

## ***Law Library Co-operation in Tasmania***

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Two joint use libraries, shared by legal practitioners in both government and the private sector, have been in operation in Tasmania since early 1997. The libraries are the major outcome to date of the Tasmanian Law Library Co-operation Working Group (LLCWG) set up in 1995 to consider ways in which resource sharing could be implemented, to enable cost savings and increase available materials and services.

### ***Background***

Tasmania has not been alone in experiencing difficulties in recent years in maintaining access to the desired range of current legal materials. Constant price increases and an expanding market of available resources and formats have coincided with decreasing budgets everywhere. Tasmania's situation is exacerbated, however, by its small size which has inhibited the growth of existing collections, its isolation from larger libraries on the mainland and its regionalisation. With three main population centres, Hobart, Launceston and the North-West, all the organisations with responsibility for providing legal library collections, duplicate resources, both internally and between themselves. With a spirit of co-operation to the fore, finding ways to share resources was obviously the way to go.

Prior to the setting up of the LLCWG, law librarians in Tasmania, and Hobart in particular, had made successful informal efforts to define and to improve co-operative activity through the Tasmanian Law Libraries Co-operative Network (TASCORN). These initiatives had been at no cost to the organisations involved and had minimised the effects of financial restraints. With the additional commitment of the funding organisations involved, it was apparent that there was considerable potential for wider-ranging co-operative measures to deliver even more cost-effective services.

### ***Formation of the Working Group***

As a result, following an initial approach to the Attorney-General by the Law Society, the authors of this article prepared a discussion paper, entitled *Law Library Cooperation in Tasmania*, which was distributed for comment in August

1995. In December 1995, the Secretary of the Justice Department invited the Supreme Court of Tasmania, the Magistrates Courts and Legal Aid Commission of Tasmania to join with the Department of Justice and Law Society in investigating what could be achieved

These organisations became the participants on the LLCWG. The Group consisted of both representatives from the highest level of the organisations and librarians from the Department of Justice, Supreme Court and the Law Society. The paper formed a basis for discussion and planning. Its terms of reference included all aspects of resource-sharing, providing access to existing collections and the possibility of joint-use facilities as well as related areas such as access to electronic information between libraries. Also examined were funding models and management issues.

It was immediately apparent that what would be feasible varied with the different regions. The North-West clearly lent itself to being the best location for possible joint use collections. This is dealt with in some detail later. In Hobart, while setting up a joint use library did not appear possible given existing conditions, a number of other options were very attractive to all of the participating organisations. Launceston posed the most difficulties in achieving resource sharing, being less clear cut than either of the two other areas. After initial discussions with the organisations locally, further investigation was deferred pending completion of the principal focus in the North-West. Specific projects, such as co-ordination of major acquisition areas, such as interstate legislation, were also envisaged.

### *Union List*

Central to all co-operative activities being workable was access to information on holdings, not only those of the participating organisations but also of all Tasmanian law libraries. A Union List had been compiled prior to this by the Tasmanian Division of the ALLG but it was restricted to law reports and needed updating. A generous grant from the Department of Justice enabled a librarian to be employed to update the List and collate new holdings information for legislation, journals and other items such as digests and looseleaf services. There are still funds available for continued updating and to extend the List by adding in holdings in electronic resources. (There are plans to include it on the next MoreGain CD-ROM, a compilation of holdings of Specials libraries in Tasmania, but that's a separate project!) The new Union List was completed and launched in late 1996 and has proved invaluable in daily library activities as well as for the co-operation project.

### *Access Policies*

Also necessary were clear statements on their Access Policies by the participating organisations. With some, this also required modification to existing policies to facilitate the sharing of resources by 'outsiders' to the organisations. All those involved were able to find ways in which to allow access to their collections, which might not have been possible before, without compromising the freedom of

their own users and this was duly documented. It was indicative of the co-operative spirit which was being brought to the project. Access varied from providing photocopies to allowing loans where previously this had not been possible and similarly allowing physical access to either library staff or to users from other organisations. This was a major change for some libraries which had previously been totally closed access. It was agreed that provision of material requested would be within set deadlines, e.g. two hours for a case and no priorities would be drawn between outside requests and the library's own users.

### *Hobart*

Hobart law libraries were already working in close co-operation, providing inter-library loans free of charge for example. This was more extensive than just those libraries involved in the LLC project and still is the norm in our daily activities. LLC was able to take it further for the participating organisations by agreeing to a rationalisation of subscriptions, especially for major works, some report series and looseleaf services. As a result, the Department of Justice, Supreme Court and Law Society libraries have been able to cancel subscriptions on the basis that one of the others would still hold the service or set of reports and would provide access when required. This has already been of considerable benefit and has enabled funding to be stretched even further. The change in access policies has had the most impact in Hobart where the collections of the libraries involved, while being physically separated, have a seamless character due to the openness which has been created. As the buildings in which they are housed are all within five minutes walk of each other time delay in obtaining material is often minimal. With a long case or article, collecting the item may be quicker than using the fax. In the foreseeable future there is no apparent way in which any sort of joint use library could be set up in Hobart due to lack of present space and other limitations, such as the need for privacy or independence within the organisations. It has not been permanently discarded as a possibility, though, since circumstances may change.

### *North-West Combined Law Libraries*

Setting up the joint use libraries in the North-West of Tasmania was facilitated by existing factors in both Burnie and Devonport. There had been sharing of resources by the Supreme Court and Law Society in Burnie for about twelve months previously. The Law Society's library there, the North-West Law Library (NWLL), was housed in the Supreme Court building and this, retaining the same name, became the new combined library. The Magistrates Court is also situated in the building and Legal Aid is not far away. It was, therefore, an excellent location with co-operation already taking place. Meanwhile, in Devonport, a new Magistrates' Court building was being constructed and it had been envisaged from the start that it would include a combined library. The building had been designed accordingly to incorporate the space required. With no Supreme Court in Devonport and no Department of Justice library there, this meant bringing together

the existing collections held by the Magistrates Court, Legal Aid and Law Society. This combined facility, to be known as the Devonport Law Library (DLL), was due to open in early 1997 giving about a year for agreement to be reached on all the issues arising.

### *First Steps*

A business plan and steps to implement this were drawn up and the issues requiring resolution identified. The primary focus was on decisions regarding administration and funding but also important was deciding on the resources to be combined, avoiding competition for them especially during court sittings and dealing with duplication. Agreement on what would happen if the combined libraries ceased to exist was essential. Underlying the whole exercise was the fact that it had to be at minimal cost to all parties since none of the organisations could make additional funding available to either library but, in particular, to the setting up of the DLL.

### *Administration*

It was agreed that the Law Society would be responsible for the administration of both libraries on a day to day basis with the existing staff arrangement continuing. A part-time librarian (20 hours per week) had been employed at the NWLL since it had been set up in 1989. She had also had responsibility for maintaining the Law Society's Devonport collection on a very limited basis. The Devonport role was to be expanded to allow for the extra work required there but still within the 20 hours. Clerical assistance (filing etc) would be provided by the Magistrate's staff. To assist the librarian there would be a continuance of the Law Society's North-West Law Library Committee consisting of two members, one from Burnie and the other from Devonport, elected by the Council of the Law Society. Membership of the Committee would be increased by adding a representative of the other participating organisations. The librarian and NWLL Committee would take care of all routine matters relating to running the libraries. To assist the librarian with the co-operative aspects, a Consultative Library Committee, consisting of the librarians of the participating organisations, was set up.

### *Funding*

Early in the development of the project, all parties agreed to disclose their library budgets and resources in detail. This was a vital basis for further discussion on the funding arrangements for the new combined library services.

The basic decision as to whether the combined resources would become the property of the new joint library or remain the property of the donating organisation was determined by agreeing on the latter. Preliminary budgets for both the NWLL and DLL were drawn up, including notional costs (for instance, rent of library premises, where the building was owned by one of the organisations) to act as a basis for contribution of funding. Attempts to base funding proportions on usage of the libraries have not been successful so far due,

in large part, to practitioners 'forgetting' to fill in the information sheets provided. Usage is, in any event, hard to quantify comparatively. Also to be included in the final Agreement document is a provision that subscriptions cannot be cancelled without prior notification to all parties and discussion, if required.

### *Resources*

It was agreed from the outset that each organisation in the respective area would maintain a 'core collection' in its office of most frequently used materials and these would not necessarily be duplicated in the libraries. This would assist in avoiding competition for resources. It has since proved necessary for a set of Tasmanian Unreported Judgments to be provided for the DLL following requests from users. The Department of Justice Library was able to contribute a set of loose judgments at no cost and a grant is being sought from the Law Foundation of Tasmania to enable them to be bound. With the duplication of resources which occurred as a result of combining collections, cancellations became possible to the benefit of the organisations. In fact, no additional costs have been incurred at either library while the collections have been improved. Current materials are either the continuing subscriptions paid for by the contributing organisation or are loose parts made available from other libraries. The only cost is binding which is provided for from the NWLL budget, as it was previously.

### *Resolution of Disputes*

An avenue for resolving any disputes relating to LLC which may occur has been set up through the two Committees to the Working Group if necessary. The Law Society has retained the right to resolve disputes covering issues, such as staffing, which are within its Administrative function.

### *Provision of Services*

The level of services to be provided by the new libraries has been agreed but not specifically documented through such means as Service Level Agreements, as was originally proposed. Since all users are now entitled to equal rights, clients from the other organisations will receive from the combined law libraries the same benefits as members of the Law Society have always done, for example, prompt attention to reference queries, access to the collections and borrowing rights. However, a detailed Guide to Services is planned to assist the clients and as a promotional tool. The improved collections are a major benefit to everyone as is the extension of backup services from the central libraries of all the organisations.

### *Cessation of Joint Use Libraries*

In the event that the libraries do cease to exist, all contributions will return to the organisation from which they came or which paid for them. Previous experience of one of the authors in dismantling libraries shared by more than one government department had shown only too well the difficulties of trying to divide a photocopier or journal run.



### *Formal Agreement*

Negotiations about the administration, funding, budget, resources and provision of services of the combined libraries have taken place over a long period of time. Although agreement in principle was reached to commence the new services at the beginning of 1997, no formal agreement has taken place. The LLCWG is now ready to consider a Memorandum of Understanding which will be signed by representatives, usually the chief executive officer, of the organisations involved.

### *Issues Encountered*

The eventual decision not to include service levels in a formal agreement between the Law Society, as administrators of the libraries, and the other organisations, is an instance of what has been an on-going feature of the negotiations which took place. Different administrative styles, structures, terminology, customs, even cultures, came into, if not direct confrontation, then collision. Compromise was necessary. Business plans and budget programs, for example, seemed very formal to organisations which had not previously employed them, but yet, they were accepted by all. Another example was the differing decision-making structures of the organisations, where some representatives were able to make decisions and commitments at the table during LLCWG meetings. In contrast, the Law Society representatives were constrained by the requirement to return decisions, almost without exception, to its authoritative body, the Council of the Law Society, which meets on a three monthly basis. These variations were interesting to encounter but were accommodated within the LLCWG's procedure without undue stress.

The larger, consultative structure of the co-operative network was a change also for staff of all the libraries. Prior to co-operation, the original NWLL had been run relatively independently and none of the libraries had worked in conjunction with others on this scale before. The change has been taken on board but with the necessity to consider constantly the wider perspective brought about by co-operation.

An educative process for users was set in train by articles in *The Law Letter*: newsletter of the Law Society of Tasmania, internal bulletins within Departments, informative memos and a brochure sent to all firms and other prospective users. This was backed up by personal contact from the North-West Law Librarian especially during tutorials on the Internet which she was running very successfully. It was hoped that this informing users of what had been set up and the aims of the libraries would avoid any "unrealistic expectations" as to what they had achieved. Since there were not significant financial resources to be poured into the libraries the size of the collections and what could be provided was, of necessity, limited but it was made clear that this was only a starting point. Moreover, it was a definite improvement on what had been there before. This process of communicating with users as to what is being done will continue.

### *Future Developments*

Expanding the North-West collections as finances allow is the long-term goal for the two libraries involved. In a general way there are a number of co-operative ventures still to be addressed. It is hoped to combine the present current awareness services provided by each of the central libraries into a more comprehensive package to include updates on Tasmanian Supreme Court decisions and legislation as well as new books, articles and reports. At present different areas are focused on by each organisation and there is some duplication. One service will be a benefit to all.

Some of the original concepts looked at where it was thought co-operation would assist became irrelevant when they were overtaken by technological advances. At the time the Discussion Paper was written, acquisition of inter-state legislation was a major difficulty for several Tasmanian libraries because of cost. This seemed an obvious area for rationalisation of resources. Now, with so much legislation already available on AustLII or on CD-ROM very cheaply, no other alternative need be considered.

New technological developments such as intranets, email request forms and, if made possible by the publishers, sharing of electronic subscriptions between organisations, are all ways in which the Group may in the future consider extending cost-effective co-operative services further for the benefit of legal practitioners within Tasmania. In the final analysis, it has been the co-operative spirit existing between the libraries and the support of their organisations, especially from the top echelons, which has made the law library co-operation project able to achieve what it has. This, it is hoped, is only the beginning.