

City of Swan Libraries Conditions of Entry

EFFECTIVE DECEMBER 2024

General

Purposes / Objectives

1. To establish the conditions of entry of each person (**Patron**) into the City of Swan Libraries (including all buildings, grounds, and facilities) located at:
 - (a) 97 James Street, Guildford WA 6055 (Guildford Library);
 - (b) 45 Helena Street, Midland WA 6056 (Midland Library);
 - (c) 3 Maroubra Avenue, Bullsbrook WA 6084 (Bullsbrook Library);
 - (d) 90 Main Street, Ellenbrook WA 6069 (Ellenbrook Library);
 - (e) Cnr. Kingfisher Ave. and Illawarra Crescent South, Ballajura WA 6066 (Ballajura Library);
 - (f) 332 Benara Road, Beechboro WA 6063 (Beechboro Library);

(collectively **City of Swan Libraries** and each one a **Library**)

Formation of an Agreement

2. This document sets out the conditions of entry applying when a Patron enters any Library (**Conditions**).
3. By entering into a Library, the Patron agrees to be bound by the Conditions.

Amendments

4. Any amendments to the Conditions will be published on the City of Swan's website <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines> and notified at the entry point of each Library and will include the date that the amended terms will be effective from, which will not be less than 20 Business Days from date of publication.

Inconsistency

5. If a Patron has entered into a separate Library Membership agreement with the City of Swan, and terms of that separate agreement are inconsistent with the Conditions, then the terms of the separate agreement will prevail over the Conditions to the extent of the inconsistency.

Conditions of Entry to City of Swan Libraries

6. Any Patron not observing any of the Conditions may be asked to leave the relevant Library, and if a Patron refuses to leave, then the City of Swan may remove the Patron and prohibit that Patron from re-entering or using any of the facilities and/or services at one or more of the Libraries in its sole discretion (**Suspension Order**).
7. In accordance with the City of Swan local laws, Library management may issue a Patron with an infringement notice setting out a penalty for breaching any one or more of the Conditions.
8. Any person who knowingly and deliberately breaches a Suspension Order risks further suspension orders or restraining order as appropriate.

9. All offenders including first offenders will be penalised to avoid claims of bias or preferential treatment.
10. It should be noted that all such decisions made from time to time by Library management are made in the interest of public health and safety to maximise the enjoyment at each Library's facilities and/or services by Patrons and the wider public.

Entry

11. Library management may refuse entry to any Patron, or request any Patron to leave, a Library:
 - a. who appears to be suffering from any contagious, infectious or cutaneous disease, condition, sickness or complaint;
 - b. who is in breach of these Conditions;
 - c. to protect the health and safety of that Patron, any other Patron or City of Swan staff member;
 - d. in the case of an emergency;
 - e. in compliance with any statutory or other legal obligation that applies;
 - f. who acts or engages in any unlawful or unreasonable activity which could cause damage to any of the facilities; or
 - g. who does not follow any reasonable instruction or direction given to them by a City of Swan staff member concerning use of the Library facilities.
12. No Patron may enter the Library to carry out any form of commercial or business activity without the express prior written consent of the Library management, which consent may be withheld.

Risk and Liability

13. Each Patron granted entry to a Library acknowledges and agrees that they will enter the Library and participate in the programs, use the equipment or take advantage of the services offered at the Library at their own risk and, to the maximum extent permitted by law, the City of Swan is not liable for any loss suffered by a Patron arising out of or in connection with the Patron's participation in programs, use of the equipment, or taking advantage of the services offered at the Library, except where such loss is caused or contributed to by the fraud, negligence, or wilful misconduct of the City of Swan or any officer, employee, contractor or agent of the City of Swan.
14. Each Patron granted entry to a Library acknowledges and agrees that:
 - a. engaging recreational activities carries an inherent risk of injury;
 - b. they will only participate in recreational activities when they are, to the best of their knowledge, able to do so safely having considered any necessary medical advice; and
 - c. they will take reasonable care not to injure themselves or others when participating in recreational activities at the Library.

15. Furthermore, to the maximum extent permitted by law, each Patron indemnifies the City of Swan, its management, staff, and all contractors (**Indemnified Person**) against any and all claims, liabilities, loss, damage, costs, expenses, or injuries which may be sustained by an Indemnified Person arising out of or in connection with:
 - a. the Patron's use of the Library;
 - b. the Patron's breach of these Conditions or any agreement between the Patron and the City of Swan; and
 - c. any act by an Indemnified Person in reliance on any communication or information provided by or on behalf of the Patron.
16. The Patron is not required to and does not indemnify each Indemnified Person in respect of any claim, liability, loss, damage, cost, expense, or injury to the extent:
 - a. caused or contributed to by the fraud, negligence, or wilful misconduct of an Indemnified Person;
 - b. it could have been reasonably avoided or mitigated by the Indemnified Person; or
 - c. caused or contributed to by a matter beyond the Patron's control.

CCTV Surveillance

17. For the safety and security of all Patrons and staff members, closed circuit television cameras are in use throughout the Library at all times. For further information on how the City of Swan uses CCTV recordings / footage, please refer to the Council Policy POL-C-158 Closed Circuit Television and Video Surveillance Devices Management available at: <https://www.swan.wa.gov.au/awcontent/Web/Documents/CityandCouncil/Council%20policies/POL-C-158-Closed-Circuit-Television-and-Video-Surveillance-Devices.pdf>

Bikes, Scooters, Skateboards, Roller Skates and Roller Blades inside the Library

18. Bikes, scooters, skateboards, roller skates roller blades and any other similar item are not permitted to be used within the Library or left in the foyer of a Library. Bike racks are available outside the entrance to the Library and should be used to secure any bike, scooter, skateboard, roller skates, and/or roller blades that cannot be placed within a bag and carried into a Library.

Lost / Stolen Property

19. To the maximum extent permitted by law, the City of Swan is not liable for any loss suffered by a Patron due to any lost or stolen property, including personal property, except where any such loss arises from the fraud, negligence or wilful misconduct of the City of Swan or any officer, employee, contractor or agent of the City of Swan.
20. Any lost property handed into Library management will be logged at reception. All claims for lost property must be made in person.
21. For health and safety reasons, beauty and body cleaning products, food, food containers, drink bottles, bathers, underwear and socks will be disposed of within 24 hours.
22. Valuable items such as phones, wallets, watches, jewellery, cash, credit cards, identification cards and keys will be stored in the Library's safe. Once a month the City of Swan will deliver to the local police station any unclaimed valuable items in the Library's safe at that time.

23. If any other items of lost property not referred to in clauses 21 and 22 above are not claimed within 2 weeks of the City of Swan recording the lost property, that property will be given to a not-for-profit organisation of the City of Swan's choosing to sell as the not-for-profit organisation sees fit.

Supervision

24. Children under the age of 12 years must be accompanied and supervised by a person aged 18 years or over, at all times within the Library in accordance with the City of Swan Libraries Supervision of Children Guideline available at <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines>

Advertising

25. Patrons must not canvass for any purpose or distribute handbills, advertisements, petitions or other notices in the Library in accordance with the City of Swan Libraries Display of Community Notices and Items For Sale Guideline available at <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines>

Signage and Unauthorised Access

26. Patrons must comply with all reasonable signage around the Library.
27. There are areas in the Library that are not available for access by Patrons. These areas are behind locked doors or are signed as access by staff or authorised persons only. Patrons must not attempt to access these staff or authorised persons only areas.

Public Computer Facilities

28. When using a Library's public computers, WiFi or any online services, Patrons must comply with the City of Swan Libraries Use of Public Computer Facilities Guideline available at <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines>
29. Library management reserves the right to terminate any Patron's internet session at any time for unreasonable use of the Library's public computers, WiFi, or any online service.

Copyright

30. When copying Library materials and sharing material online, Patrons are required to comply with the provisions of the Copyright Act 1968. For further information, please refer to the information on copyright in Library collections.

Food and Drinks

31. Food and drinks are permitted in small quantities in the Library. Food and drinks must not be spilt and must be eaten without creating mess.
32. Hot food is not permitted to be consumed in the Library.

Glass and Sharp Objects

- 33. Other than drink bottles or containers storing food, or devices for medical purposes, other glass and dangerous sharp objects are not permitted to be brought into the Library.
- 34. Library management may reasonably refuse entry to any Patron that is carrying an object that is prohibited under clause 33.

Bag Checks

- 35. Library management reserves the right to conduct random bag checks or obligatory checks on all bags if in their reasonable opinion there is a risk to the health, safety or wellbeing of other Patrons.

Mobile Phones, Cameras and Video Cameras

- 36. Cameras, video cameras and recording devices are not permitted to be used for any purpose in change rooms or toilet facilities. Mobile phones may be used in change rooms or toilets facilities to seek assistance in the event of an emergency but cannot be used for any other purpose or in any other circumstances.
- 37. Any filming or photography must comply with the City of Swan Libraries Use of Photo or Video Equipment Guideline available at <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines>

Alcohol and other Drugs

- 38. No intoxicating substance is to be consumed in the Library.
- 39. No Patron is to be in the possession of any intoxicating substance while in the Library.
- 40. No illicit substance is to be consumed in the Library, and no Patron is to be in the possession of an illicit substance while in the Library.
- 41. Patrons under the influence of, or suspected to be under the influence of, any intoxicating substance or illicit substance while at the Library will not be permitted to enter the Library and must leave the Library if asked.

Anti-Social Behaviour

- 42. Patrons are required to treat Library staff and other Patrons with respect and courtesy.
- 43. Abusive behaviour, harassment (of any nature) or such similar behaviour will not be tolerated within the Library. Patrons displaying such behaviour towards staff members or other Patrons will be asked to leave the Library and must leave if asked. Examples of such behaviour include causing or threatening to cause harm, shouting, yelling, invasion of personal space, physical or verbal threats, profanities and personal insults, throwing items or such similar anti-social behaviour that is determined to be aggressive, intimidating or discriminatory.
- 44. Running in the Library is not permitted.
- 45. Patrons are required to be respectful of noise levels in the Library especially when using devices and computers.

Vandalism and Physical Abuse

46. Patrons must not commit any acts of vandalism or physical abuse. Any acts of vandalism or physical abuse will result in automatic suspension from the Library and may result in legal proceedings being commenced against that Patron.

Program and Library Use

47. Patrons are required to be respectful of programs conducted at the Library (whether operated by the City of Swan or operator of a program), and not do anything which disturbs, disrupts or interferes with these programs. Deliberate interference of any programs or booked space may result in the removal of the Patron from the Library. The operating times of programs and hire groups at the Library will be at the discretion of the Library management.

Clothing Restrictions

48. Patrons are required to wear appropriate clothing and footwear, as reasonably deemed by the Library management. Patrons with clothing deemed inappropriate will be asked to leave the Library and must leave if asked. The Library is a family space and Library management has the sole right, acting reasonably, to determine appropriate attire.

Smoking and Vaping

49. The Libraries are non-smoking and non-vaping venues. Smoking and vaping are not permitted within the indoor or outdoor areas of each Library.
50. Smoking and vaping are not permitted within five (5) metres of the premises of each Library.

Animals

51. No animals or pets are permitted in the Library, with the exception of registered assistance dogs.
52. Patrons with registered assistance dogs are required to comply with the City of Swan Libraries Animals in Libraries Guideline available at <https://www.swan.wa.gov.au/explore-and-do/libraries/services#FeesPaymentsAndGuidelines>

Administration of Conditions of Entry

1. If a Patron wishes to appeal any Suspension Order or issued infringement notice they may do so in writing, to Library management giving as much supportive detail as possible (including time, date, witnesses etc.).
2. Library management will consider your appeal and notify you of their decision as to that appeal.

Document control

Document approvals:

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2.	5/7/2021
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