

For busy librarians

COPYRIGHT KIT Sydney: Library Association of Australia. 1981. \$17.50.

The attractive folder contains several useful items to assist busy librarians to understand the complex copyright situation. They are

Libraries and Australian Copyright Law: an exposition of the law in simplified form by Rob Brian, Law Librarian, University of New South Wales;

Copyright and users of libraries by Allan Horton, University Librarian, University of New South Wales;

Copyright in teaching A brochure from the Commonwealth Department of Education;

Copying of copyright material in universities A brochure prepared by the Australian Vice-Chancellors' Committee;

Copyright Issued by the Commonwealth Attorney-General's Department;

Copyright Law in Australia Issued by the Commonwealth Attorney-General's Department;

Declaration Forms for S.49 and S.50 and a Record Form for S53B/53D;

Warning notice for display near photocopying machines.

National Library of Australia information on its photocopy supply services.

The pamphlet by Rob Brian is clearly set out. It takes the reader through the principal sections of the Act, quoting liberally, and referring to other relevant sections. It also refers to opinions expressed in James Lahore's *Photocopying* and Sterling and Hart's *Copyright Law in Australia* although at least once, in paragraph 4.9, the reference is quite enigmatic.

The title states that the intention is an exposition of the law in simplified form and it is consequently important not to assume prior knowledge in the reader. Some minor criticisms are warranted.

Para 1.12. fails to make clear that 'reasonable portion' only applies to an edition of not less than 10 pages, and no guidance is offered on what to do with shorter works.

Para 1.30. could suggest to an uninformed reader that a copyright owner is only entitled to inspect Declarations relating to photocopying of works for which he claims copyright ownership. This is not correct.

Para 1.40. The statement that what has been said applies to archives also, *mutatis mutandis*, is not helpful since the concepts of 'periodical article', 'reasonable portion' or 'not obtainable within a reasonable time at an ordinary commercial price' seldom apply. This confusing claim is repeated in para 2.18.

The comments on Section 50 ignore the problem of defining a library. Presumably the supplying library needs to make a judgment that the request comes from an institution which can reasonably be expected to be aware of its obligations under Section 50 before supplying photocopies through inter-library loan, otherwise Sec-

tion 49 would apply.

A few introductory words about the need of the requesting library to make a Declaration under S50 (7) in all cases would have clarified paras 2.9 and 2.10.

Para 6.2 would be clearer if it read 'Multiple copies can only be made under S53B for the teaching purposes of an institution'.

Given the caution taken elsewhere in the pamphlet to emphasise that interpretations cannot be authoritative until the courts have ruled in particular cases, the suggestion in para 7.11 that 'it may be argued that a librarian may send copies of contents pages to individuals as an information service' under S40(2) is too unqualified to appear in a publication of this kind.

It is astonishing to find that, in the 'International Year for the Disabled' a body such as the LAA should sponsor a pamphlet which almost completely ignores the provisions of the Act (S53D) relating to multiple copying by institutions (including libraries) assisting handicapped readers.

Finally even a short and simple work of this kind would have benefited from an index. The very full list of contents compensates to a considerable extent but a beleaguered librarian with a queue of customers might welcome a simple alphabetical approach.

In spite of these criticisms, the Brian pamphlet will be useful and informative for librarians with no special knowledge of copyright.

Allan Horton's article, printed in the November issue of the *Australian Library Journal*, briefly summarises the background to the legislation, its contents and the problems still to be solved. He sensibly points out the benefits which the amendments confer and criticises, in hindsight, the unsympathetic view taken by educational institutions of the original claims of copyright owners. He correctly points out the cost to libraries of administering the new procedures - the University of Queensland Library believes that this amounts to half a person for inter-library loans alone - and he draws attention to budgeting uncertainties caused by the retrospective claiming system for multiple copies. Most of the problems raised by Horton are under discussion between LAA and AACOBs representatives, the Attorney-General's Department and the Australian Copyright Council, with signs of progress on some issues.

In the pamphlet entitled *Copyright* the Attorney-General's Department includes much of the information already contained in Brian's pamphlet but it is organised differently and offers more supporting explanations. The latter may appear rather bland to the layman but the Department is not in a position to give authoritative interpretations; it may know what was intended but this may not coincide with the manner in which the courts will interpret the Act in particular cases.

The text from the Commonwealth Department of Education is a clear and fair statement of copyright law for teachers, as the law now stands. Unlike the other components of the kit, it covers topics such as 'Performing a work' (in schools) and 'Subject matter other than works', i.e. editions of works, sound recordings, films and video-recordings and broadcasts. The centre-page consists of simple guides, set out in chart form, to the permitted copying of periodical articles and works.

Unlike the other components in the kit, the pamphlet *Copyright law in Australia* issued by the Commonwealth Attorney-General's De-

partment is not designed for libraries or educational institutions. It is a general statement about copyright which could be useful to authors, publishers or other copyright owners, especially those from overseas. It has been revised to conform with the amended Act but the section on the defence of 'Fair dealing' still refers to 'research on private study'.

In spite of its title *Copying of copyright material in universities* issued by the Australian Vice-Chancellors' Committee is not intended to cover library copying. It is intended for the information of university teachers, although some sections of the Act apply to both teachers and libraries. The text is supplemented by a table setting out the legal requirements to be met when particular types of copying are carried out.

The kit includes copies of LAA forms for Declarations to be made under Sections 49 and 50 and for records made under Section 53B/53D. They appear to be based on those formulated at the University of New South Wales. The Section 49 form includes a Declaration of belief by the Librarian that the information supplied by the library user is correct; no such Declaration is required by the legislation.

The final item in the kit consists of sheets describing National Library practice for inter-library and user photocopying and the prices charged. These will be useful to all librarians.

The LAA is to be congratulated for producing the Copyright Kit so soon after the legislation came into force. Busy librarians and students of librarianship will welcome it. It will need to be revised as the inevitable changes occur in the legislation and a separate kit will be required when revised legislation has been passed for 'other than works'.

Derek Fielding,
University of Queensland

Copyright Law

COPYRIGHT LAW IN AUSTRALIA: AND THE RIGHTS OF PERFORMERS, AUTHORS AND COMPOSERS IN THE PACIFIC REGION / J.A.L. Sterling and G.E. Hart. Sydney: Legal Books Pty Ltd. 1981. 278pp. ISBN 0 9596568 7 1. \$25.00.

Copyright law has suddenly become a matter of frantic interest on the part of librarians and people involved in education. In the words of the preface 'this book is intended primarily for use by [legal] practitioners, librarians and those whose profession or business requires a knowledge of copyright law and its practical application in relation to literature, music, the visual arts, films, television, sound broadcasting and the press'. The Copyright Amendment Act 1980 is dealt with in detail and cases as recent as February 1981 are discussed.

The authors have not hesitated to state an opinion where the law is not clear 'believing a considered opinion on the complex problems involved to be of more assistance than a mere statement of the questions for determination'. While this is, of course, extremely useful one need not necessarily agree with such opinions. On the question of subject matter, for example, where one wishes to copy two articles in the same issue in a periodical the authors suggest a restrictive interpretation, but until the courts actually give such a restrictive interpretation librarians should not be afraid to apply a more liberal interpretation, as long as good arguments can be adduced for it.

Some forty pages are devoted to 'the
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Reviews — continued

rights of performers, authors and composers in the Pacific region'. This is more likely to be of interest to practitioners and academic lawyers. It is hoped that the major challenges thrown out by the authors will be taken up in appropriate quarters.

The book has a number of useful tables, normal in law books, a bibliography, an 'Index of Offices and Organisations' with addresses, and a good general index. It is well produced and sturdily bound and is a welcome addition to the as yet small number of publications from this enterprising young publisher. 'Sterling and Hart on Copyright' deserves a place in any library, if not for the benefit of the general reader then certainly for the education and safety of the librarian.

Rob Brian
UNSW Law Librarian

Library services

THE MEASUREMENT OF LIBRARY SERVICES: AN APPRAISAL OF CURRENT PROBLEMS AND POSSIBILITIES / John Allred. Bradford: MCB Publications. 1979. ISSN 0143 5124. ISBN 0 86176 024 7 v1, no2. US\$24 per issue.

The author states as the thesis of the pamphlet the proposition that, although library measurement needs to move on from the idea of simple enumeration, the present emphasis on output measurement is not the

final answer.

Allred argues that 'the nature of library service is that of a "broad aim" social program best judged (evaluated) by gathering "politically significant information on the consequences of political acts".'

Within the 39 pages, four chapters, of text the pamphlet ranges widely over the field of library measurement. The most valuable chapter, which is also by far the largest, is Chapter One, in which Allred traces the development of measurement techniques in librarianship.

In the remaining three chapters he seeks to present a personal view of 'philosophy' regarding measurement of library service. It is here, presumably, that Allred seeks to sustain the proposition stated in his introduction and quoted above. This would always have been difficult, given the limitation of space available, and the problem is compounded by the discursive style of writing.

The trend of the argument is not always clear and it cannot be said that Allred succeeds in upholding his thesis. Nevertheless, some readers will find these chapters useful for their references to cognate developments in fields outside librarianship.

In summary, although Allred has not clearly sustained his argument the work is of some interest as a review of the state of the art and of cognate developments in other fields. There is a useful bibliography.

Michael J. Ramsden
Royal Melbourne Institute of Technology

AGM resolutions

ALL RESOLUTIONS OF Annual General Meetings of the LAA must be referred to the General Council for discussion and ratification. At the 1981 AGM held in Adelaide on 15 October the following motions were passed:

1 That the LAA adopt the McGraw-Hill publishing guidelines for eliminating sexism in future LAA publications and revisions of publications, including Regulations.

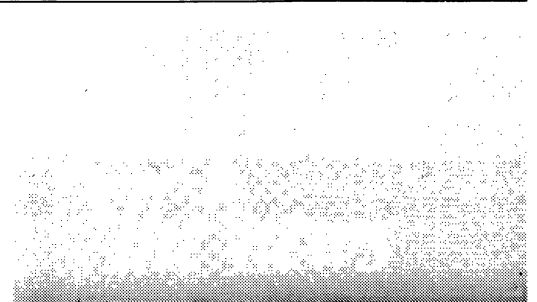
2 That members be given the opportunity to join either two Sections or one Section and one Special Interest Group as part of

their membership fee.

General Council discussed these motions and resolved that the first be referred to the Publications Board for comment and to report back to the first meeting of General Council in 1982.

The second motion was referred to the Queensland Branch, who are currently undertaking a study of the present structure of LAA fees. Membership of Sections and Special Interest Groups will be discussed in this study. The Branch will report on this item to the second meeting of General Council in 1982.

Susan Acutt
Executive Director



John Cook . . . moves to Canberra

JOHN COOK, of Infotech Library and Information Consultants, Perth, has been appointed as an Assistant Research Officer in the Department of Communications, Canberra. He will take up the appointment early in 1982.

ELIZABETH CARVOSSO has been appointed representative for the southern states of Australia by Ebsco Subscription Services.

Elizabeth was formerly Orders Librarian at the Central Library, CSIRO, Melbourne.

TONY FOSKETT, Head of Library Studies at SAIT will be spending two terms teaching at the Graduate School of Library and Information Science, University of California, Los Angeles, as a Distinguished Visiting Scholar. Tony will return to Australia at the end of June.



Frances Lemmes . . . Sydney Tech Librarian

FRANCES LEMMES has been appointed Librarian at Sydney Technical College. Prior to this appointment, Ms Lemmes worked in the State Library of NSW and the Mitchell Library, spent a few years tutoring at the School of Librarianship at the University of NSW, then returned to the State Library to become Liaison Librarian. In 1978 she was Extension Librarian, and in October 1981 joined TAFE Library Services.

JUDITH WATERER has been appointed Librarian-in-Charge of the Branch and Departmental Libraries Division, University of Sydney.

Miss Waterer came to Sydney from Goulburn CAE. Prior to that she had worked in the State Library of NSW, Armidale and Wollongong Teachers Colleges, and at the University of Papua and New Guinea, where she was Reader Services Librarian, and for a time Acting University Librarian.


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