

Agreements between State and Local Government for the Provision of Public Library Services

Explanatory Notes

Background

The *Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia* (Framework Agreement) expired in June 2008, however was renewed to 30 June 2009.

Development of a new Framework Agreement is one of the priority strategies articulated in the structural reform of public library services report. Following direction from the Strategic Library Partnership Agreement Steering Committee (SLPASC), the structural reform Project Manager has produced a draft Framework Agreement, draft Funding Agreement and draft local level agreement template.

The above agreements were discussed by the SLPASC at their meeting of 19 August 2009. The SLPASC agreed with the broad principles contained in the agreements but acknowledged that the exact wording would be subject to advice from the State Solicitor's Office. Some advice had previously been sought from the State Solicitor's Office in regard to the local level agreements hence the more legal looking draft for this document.

The intention is to have a short consultation phase and have the Framework Agreement signed in October or November 2009.

Framework Agreement

The draft Framework Agreement differs from the previous agreement in a number of ways with the most significant being the removal of mention of specific funding levels, the removal of detailed services to be provided by the parties and the removal of standards related to the number of items of stock per capita and to a replacement stock provision rate. Funding is captured in the draft Funding Agreement while core products and services are documented in the local level agreements. New standards will be developed as part of the structural reform project to replace items per capita and replacement stock provision rates.

The draft Framework Agreement focuses on principles, objectives, outcomes, outputs, roles/responsibilities at a strategic level, and management of the partnership. The principal output is implementation of the structural reform strategies which are anticipated to take some five years to implement. Given that the Framework Agreement is based around a set of key, high level principles it is intended that it will be in place for five years with the possibility of extension subject to agreement of both parties. These principles include a commitment to the partnership (by State and Local Government), the need to respond to community need, transparency and accountability with respect to responsibilities, sustainability of services and working in a spirit of mutual respect and cooperation.

A key delaying factor in development of the last Framework Agreement was the amount of discussion and negotiation required with respect to funding. With this in mind, funding information this time has been uncoupled from the Framework Agreement and articulated in an accompanying Funding Agreement as a separate document.

Funding Agreement

The intent of the draft Funding Agreement is that it will apply for the term of the State Government. It quantifies the level of known State Government funding for public library acquisitions which is \$6.5m in 2009/10 with the same amount showing in the forward estimates for 2010/11 and 2011/12. Again, one of the underpinning principles in development of this agreement is the need to implement structural reform of public library services.

One of the top ten strategies in relation to structural reform is the need to develop a new funding model with a move towards a grant-based system. WALGA's economist is leading a working group – under the auspices of the SLPASC - in progressing this important piece of work. This will inform development of a new model and provide additional input into the Funding Agreement.

Local Level Agreements

The final agreement is a draft local level agreement (template) to formalise the relationship between individual local governments and the Library Board. Such agreements already exist but, in many cases, date back to the 1950s and 1960s and need to be updated. The key sections of these agreements are those stating local government and Library Board obligations with respect to core products and services to each other and to the Western Australian public. Additionally, reference is made to compliance with specified regulations, standards, reporting and operating guidelines.

The intent is that the Library Board and each local government will sign an individual agreement based on the template. The relevant legislation for the provision of library services in Western Australia is the *Library Board of Western Australia Act 1951* (the *Act*) which outlines the powers and role of the Library Board. Prior to entering into the current agreements with the Library Board each local government resolved to become, and was subsequently declared, a participating body under the *Act*. These old agreements will be replaced by the new agreement.

FRAMEWORK AGREEMENT BETWEEN STATE AND LOCAL GOVERNMENT FOR THE PROVISION OF PUBLIC LIBRARY SERVICES IN WESTERN AUSTRALIA

1. Preliminaries

Preamble

State and Local Governments have undertaken the joint provision of public library services in Western Australia since the 1950s. Both State and Local Government recognise the need for an overarching agreement that drives the future direction of Western Australia's public library services.

In December 2004 State and Local Government signed a *Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia*. This document set out a shared vision and provided a statement of principles and clearly defined roles and responsibilities to guide collaborative action until 30 June 2008. This *Framework Agreement* was later extended to 30 June 2009.

A major achievement under the previous *Framework Agreement* was a review of public library services across the state. The subsequent *Structural Reform of Public Library Services in Western Australia* report and implementation plan will be key drivers and underpinning documents for the term of this new *Framework Agreement*. Implementation of the top 10 priorities (see Attachment A) will be the key focus during the term of this *Framework Agreement*.

Additionally, this *Framework Agreement* provides an overarching framework of broad parameters within which to develop a template for local level agreements. The intent is that the Library Board of Western Australia (Library Board) and each Local Government will sign an individual agreement based on the template. Local level agreements already exist but were generally signed in the 1950s and 1960s and are in need of replacement. The relevant legislation for the provision of library services in Western Australia is the *Library Board of Western Australia Act 1951* (the *Act*) which outlines the powers and role of the Library Board. Prior to entering into the current agreements with the Library Board each Local Government resolved to become, and was subsequently declared, a participating body under the *Act*.

Public Library Service

Both State and Local Government continue to recognise that unique features of the Western Australian public library service deliver significant benefits to Western Australian communities. These features include:

- Location and operation of public library services in response to local community needs
- A linked, statewide library service

- Effective utilisation of existing infrastructure and expertise within the State Library and within Local Government libraries across the State
- Centralised purchasing of library resources
- A statewide online catalogue

Shared Vision

Central to the partnership between State and Local Government is a shared vision for Western Australia's public library service as a sustainable and responsive network of vibrant and connected well-resourced, free public libraries that are hubs of community life. Our public libraries are seen as primary points of access for an extensive and diverse range of current information, meeting the business, recreational, cultural and life-long learning needs of members of the community, no matter their economic or social status, cultural or language background, level of ability or geographic location.

2. Parties to this Agreement

In entering this agreement both State and Local Government recognise that they have a mutual interest and responsibility in providing and improving public library services to the people of Western Australia.

The signatories to this *Framework Agreement* are:

- State Government: *The Minister for Culture and the Arts*
- Local Government: *President, Western Australian Local Government Association (WALGA)*

These two parties will also be signatories to any accompanying funding agreements in relation to funding for public libraries.

Signatories for individual, local-level agreements to be developed within the parameters of the *Framework Agreement* will be:

- The Library Board of Western Australia: *Chair*
- Local Government: *President/Mayor*

3. Objectives, Outcomes and Outputs

Objectives

Key objectives of the *Framework Agreement* are to:

- Develop a statement of key principles for the provision of public library services in Western Australia
- Define the mutual and respective roles of State and Local Government in the provision of public library services

- Provide an overarching framework of broad parameters within which to develop a template for local level agreements
- Formalise the establishment of a joint steering committee to lead and facilitate implementation of the *Framework Agreement* and structural reform of public library services

Outcomes

The *Framework Agreement* will contribute to the following specific outcomes:

- Improved profile for public libraries in the community and within all spheres of government
- Improved service provision to the community through the reform process
- Acting as a catalyst for implementation of reforms leading to a more relevant, world class public library service
- Maintenance and development of the State/Local Government partnership in relation to the provision of public library services

Outputs

- Implementation of the structural reform strategies
- Ongoing maintenance and development of public library service delivery

4. Principles

An agreed set of key principles will guide the joint provision of public library services by State and Local Government in Western Australia. These principles are:

- A commitment to the partnership – a shared belief that, by working together, State and Local Government can achieve the best possible public library service for Western Australian communities
- Recognition that planning, development and service delivery decisions, including expansion or withdrawal of public library services, are driven by community needs together with the business needs of State and Local Government
- Within the partnership framework, autonomy and flexibility for Local Governments in response to community needs
- Free, universal and equitable access by all Western Australians to relevant and up-to-date public library services, regardless of individual circumstances or geographic location
- Within legal obligations, universal rights of access to information and ideas, free of censorship and the influence of sectional interests
- A transparent approach where both partners are accountable for their respective and mutual responsibilities in accordance with agreed outcomes and performance standards

- On-going sustainability of services
- Relations between State and Local Government will be conducted in a spirit of mutual respect and cooperation, with open communication and recognition of each other's roles and responsibilities
- A focus on outcomes in setting policy, strategy or program objectives which address community needs and expectations
- Achieving the highest levels of accountability and good governance

5. Roles and Responsibilities of Each Party

To realise the objectives, outcomes and commitments in the *Framework Agreement* each party has specific roles and responsibilities, as outlined below.

Both State and Local Government agree to:

- Support a State-wide public library service that provides free access for all residents of Western Australia
- Provide core products and services free of charge as detailed in local level agreements
- Operate within the expectation that State and all Local Governments will make a financial commitment to the provision of public library services
- Hold annual discussions with respect to the funding model developed as part of structural reform
- Support the implementation of reform of public library services as articulated in the *Structural Reform of Public Library Services in Western Australia* report and accompanying implementation plan
- Support the continuation of the partnership agreement and maintain joint decision-making arrangements and accountability mechanisms through the Strategic Library Partnership Agreement Steering Committee
- Support the development of additional policies, guidelines and performance and reporting standards which will be adopted by both parties
- Ensure that the Library Board enters into an agreement with each Local Government which will uphold the principles of the *Framework Agreement*
- Support a regionalisation scheme for non-metropolitan Local Governments
- Recognise that the shared responsibilities for public library services are applicable regardless of any formal or informal arrangements between individual Local Governments and other Government or non-Government organisations for out-sourcing or collocation of public library services

State Government

The State Government agrees to:

- Provide financial assistance to each Local Government which operates a public library in accordance with an agreed funding formula/model
- Provide resources and services, including centralised purchasing and a State-wide online catalogue, to agreed standards
- Work with Local Government in implementing and supporting structural reform of public library services

Local Government

Local Government agrees to:

- Provide physical and technological infrastructure, staffing and meet operating costs, to agreed standards
- Be accountable to the State Government for any financial assistance (eg grants, assets) provided by the State
- Work with the State Government in implementing and supporting structural reform of public library services

6. Management

State and Local Government have established a Strategic Library Partnership Agreement Steering Committee (SLPASC) to oversee development and implementation of the *Framework Agreement* and to oversee and drive the process and negotiations related to structural reform. The SLPASC will continue for the term of this *Framework Agreement*.

To support this direction an Operational Management Group (OMG) has been established to report and provide technical and management advice to the SLPASC.

A Project Manager has been appointed to coordinate and implement the structural reform strategies.

The SLPASC's key responsibilities include:

- Development of strategic directions and forward plans
- Strategic management of the structural reform process
- Development of policies relating to provision of public library services
- Development of regulations, standards, reporting and operating guidelines relating to provision of public library services
- Review of statewide performance against agreed outcomes
- Provision of advice relating to the *Framework Agreement* to key stakeholders

Additionally the SLPASC will have regular discussions on funding for the statewide public library system.

The SLPASC will have no regulatory power but report and make recommendations to the Library Board to ensure that both State Government and each Local Government are accountable within the statewide system.

The SLPASC will provide the Library Board and WALGA State Council with a formal report at least once in each financial year. This report will be provided to all parties.

7. Modification and Review Process

This *Framework Agreement* is to apply from December 2009 until 30 June 2014, with a formal evaluation commencing in July 2013. Formal evaluation will take no more than three months to complete. The Framework Agreement may be extended subject to the written consent of both parties.

The formal evaluation process will be initiated and managed by the SLPASC which will report with recommendations to the Library Board and WALGA State Council.

This *Framework Agreement* may only be modified during the life of the Agreement with the written consent of both parties.

8. Dispute Resolution Process

In relation to any matter that may be in dispute between the parties in relation to this *Framework Agreement*:

- Any party may give notice in writing to the SLPASC identifying the nature of the dispute
- If the SLPASC cannot resolve the dispute within 30 days of service of the notice of dispute they will develop and present a report outlining the dispute and recommendations to the Library Board and WALGA State Council.

If the Library Board and WALGA State Council cannot resolve the dispute within 60 days of service of the receipt of the report, the parties agree to allow either party to refer the matter to an agreed independent mediator such as the Institute of Arbitrators and Mediators (WA Branch). The parties agree that if either party refers the matter to mediation both parties will participate in the mediation process in good faith.

9. Break Clause

This *Framework Agreement* may be terminated at any time by the mutual agreement of the WALGA State Council and the Minister for Culture and the Arts.

Prior to terminating this *Framework Agreement* it is intended that where possible and appropriate the parties use mechanisms provided within this *Framework Agreement* including but not limited to the Dispute Resolution clause and the Review and Modification process to address and resolve any issues that may exist between the parties.

10. Agreement in Good Faith

This is an agreement made in good faith based on the commitment of the parties to an effective and sustainable partnership.

.....
Signed by the Hon John Day, MLA
MINISTER FOR CULTURE AND THE ARTS, FOR
AND ON BEHALF OF THE STATE OF WESTERN
AUSTRALIA

in the presence of

.....
Margaret Allen
CEO, STATE LIBRARY OF WESTERN AUSTRALIA

.....
Signed by Cr W (Bill) Mitchell
PRESIDENT, WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION, FOR AND ON
BEHALF OF WESTERN AUSTRALIAN LOCAL
GOVERNMENTS

in the presence of

.....
Ricky Burges
CEO, WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

Dated of November 2009

ATTACHMENT A

STRUCTURAL REFORM OF PUBLIC LIBRARY SERVICES

The *Structural Reform of Public Library Services in Western Australia* report identified 10 high level strategic outcomes for the state's public library service. These are shown below.

- Well-informed, literate and learning communities
- Connected and resilient communities
- Community memory preserved and shared
- Accessible and relevant content
- Community destinations
- Skilled and innovative staff
- Continuous improvement
- Strategic partnerships
- Good governance
- Visible and valued

A large number of strategies and opportunities were documented in the report with the recommendation that implementation of the strategies would enable the above strategic outcomes to be met. An agreed top 10 priorities (see below) were established and these will form the initial key focus during the term of this Framework Agreement.

- Ensure content meets needs
- Facilitate effective asset management of collections
- Facilitate an effective inter lending system
- Facilitate delivery of cost effective training and professional development to meet identified needs
- Develop a more strategic approach to ICT
- Develop a more efficient procurement, distribution and materials movement model
- Improve standards and measures of performance
- Maintain a strong and influential Strategic Library Partnership Agreement Steering Committee
- Enhance the regional model
- Develop a new funding model for public libraries in Western Australia

**FUNDING AGREEMENT
BETWEEN
THE MINISTER FOR CULTURE AND THE ARTS
AND
THE PRESIDENT OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION
REGARDING FUNDING FOR PUBLIC LIBRARIES
2009/10 to 2011/12**

Purpose

This agreement is between the Minister for Culture and the Arts (the Minister) on behalf of the Government of Western Australia (the State Government) and the President (the President) of the Western Australian Local Government Association (WALGA) to facilitate the provision of public library services in Western Australia under a partnership arrangement between State and Local Government.

Preamble

This agreement

- should be read in conjunction with the *Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia (Framework Agreement)*
- affirms the commitment of State and Local Government to addressing the library and information needs of the people of Western Australia through a sustainable and responsive network of vibrant and connected well-resourced public libraries.
- recognises the role and responsibilities of the Library Board of Western Australia under the *Library Board of Western Australia Act 1951*.
- is predicated on a co-operative relationship between State and Local Government and the network of public libraries for the benefit of all Western Australians.
- recognises the Local Government contribution to public library services made by individual councils through the provision of recurrent and capital funding.

Length of Agreement

This agreement applies for the period 1 July 2009 until 30 June 2012 unless otherwise varied by agreement between the Minister and the President.

It is intended that the agreement will be reviewed annually and that, by the end of January 2012, the Minister and the President will be in a position to enter into a subsequent agreement.

Outcomes

Through this agreement, all parties seek to

- uphold the shared vision articulated in the *Framework Agreement*
- uphold the key principles articulated in the *Framework Agreement*
- uphold the development and provisions of individual local agreements
- implement structural reform strategies

Process

The parties agree that the achievement of the desired outcomes

- requires the efficient and effective use of funds provided under the agreement
- will be enhanced by a willingness to implement changes in the delivery of public library services as part of structural reform

Under this agreement funding is made available by the Minister, through the Library Board, for public library service provision including for the possible purchase of library materials.

The agreement does not preclude allocation of funds for purposes other than materials purchase should opportunities arise over the term of the agreement. This includes the allocation of cash grants to local governments and other changes recommended as part of the structural reform of public library services.

Terms and Conditions

- The State Government funding for 2009/10 will be \$6.5m, not including services provided free of charge by the State Library.
- In 2010/11 and 2011/12 funding of \$6.5m is allocated in the State Government's forward estimates.
- Both parties will work together to develop a new funding model as part of the structural reform agenda. The intent is to develop a grant-based model. This will be accompanied by development of a formal annual acquittal process for local governments as part of standard financial accountability.
- The specific funding allocation made to each local government for library materials and any other grants will be made in accordance within agreed guidelines, for example based on population levels, and other criteria as determined by the Strategic Library Partnership Agreement Steering Committee.

- A sub-committee of the Strategic Library Partnership Agreement Steering Committee will monitor the distribution and expenditure of funds.
- Public library materials purchased centrally by the State Library using State funds will remain the property of the State Government until such time as a new funding model is introduced. Under structural reform the intent is to transfer ownership to Local Government.
- The Strategic Library Partnership Agreement Steering Committee will apply its best endeavours to ensure all local governments participate in the achievement of the outcomes outlined above.

Agreement in Good Faith

This is an agreement made in good faith based on the commitment of the parties to an effective and sustainable partnership.

.....

Signed by the Hon John Day, MLA

MINISTER FOR CULTURE AND THE ARTS, FOR
AND ON BEHALF OF THE STATE OF WESTERN
AUSTRALIA

in the presence of

.....

Signed by Cr W (Bill) Mitchell

PRESIDENT, WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION, FOR AND ON
BEHALF OF WESTERN AUSTRALIAN LOCAL
GOVERNMENTS

in the presence of

.....

Margaret Allen

CEO, STATE LIBRARY OF WESTERN AUSTRALIA

.....

Ricky Burges

CEO, WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

Dated of November 2009

ATTACHMENT 4

FRAMEWORK AGREEMENT BETWEEN STATE & LOCAL GOVERNMENT FOR THE PROVISION OF PUBLIC LIBRARY SERVICES IN WA (2009-2014)

Section	Comment
Section 1 - Preliminaries	<p>The principles of responsiveness to community needs; a linked statewide library service; effective utilisation of infrastructure and expertise; centralised purchasing of library resources and a statewide online catalogue are supported.</p> <p>The principle of a shared vision for public library services is supported.</p>
Section 2 – Parties to this Agreement	It is recommended that the signatory for the individual, local-level agreements for Local Government is the Chief Executive Officer (rather than President/Mayor) as this is deemed to be an operational document.
Section 3 – Objectives, Outcomes & Outputs	No comment.
Section 4 - Principles	No comment.
Section 5 – Roles & Responsibilities of Each Party Dot Point 4	<p>Holding annual discussions on the funding model is not deemed conducive to providing any certainty for Local Governments in relation to the contribution they receive from State Government for public library services. This has the potential to lead to a situation where the funding allocation model is changed annually and Local Governments will not know from year to year what funding they will receive.</p> <p>If this dot point is to remain, reviews of the funding model should be undertaken every three years to provide some funding certainty.</p>
Section 5 – Roles & Responsibilities of Each Party Dot Point 5	At this point in time the cost of implementation of public library structural reform proposals is not known. This leads to concerns that Local Government is committing to implementation of strategies without knowing the resourcing and budgetary impacts.

	<p>Development of a Resourcing Plan for structural reform will provide an indication of the budgetary implications for both State and Local Government and provide a mechanism for determining how structural reform implementation is to be resourced.</p> <p>It is recommended that the wording should be amended to read:</p> <p><i>“Support the principles of reform of public library services as articulated in the Structural Reform of Public Library Services in WA report and that implementation of the strategies will be undertaken in accordance with a defined Resourcing Plan to be developed by the Strategic Library Partnership Agreement Steering Committee.”</i></p>
<p>Section 5 – Roles & Responsibilities of Each Party</p> <p>Dot Point 7</p>	<p>The development of business plans for public library services should be included in this dot point in line with good business practice.</p>
<p>Section 5 – Roles & Responsibilities of Each Party</p> <p>New Dot Point</p>	<p>There is no reference in the Agreement for facilitating communication between the stakeholders including the Library Board of WA, State Library of WA, WA Local Government Association and Public Libraries WA.</p> <p>It is recommended that a new dot point be added as follows:</p> <p><i>“Support the development of a Communication and Consultation Framework to facilitate communication between relevant stakeholders.”</i></p>
<p>Section 5 – Roles & Responsibilities of Each Party</p> <p>State Government – Dot Point 2</p>	<p>The State Library of WA has previously provided support services such as training and consultancy, coordinated stock delivery and coordinated interlibrary loan services. These have been omitted from the new Framework Agreement and concern is that responsibility for these services could be shifted to Local Government.</p> <p>It is recommended that reference to the State Government having ongoing responsibility for delivery of these services should be included in dot point 2.</p>
<p>Section 6 - Management</p>	<p>The value of including the statement in relation to the SLPASC having no regulatory power is questionable.</p>

	<p>It is recommended that the last paragraph of this section be amended to read:</p> <p><i>“The SLPASC will make recommendations to the Library Board of WA and the WA Local Government Association State Council where appropriate to ensure that both parties are accountable within the statewide system and provide each body with a formal report at least once in each financial year.”</i></p> <p>There is also a recognised need to amend the Library Board of Western Australia Act 1951 to provide for delegated authority to Committees such as the Strategic Library Partnership Agreement Steering Committee.</p>
<p>Section 7 – Modification & Review Process</p>	<p>Provision is made for a formal evaluation to take no more than three months to complete. Given it is likely that the formal evaluation will involve consultation with Local Governments, it is recommended that to provide adequate time for input this formal evaluation take no more than six months to complete.</p>

FUNDING AGREEMENT BETWEEN THE MINISTER FOR CULTURE & THE ARTS & THE PRESIDENT OF THE WA LOCAL GOVERNMENT ASSOCIATION REGARDING FUNDING FOR PUBLIC LIBRARIES 2009/10 TO 2011/12

Section	Comment
Process	<p>The potential move to a cash grants system for the allocation of State Government funds (rather than the provision of physical capital items in the form of library materials) to Local Governments is supported in principle.</p> <p>While the concept of flexibility for Local Government to determine how State Government cash grants will be expended on public library services is supported in principle, the State Library should continue to provide centralised purchasing, delivery and cataloguing services for library materials.</p>
Terms and Conditions	<p>While it is acknowledged that the Funding Agreement provides a State Government contribution of \$6.5m for 3 years, this is considered a low level of funding that has not kept pace with population and cost increases, and the previous standards for library materials (i.e. items per capita and age of stock).</p> <p>Details of the funding allocation model should be provided to Local Governments for input prior to final determination of the model by the Strategic Library Partnership Agreement Steering Committee.</p> <p>The acquittal processes referred to in dot point 3 should not be onerous for Local Government.</p>