

CURTIN UNIVERSITY ACT 1966

LIBRARY RULES 2019

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CURTIN UNIVERSITY ACT 1966

LIBRARY RULES 2019

These Rules are made by the Council of the University under the powers conferred on it by section 6 of *Statute No. 11 – Library* and in accordance with section 34 of the *Curtin University Act 1966*.

Part 1 - Preliminary

1.1 Short title

These Rules are the *Library Rules 2019*.

1.2 Commencement

These Rules take effect –

- (a) when they are promulgated in accordance with *Statute No. 3 – Rules and By-laws*; or
- (b) on the commencement of *Statute No. 11 – Library* replacing Previous Statute No. 11,

whichever is the later.

1.3 Terms used

- (1) In these Rules, unless the contrary intention appears -

authorised person means a person authorised by the University Librarian or the University;

Commencement Date means the date that these Rules are promulgated under rule 1.2;

Library means –

- (a) a physical library of the University located in Western Australia (including the Library resources of that physical library); and
- (b) the University’s electronic library (including electronic Library resources);

Library resources has the meaning given in *Statute No. 11 - Library*;

*Note: **Library resources, document and record** are defined in section 4(1) of Statute No. 11 – Library as follows –*

“document means –

- (a) any record or part of a record;
- (b) any copy, reproduction or duplicate of a record; or
- (c) any part of a copy, reproduction or duplicate of a record;

Library resources includes all documents and other materials held by the Library, and other facilities and resources provided by the Library;

record means any record of information however recorded and includes –

- (a) any thing on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work, or photograph;
- (d) any thing on which there are figures, marks, perforations or symbols, having a meaning for persons qualified to interpret them;
- (e) anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) any thing on which information has been stored or recorded, either mechanically, magnetically or electronically”.

Library user means a person entitled to use the Library under rule 2.2;

Previous Library Rules means the Library Rules made by a resolution of the Council on 9 March 2017 and promulgated on 11 May 2017;

Previous Statute No. 11 means *Statute No. 11 – Library Statute* published in the *Government Gazette* on 26 May 2002;

Schedule means the schedule to these Rules; and

Student has the meaning given in *Statute No. 11 - Library*.

Note: Student is defined in section 4(1) of Statute No. 11 – Library to mean –

“an enrolled student”.

- (2) Unless otherwise defined in rule 1.3(1), a term used in these Rules has the meaning given in the Act, *Statute No. 11 - Library* or *Statute No. 2 - Interpretation*.

Part 2 - Library management

2.1 University Librarian

- (1) The University Librarian may exercise whatever powers are necessary to perform the function of being responsible for the management of the Library.
- (2) For example, the University Librarian may -
 - (a) determine the conditions for using the Library;
 - (b) determine the extent to which a person may use the Library;
 - (c) prescribe certain Library resources as not available for loan; and
 - (d) reserve areas within the Library facilities for the use of particular Library users or one or more classes of Library users.

2.2 Persons entitled to use the Library

- (1) A person is entitled to use the Library if the person is -
 - (a) a Student or a member of the staff of the University;
 - (b) in a pathway program leading to study at the University;
 - (c) a member of the University Council, a University Fellow, a University Associate, Adjunct staff or an Emeritus Professor; or
 - (d) approved (either individually or as a member of an approved class) by the University Librarian to use the Library.
- (2) A person must not use the Library unless entitled under subrule (1).

2.3 Responsibilities of persons using the Library

A person using the Library -

- (a) must respect the right of others to use the Library and must not interfere with their use of the Library;
- (b) must behave in a manner which -
 - (i) is not offensive or unduly inconvenient to other Library users; or
 - (ii) causes or is likely to cause damage to a Library resource;

- (c) must produce identification when requested by a Library staff member or an authorised person;
- (d) is responsible for the safe keeping of their own belongings while in the Library; and
- (e) on or before leaving the Library and when requested by a Library staff member or an authorised person, must present for inspection at the Library exit any materials, bags or receptacles being removed from the Library.

2.4 Borrowing Library resources

- (1) A person borrowing one or more Library resources -
 - (a) must comply with the borrowing conditions determined by the University Librarian including loan periods, recalls, and fines; and
 - (b) in the absence of specific authorisation from the University Librarian, must not borrow a Library resource if -
 - (i) the person has failed to return a borrowed Library resource that is overdue;
 - (ii) the person's borrowing privileges have been suspended;
 - (iii) the person's Library privileges have been suspended; or
 - (iv) the person is otherwise in breach of these Rules.
- (2) A person who has not returned a borrowed Library resource within 14 days of the due date must pay the replacement cost of the resource, as determined by the University Librarian.
- (3) A Library record relating to the borrowing of a Library resource, a loan term or a recall notice is taken to be correct unless the contrary is proved.

2.5 Fines and penalties

- (1) A person who fails to return a borrowed Library resource, including an interlibrary loan, by the due date or time must pay the fine imposed by the University Librarian in accordance with items 1-3 inclusive of the Schedule.
- (2) If a Student fails to pay the fine imposed under subrule (1), the University may suspend all or any of the Student's rights and privileges within the University.

Part 3 - General

3.1 Enforcement

- (1) The University Librarian may impose either or both of the following penalties on a person who commits a breach of these Rules -
 - (a) a fine not exceeding the amount specified in item 3 of the Schedule; or
 - (b) suspension of the right to use and borrow from the Library for a period not exceeding 14 days.
- (2) The University Librarian may reduce or waive a fine or a penalty incurred under these Rules.
- (3) Imposing a penalty on a person under these Rules does not limit or otherwise affect the power of the University to impose any other penalty on the person.

3.2 Appeal rights

- (1) A person on whom a fine or a penalty has been imposed under these Rules may appeal in writing to the Deputy Vice-Chancellor Academic within 14 days after being given written notice of the penalty.
- (2) The Deputy Vice-Chancellor Academic is to ensure, as far as practicable, that -
 - (a) the appeal is determined within 14 days of its receipt; and
 - (b) the appellant and the University Librarian are advised in writing of the outcome.

3.3 Notices

A notice given under these Rules is taken to have been received by a person if it is sent via the email or otherwise in writing to the person's address registered with the University or the Library.

3.4 Revocation

The Previous Library Rules are revoked.

SCHEDULE

Fines

| Item | Library Rule | Purpose | Amount |
|------|----------------|--------------------------------------------------------------------|--------------------------------------------------------|
| 1. | 2.5(1) | Overdue items with loan periods less than one day | Up to \$2.00 per item for each hour or part of an hour |
| 2. | 2.5(1) | Overdue recalled resources (including interlibrary loan resources) | Up to \$4.00 per item per day |
| 3. | 2.5(1) and 3.1 | Fine for a breach of the Library rules | \$25.00 |

The Common Seal of **CURTIN UNIVERSITY**)
was affixed on the 12 day of December 2019)
by the authority of the Vice-Chancellor)





Vice-Chancellor



Administrative Secretary

REVISION HISTORY

| Revision Ref No | Approved/ Rescinded | Date | Committee/ Board | Resolution Number | Document Reference |
|-----------------|---------------------|------------|------------------|-------------------|--------------------------------------------------------------------------------------------|
| New | Established | 18/2/1976 | Council | C 4/76 . | Document No 4502/72 & Appendix to Council minutes |
| | Promulgated | 18/02/1976 | | | |
| | Amended | 21/12/1977 | Council | C 238/77 | Appendix to Secretary's Report of Finance & staffing Committee meeting of 12 December 1977 |
| | Promulgated | 12/1/1978 | | | |
| | Amended | 19/11/1980 | Council | C 141/80 | |
| | Promulgated | ?? | | | |
| | Amended | 19/05/1982 | Council | C 73/82 | |
| | Promulgated | 21/12/1982 | | | |
| | Amended | 23/3/1983 | Council | C 30/83 | Document No 4514/83 |
| | Promulgated | 29/04/1983 | | | |
| | Amended | 20/06/1984 | Council | C 77/84 | Document No 4525/84 |
| | Promulgated | 02/07/1984 | | | |
| | Amended | 26/11/1986 | Council | C 280/86 | Via amending Statute No 7 Document No 62/86 |
| | Amended | 26/07/1989 | Council | C 130/89 | As per resolution E&GPC 25/89 |
| | Promulgated | 02/08/1989 | | | |
| | Amended | 20/12/1989 | Council | C 291/89 | Document F&SC 3161/89 |
| | Promulgated | ?? | | | Revised Schedule of Fees, Fines and Penalties |
| | Amended | 18/06/1997 | Council | C 92/97 | Document No UAB 44/97 |
| | Promulgated | 24/06/1997 | | | Revised Schedule of Fees, Fines and Penalties |
| | Amended | 20/12/2000 | Council | C 140/00 | Document No URB 71/00 |
| | Promulgated | 27/02/2001 | | | |
| | Rescinded | 22/06/2005 | Council | C 67/05 | Document No 00770/05, effective 1 July 2005 |
| | Gazetted | 16/09/2005 | | | |

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|------------|-------------|------------|-----------------------------------|----------|----------------------------------------------------------------------------------|
| New | Approved | 13/03/2013 | Council | C 50/13 | Attachment 1 to Confidential Document No 00227/13 |
| | Amended | 06/02/2015 | Deputy Vice-Chancellor, Education | | Updated Schedule of Fees, Fines and penalties |
| | Amended | 17/02/2016 | Council | C 20/16 | Appendix 1 to Item 9.2.1 |
| | Promulgated | 24/05/2016 | | | Posted on Administration Building Notice Board |
| | Amended | 9/03/2017 | Council | C 54/17 | |
| | Promulgated | 25/05/2017 | | | Posted on Administration Building Notice Board |
| | Replacement | 2/12/2019 | Council | C 181/19 | Repeal the existing Rules and approve the replacement Attachment B to Item 8.5.1 |
| | Promulgated | 19/12/2019 | | | Published on Curtin Policies website |