

Reconsideration of Library Material Guidelines

Objective

These guidelines provide the framework for a consistent response to submissions received via the *Request for Reconsideration of Library Material* form.

Scope

A library item, resource or author's work available within the Town of Victoria Park's library collection excluding electronic resources provided by the State Library of Western Australia over which the Town of Victoria Park has no control.

Limitations

Requests received from non-library members will not be accepted. Previously reconsidered titles, resources or authors will only be reassessed for their suitability in the collection if:

- New facts have come to light,
- New restrictions, or
- Court orders are issued in relation to the title, resource or author effective in Western Australia.

Requests regarding electronic resources provided to the Town of Victoria Park Library by the State Library of Western Australia are not able to be assessed.

Reconsideration Principles

When assessing a Request for Reconsideration, Town of Victoria Park Library must apply the following principles:

- Ensure the broadest possible physical and online access to collection materials will be provided.
- Consider any relevant specific legislation and related exemptions.
- The rights of Aboriginal and Torres Strait Islander people to their own cultural heritage. Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory, affirms that: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
- Removal from the collection will be considered only as an exceptional response.

Reconsideration assessment

Reconsideration requests must be investigated and assessed using the following criteria:

- Has the Australian Classification Board placed restrictions on this material?
- Is the material subject to a suppression order or other legal restriction to access?
- Is access to the material in a library or online in breach of copyright law?
- Is the material identified or notified as defamatory or objectionable under Australian law?
- Is access to the material in breach of protocols maintaining the right of Indigenous peoples to determine access provisions for materials which reflect their history, culture, language and perspectives?
- Does removal from the collection undermine freedom of expression or intellectual freedom?
- Does removal from the collection undermine the Human Rights Act?

Reasons for removal of an item, resource or author's work from the Town of Victoria Park Library collection:

Permanent restriction or removal of an item, resource or an author's work will occur only in the following situations:

- A change in classification status by the Australian Classification Board.
- An outcome of legal proceedings, where removal is required by a court of law.
- An infringement of copyright or intellectual property as directed by a court of law.
- Legal challenges (libel, or through other court proceedings). Items in front of the court may be temporarily removed from the collection until the legal matter has been resolved.
- Cultural considerations.

Reconsideration decisions

The Manager Library Services, in conjunction with Collections Development librarians will assess requests for reconsideration. They must make all possible efforts to resolve reconsideration requests quickly, with the following possible outcomes:

- The physical item or author's work is retained in the collection in its current location.
- The physical item or author's work is retained in the collection but moved to a more suitable location – e.g. moved from the Young Adult Collection to the Adult Collection.

- Access to an electronic resource is modified – e.g. access restricted to adult members where possible within the software parameters. This is only applicable to electronic resources provided by the Town of Victoria Park Library. The Town has no ability to control access to electronic resources provided by the State Library of Western Australia. In such cases, library members must direct their concerns to the State Library of Western Australia.
- Material is removed from the collection.

Making a reconsideration request

Reconsideration request forms are only available as a physical document. These are available upon request.

Reconsideration request forms will only be accepted from current Town of Victoria Park library members.

References:

- Town of Victoria Park Library Collection Development Guidelines
 - NSLA position statement and procedural guidelines on takedown
 - International Federation of Library Associations and Institutions (IFLA) Statement on libraries and intellectual freedom
 - 2014 Lyon Declaration on Access and Development
 - NSLA Position Statement: Indigenous Cultural and Intellectual Property
 - United Nations Declaration on the rights of Indigenous Peoples
 - Australian Classification Board
 - Australian Human Rights Commission Act 1986
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