

# **COBAR SHIRE COUNCIL**



## **Children & the Library Policy**

**FILE: P5-49**

**Responsible Officer: Manager Library Services**

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## **FOREWORD**

Cobar Shire Council provides library services to all community members under the *Local Government Act 1993 – Sect. 22*. All NSW public libraries operate under the *Library Act 1939* and the *Library Regulation 2005*.

Young people are core clients of public libraries and are the future adult users and supporters of our library services. NSW public libraries offer a wide variety of popular services for young people.

In the current environment, such topics as child protection, parental responsibility and the role of agencies that provide services to children have prompted many public libraries to re-examine their policies and services.

This policy is based on the 2008 revision of *Children’s Policy Guidelines for NSW Public Libraries* of the Library Council of NSW. The revisions to these guidelines for recommendation to NSW public libraries were approved by the Library Council of NSW in July 2008. (refer [www.sl.nsw.gov.au/](http://www.sl.nsw.gov.au/) >Services >Public Library Services >Policies & guidelines)

## **SCOPE OF PUBLIC LIBRARY SERVICE TO YOUNG PEOPLE**

Cobar Shire Library is committed to serving the information and recreational needs of young people in our community. The library strives to provide a welcoming environment for young people, and provides resources and programs to meet the needs of children and young adults.

Public libraries provide the public with access to information and recreational materials through a variety of services and resources. Libraries support young people through the provision of collections and programs that foster an appreciation of literature and promote the development of information literacy skills.

While this philosophical underpinning enables public libraries to offer a broad range of services to young people, it also serves to define the categories of services offered. These categories are information and reader services, education and literacy support, access to public space and recreation.

It must be noted that the public library brief in regard to services for young people does not include services provided professionally by other agencies such as childcare facilities and formal education.

## **SERVICE STATEMENT**

Cobar Shire Library’s services to young people include:

- Fiction, non-fiction and recreational books
- Magazines
- Educational games and puzzles
- CDs
- Videos and DVDs
- Internet/PC access

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- Assistance from specialist and general staff in accessing collections and information
  - Internet training
  - Pre-school storytime
  - Space for activities
  - Space for study

## **PARENTAL RESPONSIBILITY STATEMENTS**

This section of the policy defines the responsibilities of parents/carers with regard to their child's use of the Cobar Shire Library, concentrating specifically on access to resources and unattended children.

### **ACCESS TO RESOURCES**

Parents/carers are responsible for monitoring their child's selection and use of library resources. The library encourages parents/carers to set their own family rules in consultation with their child.

Following the Australian Library & Information Association's (ALIA) *Statement on Free Access to Information* (see Appendix 1), the library has no censorship role in its choice of library resources that form the collection.

Cobar Shire Library exercises no limitations on access to publications classified Unrestricted under the Classification (Publications, Films and Computer Games) Act 1995 (See Appendices 2 and 2A).

The library promotes and supports public access to information. Library staff are available to assist clients in the use of the Internet, and to recommend websites on particular subjects.

Parents/carers are responsible for their child's use of the Internet.

### **UNATTENDED CHILDREN**

Unsupervised children can be at risk in any public place, including public libraries. Library staff do not supervise children in the library (except during organised holiday craft sessions), so there is a risk that unattended children may leave the library, hurt themselves, or be approached by strangers. Libraries are busy public places, open to all, and staff cannot judge which members of the public present a possible danger to children.

Young children left alone in the library can become distressed, bored or disruptive. Library users, including young people, who disturb other library users may be removed from the library under the Library Act 1939 (see Appendix 3).

A child left unattended in a public library may be classed as a child or young person at risk of harm under the *Children and Young Persons (Care and Protection) Act 1998, s23* and may be reported as such to the Department of Community Services under s24 or s27 of the Act (see Appendix 4).

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Parents who leave a child unattended in a public library are exposing their child to potential harm, and may themselves be committing an offence under the Children and Young Persons (Care and Protection) Act 1998, s 228.

A number of public libraries specify an age below which children using the library must be accompanied by a parent/carer or responsible older sibling. Cobar Shire Library has set this age at 9 years. Children 8 years and under must therefore be accompanied by a parent/carer or responsible older sibling.

#### SCHOOL AGE CHILDREN DURING SCHOOL HOURS

Children of all ages are encouraged and welcome to use the library.

School-age children who wish to access the library during school hours must have a written authority from their parent, guardian or school.

#### **EXCLUSION PERIOD**

Cobar Shire Council has set a maximum exclusion period from the Library of 12 months from the date of the exclusion (see Appendix 3).

Exclusion can be given verbally by a member of the staff or in writing.

This policy has been endorsed by Cobar Shire Council.

The Council fully supports the aims and objectives of the policy.

Dated:

This document is based on guidelines developed by the State Library of New South Wales. The complete guidelines as produced by Cameron Morley, State Library of New South Wales are available on request or online at [http://www.sl.nsw.gov.au/pls/policies/pdf/childrens\\_policy\\_2005.pdf](http://www.sl.nsw.gov.au/pls/policies/pdf/childrens_policy_2005.pdf)

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## APPENDICES

### Appendix 1 - Professional values

◆ The **ALIA Statement on Free Access to Information (1)** states “that freedom can be protected in a democratic society only if its citizens have access to information and ideas”. This Statement also addresses censorship. Libraries should resist “attempts by individuals or groups within their communities to restrict access to information and ideas”. Collection material should not be rejected on the grounds that its content is controversial or likely to offend some sections of the library’s community.

◆ Librarians and Library Technicians operate under a code of professional ethics, articulated in the **ALIA Statement on Professional Conduct (2)**, that encourages “intellectual freedom and the free flow of information and ideas”. All public library staff regardless of qualifications should follow this code.

◆ The Library Council of NSW guideline **Access to Information in New South Wales Public Libraries (3)** states that public libraries have “a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on current and historical issues, including controversial issues.”

◆ The **UNESCO Public Library Manifesto (4)** which states that “constructive participation and the development of democracy depend on satisfactory education as well as on free and unlimited access to knowledge, thought, culture and information”.

◆ In its comments on these policy guidelines the NSW Office of Children and Young People suggests that relevant articles from the **United Nations Convention on the Rights of the Child (5)** are noted by public libraries, including:

**Article 13:** Outlines the child’s right to freedom of expression, to seek, receive and impart information and ideas.

**Article 29:** Outlines that children have the right to develop personality, talents, mental and physical abilities to their fullest potential.

**Article 31:** Recognises the right of children to leisure, play and recreational activities and the freedom to participate in cultural and artistic life.

<sup>1</sup> Australian Library and Information Association *Statement on Free Access to Information*, 2001, [www.alia.org.au/policies/](http://www.alia.org.au/policies/)

<sup>2</sup> Australian Library and Information Association *Statement on Professional Conduct*, 2007, [www.alia.org.au/policies/](http://www.alia.org.au/policies/)

<sup>3</sup> Library Council of New South Wales *Access to Information in New South Wales Public Libraries*, [www.sl.nsw.gov.au/services/publib/libraries/policies/](http://www.sl.nsw.gov.au/services/publib/libraries/policies/)

<sup>4</sup> UNESCO *Public Library Manifesto*, 1994, [archive.ifla.org/VII/s8/unesco/eng.htm](http://archive.ifla.org/VII/s8/unesco/eng.htm)

<sup>5</sup> [www2.ohchr.org/English/bodies/crc](http://www2.ohchr.org/English/bodies/crc)

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**Appendix 2 – Classification (Publications, Films and Computer Games) Act 1995 [Commonwealth]**

**Section 7 Types of classifications**

The following are the different types of classifications for publications in ascending order:

- Unrestricted
- Category 1 restricted
- Category 2 restricted
- RC (Refused Classification).

The following are the different types of classifications for films in ascending order:

- G (General)
- PG (Parental Guidance)
- M (Mature)
- MA (Mature Accompanied)
- R (Restricted)
- X (Restricted)
- RC (Refused Classification).

The following are the different types of classifications for computer games in ascending order:

- G (General)
- G (8+) (General)
- M (15+) (Mature)
- MA (15+) (Mature Restricted)
- RC (Refused Classification).

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**Appendix 2A – Public Library Exemption under the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (NSW)**

**53 Exemptions for public libraries**

*In this section:*

**MA material** means: a film classified MA, and a computer game classified MA (15+).

**Public library** means the State Library of New South Wales or a local library within the meaning of the Library Act 1939.

**Restricted material** means: a film classified R, and a publication classified Category 1 restricted or Category 2 restricted.

A public library, or any person employed in a public library, does not commit an offence under this Act in respect of any MA material or restricted material that is held in the library if the following requirements are complied with (whether by way of library rules or otherwise):

- the display or perusal of MA material and restricted material, and access to such material by members of the public, must be restricted in an appropriate manner,
- MA material and restricted material must not be screened or demonstrated in the library in the presence of members of the public,
- minors must not be permitted to borrow restricted material.

Minors under 15 must not be permitted to borrow MA material without parental or guardian consent.

In order to comply with subsection (2) (c), it is sufficient that: the person borrowing the restricted material from the library (the **borrower**) produced to the person responsible for lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 18 or older, or the person responsible for lending the material believed on reasonable grounds that the borrower was 18 or older.

In order to comply with subsection (2) (d), it is sufficient that: the person borrowing the MA material from the library (the **borrower**) produced to the person responsible for lending the material documentary evidence that might reasonably be accepted as applying to the borrower and as showing that the borrower was 15 or older, or the person responsible for lending the material believed on reasonable grounds that the borrower was 15 or older (or that parental or guardian consent has been given).

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### **Appendix 3 – Library Regulation 2005 (NSW)**

**The Library Regulation 2005 (in force under the Library Act 1939)** gives libraries the power to exclude library users who interfere with any other person's use of the library. Libraries should determine local standards for acceptable behaviour and appropriate exclusion periods consistent with the provisions in Part 3 of the Regulation. Clause 17 outlines the broad circumstances under which users may be directed to leave the library.

#### **Clause 17 - Library users may be directed to leave**

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: the person has contravened any provision of this Part, or 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.

A person to whom such a direction is given must not fail to comply with the direction.

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.

#### **Note**

It is recommended that NSW local authorities set a maximum period of exclusion from the library. One year is a common maximum period.

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## **Appendix 4 –Children and Young Persons (Care and Protection) Act 1998 (NSW)**

### **Section 23 - Child or young person at risk of harm**

For the purposes of this Part and Part 3, a child or young person is at risk of harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm. Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

### **Section 24 - Report concerning child or young person at risk of harm**

A person who has reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm may make a report to the Director-General.

### **Section 27 - Mandatory reporting**

(1) This section applies to:

- (a) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- (b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of harm, and
- (b) those grounds arise during the course of or from the person's work, the person must, as soon as practicable, report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm

### **Section 228 - Neglect of children and young persons**

A person, whether or not the parent of the child or young person, who, without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care, is guilty of an offence.

