

**LA TROBE UNIVERSITY**

**EXPLANATORY MEMORANDUM FOR THE LIBRARY STATUTE 2009**

Council is invited to make the attached **Library Statute 2009** (the new Statute).

The new Statute is intended to replace Statute 30 – The Library and the Library Committee and Regulation 30.1 – The Library Committee and Regulation 30.2 – Use of the Library.

The new Statute provides for the establishment of the Library and the Library Committee and sets out the functions and powers of the Library Committee (see section 2). Section 3 provides that the University Librarian may make rules in consultation with the Library Committee. The rules can regulate a wide range of matters, including the entitlements of Library users, borrowing, the use of Library facilities, the operation of the Library and conduct within Library buildings. A breach by a student of the rules will constitute general misconduct under the **General Misconduct Statute 2009**.

Section 4 provides for the imposition of fines for overdue loans. Fines are set at a maximum of \$50 for each overdue item (see section 4(3)(b)), which is consistent with current provision under Statute 30, although a higher or lower maximum may be set by regulation. The maximum is a cumulative maximum. For example, if a fine accumulates at a daily rate for each day on which an item remains overdue, then the fine may not exceed a cumulative total of \$50.00 for that item.

Students who fail to pay Library fines by the time required are guilty of general misconduct (see section 4(4)) and can also be prevented from enrolling or re-enrolling, receiving results, graduating and so on (see section 4(5)). As a last resort, a Library fine can also be recovered through the courts (see section 42A) of the *La Trobe University Act 1964*. For other Library users, rules could be made providing for the suspension of borrowing or other entitlements.

Section 5 provides for the recovery of replacement costs for lost items. As with overdue fines, replacements costs can be recovered through the courts if necessary.

Section 6 provides the University Librarian with a power of delegation.



**LA TROBE UNIVERSITY**

**LIBRARY STATUTE 2009**

The Council of La Trobe University makes this Statute under section 30 of the *La Trobe University Act 1964*.

**1. Name and commencement**

- (1) This Statute is the **Library Statute 2009**.
- (2) This Statute comes into full force and effect on 1 July 2009.

**2. The Library and Library Committee**

- (1) There shall be a University Library (the *Library*).
- (2) There shall be a Library Committee.
- (3) The Library Committee shall—
  - (a) be constituted in accordance with a resolution of the Academic Board; and
  - (b) advise the University Librarian on the development of Library services.

**3. Rules of the Library**

- (1) The University Librarian, in consultation with the Library Committee, may make rules regarding—
  - (a) the entitlements of Library users;
  - (b) the borrowing of books and other materials and documents from the Library;
  - (c) the use of Library facilities;
  - (d) the operation of the Library, including opening hours;
  - (e) the conduct of persons within the Library buildings;
  - (f) any prescribed matter; and
  - (g) any other matter or thing for which a rule may be made under this Statute.

- (2) A student who contravenes a rule made under this Statute is guilty of general misconduct.

**Note:**

See section 4 of the **General Misconduct Statute 2009**.

#### **4. Fines for overdue loans**

- (1) The University, acting through the Library, may impose a fine on a person who borrows anything from the Library and fails to return it by the date required by the Library.
- (2) The University Librarian may make a rule under section 3 regarding how a fine imposed under this section is to be repaid.
- (3) A fine imposed under this Statute—
  - (a) is due and payable no later than 28 days after the day on which the fine is imposed; and
  - (b) is limited to a maximum amount of \$50.00 or, if there is a lower or higher amount prescribed, that amount, in respect of each thing borrowed from the Library.

**Note:**

Section 42A(1) of the Act provides that any fine imposed on a member of the staff or a student of the University pursuant to the Statutes and regulations shall be a civil debt recoverable summarily by the University in any court of competent jurisdiction. See also section 42A(2) of the Act.

- (4) A student who fails to pay a fine imposed under this Statute by the date it is due under this section is guilty of general misconduct.

**Note:**

See section 4 of the **General Misconduct Statute 2009**.

- (5) While a fine imposed on a student which is overdue remains unpaid, the student may not, without the written consent of the Vice-Chancellor or the Deputy Vice-Chancellor—
  - (a) enrol or re-enrol in any course, subject or unit;
  - (b) receive the results of any assessments;
  - (c) graduate or be given any academic award;
  - (d) receive a certificate or transcript of academic record.

#### **5. Replacement costs for lost items**

- (1) If an overdue item is not returned after what the University Librarian considers to be a reasonable period of time following the issue of an overdue notice to the person who borrowed the overdue item (the

*borrower*), the University Librarian may issue a second overdue notice to the borrower requiring the return of the overdue item by a date specified in the notice.

- (2) If the borrower fails to return the overdue item by the date specified in the second overdue notice, the University Librarian may deem the overdue item to be lost and send to the borrower a notice requiring the payment of an amount that is equal to the sum of the replacement costs of the overdue item and a processing fee.
- (3) The borrower must pay the amount referred to in subsection (2) by the date specified in the notice issued under that subsection.
- (4) If the borrower is not a member of staff or a student of the University, an amount which the borrower must pay under this section is a civil debt recoverable summarily by the University in any court of competent jurisdiction.

**Note:**

If the borrower is a member of staff or a student, then section 42A of the Act applies to a similar effect. Section 5(4) above is intended to apply to borrowers who are not members of staff or students. See the note under section 4(3) above regarding section 42A of the Act.

- (5) The University Librarian may make a rule under section 3 regarding how an amount which a borrower must pay under this section is to be repaid.

## **6. Delegation**

- (1) The University Librarian may, by notice in writing, delegate any of his or her powers (other than this power of delegation or the power to make rules under section 3), duties or functions under this or any other Statute or any regulations to any person or body of persons.
- (2) A delegation by the University Librarian under this section of a power, duty or function is revocable and does not prevent the exercise of the power, duty or function by the University Librarian.

## **7. Regulations**

- (1) The Council may make regulations—
  - (a) for or with respect to or providing for any matter or thing for the purposes of this Statute; and
  - (b) amending or revoking any regulations made under this Statute.
- (2) The Council must ensure that regulations made under this Statute are promulgated by having the regulations displayed on an official notice board of the University for a period of at least 14 days.

- (3) For the purposes of determining when regulations made under this Statute come into full force and effect within the meaning of section 30(4) of the Act, the regulations are taken to have been promulgated in accordance with sub-section (2) at the start of the first day on which they are displayed on an official notice board of the University.

## 8. Transitional

- (1) Despite the coming into full force and effect of this Statute, the Old Statute continues to apply to—
- (a) anything borrowed from the Library at any time before the commencement day which, immediately before the commencement day, had yet to be returned to the Library; and
  - (b) a fine imposed under the Old Statute which, immediately before the commencement day, remained unpaid.
- (2) In this section—

*commencement day* means the day on which this Statute comes into full force and effect;

*Old Statute* means Statute 30 – The Library and the Library Committee, and any regulations made under that Statute, as in force immediately before the commencement day.

## 9. Revocation of earlier University legislation

The following Statute and regulations are **revoked**—

- (a) Statute 30 – The Library and the Library Committee;
- (b) Regulation 30.1 – The Library Committee;
- (c) Regulation 30.2 – Use of the Library.

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Approved by the Council—

Approved by the Minister—