THE AUSTRALIAN NATIONAL UNIVERSITY

LIBRARY RULES 2005

The Council of the Australian National University makes these Rules under section 2 of the Library Statute.


Peter Baume AO
Chancellor

1 Citation and commencement
1.(1) These Rules are the Library Rules 2005.
1.(2) These Rules commence on 31 December 2004, immediately after the commencement of the Rules (Repeal) Rules 2004.

Interpretation
2. In these Rules, unless the contrary intention appears
committee means the Library Appeals Committee established by rule 7;
order means an order made under section 3 of the Statute;
Statute means the Library Statute.

Tabling and disallowance of orders
3.(1) The Librarian shall, not later than 5 days after the making of an order, transmit a copy of the order to the Vice-Chancellor, who shall cause it to be laid before the next meeting of the Council after the day on which it is received by the Vice-Chancellor.
3.(2) The Council may, not later than 3 months after the making of an order, by resolution, disallow the order, in whole or in part.
3.(3) In this rule, Council includes the Executive Committee of Council.

Publication of Statute, Rules and orders
4. The Librarian shall cause copies of the Statute, of these Rules and of any orders, as in force for the time being, to be readily available in the premises of the Library to users of the Library and shall take all reasonable steps to ensure that those orders are brought to the attention of all users of the Library.

Penalties for breaches of orders
5.(1) Subject to these Rules, a breach of an order is punishable in such manner as is specified in that order and not otherwise.
(2) Nothing in sub-rule (1) shall be taken to exclude the operation of the Discipline Rules in relation to a breach of an order in relation to which no penalty is specified in that order.

**Imposition of penalties**

6.(1) Subject to sub-rule (2), a penalty provided for by order shall not be imposed on a person unless:

(a) the person has been given notice, in writing, of-
   (i) the breach that is alleged to have been committed by the person; and
   (ii) the penalty that is proposed to be imposed in respect of the alleged breach;
(b) the notice referred to in paragraph (a) was accompanied by a copy of this rule;
(c) a period of not less than 14 days has elapsed since the giving of the notice referred to in paragraph (a); and
(d) any representations, in writing, made by the person, during the period referred to in paragraph (c), with respect to the alleged offence or the proposed penalty, or both of them, to the Librarian have been taken into account.

(2) Sub-rule (1) does not apply in relation to an offence declared by order to be an offence to which this sub-rule applies.

(3) The Librarian may, in relation to an offence to which sub-rule (2) applies:

(a) waive a fine payable in respect of the offence; or
(b) extend the time for the payment of such a fine.

**Library Appeals Committee**

7.(1) There shall be a Library Appeals Committee.

(2) Subject to sub-rule (3), the committee shall consist of:

(a) the Chair of the Library Committee, who shall be Chair of the committee;
(b) the Dean of Students;
(c) the President of The Australian National University Students' Association or a person for the time being appointed for the purposes of this paragraph by the person who is, for the time being, the holder of that office; and
(d) 2 other members appointed by the Library Committee, at least one of whom shall be a full-time member of the academic staff of the University.

(3) A person is not eligible to be a member of the committee if that person is-

(a) a member of the staff (including the part-time and casual staff) of the Library; or
(b) a student member of the Library Committee.

(4) An appointment of the kind referred to in paragraph (2)(c) shall be in writing signed by the person making the appointment and delivered to the Chair of the committee and is revocable in like manner.

(5) Subject to sub-rule (6), each of the members of the committee referred to in paragraph (2)(d) shall hold office at the pleasure of the Library Committee.
(6) A member of the committee referred to in paragraph (2)(d) may resign membership of the committee by notice in writing signed by the member and delivered to the Chair of the Library Committee.

(7) A quorum at a meeting of the committee is the Chair and 3 other members.

Appeals to Appeals Committee
8.(1) Where the Librarian has found that a person has committed a breach of an order, the person may appeal to the committee against that finding and, if a penalty was imposed in respect of that breach, the penalty.

(2) Subject to this rule, the procedure at a hearing by the committee shall be determined by the members of the committee present at the hearing.

(3) The committee is not bound to act in a formal manner but, subject to this rule, may inform itself on any matter in such manner as it thinks just.

(4) The committee shall disregard any statements that appear to it to have been obtained unfairly or to which, in the opinion of the committee, it would be unjust to have regard.

(5) At a hearing by the committee, the appellant may appear in person and may advance, or have advanced on his or her behalf, evidence and representations in support of his or her case.

(6) After receiving the evidence and representations advanced by the appellant and any other evidence, the committee may confirm, cancel or vary either or both of:

   (a) the finding of the Librarian; and

   (b) the penalty (if any) imposed by the Librarian.

(7) Where the committee is divided in opinion as to the decision to be given on any question, the question shall be decided:

   (a) if the members of the committee present and participating in the giving of the decision are not equally divided in opinion-according to the opinion of the majority; and

   (b) if those members are equally divided in opinion-in favour of the appellant.

(8) The decision of the committee is final.