

## **Explanatory Statement**

### **Director-General Notice – Prohibition of Entry Notice 2019**

#### **Authority for making the instrument**

This instrument is made under section 20 of the *National Library Regulations 2018*.

#### **Purpose and operation of the instrument**

The instrument prohibits entry to the National Library of Australia, or various areas of the Library outside of opening hours, with the exception of attending approved events. The instrument is necessary to ensure the safety of the Library's collection assets and the safety of people. Opening hours may be adjusted in accordance with operational needs, for example to extend opening hours to the Exhibitions Rooms for various Exhibitions.

#### **Consultation**

Consultation was not undertaken in relation to this instrument as it was considered of a 'minor or machinery nature' and does not substantially alter existing arrangements under which limits access to the Library to the opening hours specified within a notice issued by the Director-General under the *National Library Regulations 1994*. Prohibition periods, which are outside Library published opening hours, will be equally applied to all members of the community and therefore will not advantage or disadvantage any particular sections of the community. The Library considers that all members of the community will have a reasonable expectation that entry will not be permitted outside opening hours.

#### **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

Section 20 of the *National Library Regulations 2018* provides the Director-General authority to issue a notice that specifies a prohibition or restriction relating to Library property. The instrument provides for the prohibition of entry to the National Library of Australia outside of opening hours, with the exception of attendance at approved events that are held outside of opening hours.

#### **Human rights implications**

This Legislative Instrument regulates access to the National Library of Australia and therefore engages in the human right to enjoy and benefit from culture. Article 15 of *International Covenant on Economic, Social and Cultural Rights* protects the right of all persons to take part in cultural life and to enjoy the benefits of scientific progress and its applications. To ensure safety of individuals and security of the collection, prohibiting access to the Library outside opening hours is appropriate, and compatible with human rights.

#### **Conclusion**

This Legislative Instrument is compatible with human rights.

As approved by Dr Marie-Louise Ayres, Director-General on 26 June 2019