

**The Hon. CATHERINE CUSACK** [11.37 a.m.]: I move:

That this bill be now read a second time.

It gives me great pleasure to introduce this private member's bill to amend the Library Act 1939 to authorise local councils to enter into arrangements for the provision, control and management of libraries and library services. The need for this legislation has been debated for many years but has become urgent because one of our largest regional libraries, the Richmond-Tweed Regional Library—which has the second-largest circulation of any library in the State—is in jeopardy because its host council, Lismore City Council, is undertaking a hostile takeover using legislative defects as its excuse. By correcting alleged anomalies in the legal arrangements that underpin the State's system of regional libraries, we will safeguard the future of Richmond-Tweed Regional Library and protect all regional libraries.

The legal loopholes cited by Lismore City Council appear to rest on a conflict between the Local Government Act and the Library Act, which has seen regional libraries fall through the cracks. In simple terms, the Local Government Act governs how local councils allocate their funds. The Library Act, which governs State funding for libraries, is silent on the issue of regional libraries operating independently of host councils. This was not a problem when the Libraries Act was devised in 1939 but became a problem when the Local Government Act was modernised without providing for the cooperative arrangements under which regional libraries operate. Specifically, section 12 of the Library Act 1939 currently enables two or more local authorities to enter into an agreement under which one of the local authorities undertakes the function of providing, controlling and managing libraries and library services in the area or areas of the other local authority or authorities concerned. This section also enables local councils to enter into a similar agreement under which a local authority's library-related functions are exercised for or on behalf of that authority by another local authority, being a local council.

<5>  
The object of the Library Amendment (Arrangements for Mutual Provision of Library Services) Bill 2010 is to amend the Library Act 1939 to enable two or more local authorities to enter into alternative arrangements for the provision, control and management of libraries and library services in any of their respective local government areas. Instead of agreeing that one of the local authorities undertake the function of providing, controlling and managing a particular library, local authorities will, subject to the approval of the Library Council, be able to enter into any arrangement for the provision, control and management of a library and library services in the area of any local authority that is a party to an approved arrangement. I state for the record that I would prefer not to have to take this step of developing and introducing a private member's bill. I would prefer that the Government moved to rectify the anomaly. I have gone down the track of seeking the assistance of the Minister for the Arts, Ms Virginia Judge. However, the Minister has ruled out an early move. That is why I have brought forward this private member's bill, which may yet be supported by Government members. If so, it would provide immediate relief to the crisis now facing Richmond-Tweed Regional Library.

Our regional libraries are a model of good governance and best practice and ought to be supported, not closed down. The value-add of such a system of pooled resources to local communities cannot be understated. Although Richmond-Tweed library is a poorly funded library system, it serves many disadvantaged communities. Through a system of pooled resources it has been able to operate school holiday programs to engage children in reading and to develop an outreach service with its mobile library. This enterprise would be impossible for any individual council to fund, but it is possible when local leadership is in place, resources are combined and goodwill exists between councils responsible for delivering services to their residents. This model is world's best practice in terms of good governance and service delivery. The floating book collection, which is managed by the Richmond-Tweed Regional Library, means that every resident in the four local government areas can access any book from any of the regional libraries at a modest cost. It is a truly wonderful service. It is the most trusted and valued of services in our community, and until recently has been working brilliantly in my region.

In June this year the Richmond-Tweed Regional Library Committee, comprising representatives of all four participating councils—Ballina, Byron, Lismore and Tweed—was informed by the General Manager of Lismore City Council, Mr Paul O'Sullivan, that he had obtained a series of legal opinions that invalidated its authority, with the result that Lismore, as the host council for the administration of the library, would take over full control of the library's staff, budget, property management and allocation of resources. These actions caught many by surprise and caused considerable alarm among library users. The belief that the library system is the victim of a hostile takeover has caused an outcry in the local community. Unfortunately, the Keneally Government seems to be in denial about these problems.

I have received advice in response to questions that I put to the Minister for the Arts in Parliament. I asked, "What advice have you obtained regarding the legal status of regional libraries?" The Minister replied, "I am advised that arrangements in place for regional libraries are compliant with the Library Act 1939." I then asked, "Was it necessary for the Richmond-Tweed library system to be disbanded?" The Minister replied, "No, Richmond-Tweed Regional Library has not been disbanded." I asked, "Will you legislate to protect other regional libraries?" The Minister replied, "It is not necessary to legislate as there is no threat to regional library services."

Make no mistake—Richmond-Tweed Regional Library has been taken over. Its director, Martin Field, who was

appointed through a joint selection process involving all four councils, has effectively been sacked and his position downgraded and stripped of its independence. Instead of a system of governance where reports were made to a representative committee of elected councillors from all four councils, the new library director will report to Lismore City Council's Director for Arts and Leisure. Lismore council will be solely responsible for appointing the new director. Library staff have become Lismore council employees and their pay scales have changed to Lismore council salary scales. They have undergone Lismore council staff induction program training. All library information technology systems are being physically integrated into Lismore council's IT systems and property in the Lismore local government area, including the library headquarters and book exchange facilities, is being vested in Lismore council.

It is very clear that one solution to the problem is to modernise the Library Act. The need to do so is urgent. The Government insists that it is not the fault of the Library Act. That is akin to a person dropping a glass onto concrete and arguing that the glass did not smash because it was dropped but, rather, it was the fault of the concrete. It is up to the Minister who is responsible for libraries to acknowledge and repair this problem. In the event of an O'Farrell Government being elected, I can assure the House that speedy action will be taken. I take this opportunity to acknowledge the dedication of my colleague Mr Anthony Roberts, the shadow Minister for the Arts, whom I have consulted with closely. He recently addressed the Regional Libraries Conference and has given the clearest assurances of our plan to work with libraries, not against them, to repair defective legislation and assure their future growth.

Locals in the Richmond-Tweed area are very fearful of the motives of the library takeover because Lismore council is known to be in financial trouble, having lost large sums on poor investment decisions. It spent more than \$1 million on a worm farm that does not work, and millions of dollars on flood-prone land for an industrial park that cannot proceed unless more funds are spent on land filling and raising the level to a legal height. The council built Lismore's \$19 million levee on an unstable section of riverbank at Club Lane, which has now slumped, causing large cracks in the levee and triggering a huge repair bill of \$520,000 to purchase and relocate the owners of an affected building, plus \$200,000 to repair the cracks. It invested \$7.4 million of ratepayers' funds in the United States investment bank Lehman Brothers and incurred huge losses when the bank collapsed in 2008. I am further advised that a large, purpose-built hangar at Lismore Airport next to the old Habie Habib terminal building is now sitting vacant. Lismore City Council built it for Aspect North to hold six aerial survey planes. Only one plane ever arrived.

I understand many complainants have contacted the Department of Local Government. I urge the department to respond positively to residents' requests for an inquiry. It is very clear that Lismore council is cash-strapped. I share community fears that the demise in the council's finances has coincided with the hostile takeover of such a prudently managed regional library, its 123 staff and its \$5.2 million in accumulated assets. I refer to some of the messages of concern. Jenny Coman, a former Byron councillor and member of the now disbanded library committee, wrote on behalf of the Friends of Byron Library:

... we are distressed to learn that while RTRL [Richmond-Tweed Regional Library], after operating successfully for all these years will now be taken over by the previous RTRL Executive Council, Lismore Council, and wonder whether a further model for a joint library service is available rather than a take-over by another Council, for example, the suggested County Council model or some other co-operative model....

Ms Coman also raised concerns that the Lismore administrative model would add costs of \$500,000 to operating the library and that this could be funded only at the expense of library services and hours of opening. The highly respected former library director, Martin Field, told the Byron shire *Echo*:

It's one of the top performing libraries in the state and one of the cheapest to run so any suggestion that costs can be saved, well there's not much left to cut.

Councillor Tom Talbot of Byron council said:

Lismore's doing the bully-boy approach and saying we can't do anything about it but we can, we can pull out and run our own library service.

I dearly hope that situation does not come about because all library users have so much to gain by maintaining a regional library system. Trish Gibson, a Lismore resident, wrote to the *Northern Star*:

The disbanding of the library Committee and the fact the Lismore Council has decided it no longer needs to provide yearly audited statements to the other Councils immediately sets off alarm bells.

Former Ballina councillor and library committee member Alan Rich wrote:

First a high speed, high stealth take-over of the Richmond-Tweed Regional Library system. Now ... Cr Isaac Smith—

Councillor Smith is the Deputy Mayor of Lismore and was the chair of the former library committee that has been disbanded—

is refuting that secrecy claiming the surprise staff theft had been discussed for at least two years in the library committee. Cr Smith you surprise me. You haven't even been in local government for two years ... Two years ago I was on the RTRL Committee. Many aspects of library management were dealt with during my nine years including that of Executive Council, but Lismore City Council's secretive over-reaching rip-off of RTRL management was never ever on any Committee agenda of mine.

The Lismore Community Action Network lodged a complaint with the Department of Local Government, stating:

As a result of the "sudden" takeover and the high level of confusion about the detail of the costs to each member council, there appears to be an inherent risk of eventual loss of services and extra costs to all four councils. This could ultimately be passed on to ratepayers, with an unacceptable risk to Lismore ratepayers in particular which already has unacceptably high and unaffordable rates in a low socio-economic area.

In our opinion, Lismore City Council has abused its corporate capacity, demonstrated poor management of information relating to this matter and has thus demonstrated poor governance in its role as executive council of the RTRL, and for these reasons we seek your attention to this matter.

<6>

Mr Max Boyd, the highly respected former Mayor of Tweed and long-serving chair of the library committee, travelled to Ballina as a concerned member of the public to address the last meeting of the library committee, held on 11 July. He explained the cooperative history of the library and the goodwill and investment made by council since the library was formed in 1973. He expressed his dismay that so much damage had already been caused to that goodwill and to the library, which had served our community so well, and his belief that Lismore lacked the authority to control library staff and seize assets.

The investment of our communities and the irreplaceable value of our regional library demand that we, as parliamentarians, do not stand idly by while defects in the laws that we are responsible for maintaining are used against this much-loved service. The bill seeks to overcome the use of those defects as an excuse to void the Richmond-Tweed Regional Library Agreement of 1973, which was reached between the four councils, and to safeguard all other regional libraries that operate on a cooperative basis. I urge all members to give serious consideration to supporting this bill. I commend the bill to the House.