and Culture
Policy Quality Control	Legal and Governance

## OUR VALUES



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