

continued from previous page

The Department will investigate the history of this clause to discover why it was drawn in this way, and will consider whether a change is warranted.

### Illustrations

The general situation with illustrations is as follows:

They can be copied under S53B and S53C when they form an integral part of text which is being copied.

A private individual can make a copy provided that the copying fits within the fair dealing provisions of Section 40. There is some doubt how far copies can be made under S40 by librarians acting in their official capacities.

S53B can be used to make a slide for educational purposes.

In other cases permission should probably be sought.

### Music

There was discussion about whether an aria is a whole work or part of a work. The consensus was that there was no doubt when the copy was taken from the complete score that an aria was only a part.

### Notation on inter-library loans

The Department's view is that in the case of an inter-library loan, it is preferable for the supplying library to make the notation. However, the Act does not specifically state this.

The fact that the date on the notation is not the date of the Declaration is unfortunate.

### Copying for remote users

There have been strong representations from Parliamentary librarians for changes to S49 which requires a specific request and Declaration to be submitted in advance signed by the person making the request.

Four possible changes were considered:

- The Librarian, having received a telephone request and satisfied that the user cannot come to the library, might make a declaration to that effect and supply the photocopy;
- there might be a delegation of authority to a third party to sign a request and Declaration;
- there might be a statutory licence for multiple copies, e.g. to supply copies of a document to all members of a committee;
- there might be a special provision for Parliamentarians.

The LAA and AACOBS representatives expressed concern that the granting of special privileges to Parliamentarians, for instance on the lines of S43(2), might mean that the needs of other remote users might not be given sufficient priority in amending the legislation.

It appeared that an amendment might be acceptable to the Copyright Council which would permit the Librarian to make the declaration where a request for a specific item was received from a remote user, provided that there were safeguards against systematic copying.

The Council opposed any change which would permit librarians to make copies in response to topical (i.e. non-specific) requests or anything which would sanction anticipatory copying. Copyright owners did not like the present single copying without royalty but had accepted it. They would not be willing to allow the provision to be widened to a situation where libraries could offer a general information service through provision

of photocopies for which no royalties were paid.

There was general agreement that if an amendment could be made to permit the Librarian to make the declaration in the case of specific requests from remote users, there would be no objection to special arrangements being made under S43 for Parliamentarians.

### Criminal Offences

The Department is considering recommending that the defence against various S203 offences might be altered so that it would be sufficient for the officer-in-charge to be able to show that 'he took all reasonable precautions and exercised due diligence to avoid the 'contravention''. In other words, the officer-in-charge would be culpable only for wilful breach of the provisions concerning records.

The implications of removing the criminal conviction provision were also being examined. There were complications because changes would raise questions about where the onus of prosecution lay and the court in which cases would be heard.

### Inspection of Declarations

Education authorities have objected to the generality of the right to inspect records because this could mean that one copyright owner could pass on information to another copyright owner that the second copyright owner's rights appeared to have been infringed.

AACOBS had raised the question of industrial espionage through the inspection of declarations held by the libraries of commercial organisations. Privacy issues were also relevant.

It appeared that the right of a copyright owner to inspect all declarations had been inserted to prevent the need for a copyright agency to specify on each occasion all of the copyright owners on whose behalf it was acting. The general search facility also prevented libraries having to file declarations in other than chronological order.

There appeared to be a general consensus that it could be made an offence to disclose wrongfully information gained from inspections. An alternative suggestion, inspection by a neutral party on behalf of copyright owners, appeared impracticable.

The Attorney-General's Department hoped that another meeting would be convened before the end of the year to discuss further areas of concern. The date has not yet been set, so if members have problems of principle that they would like discussed please notify Head Office as soon as possible.

Susan Acutt  
Executive Director

## Results of Elections

FOLLOWING THE ELECTIONS for 1982 office bearers for the LAA held in November, the results are as follows:

Vice-President elect: Barrie Mitcheson, 5 Fran Court, Glen Waverley Vic 3150.

General Secretary: Averill Edwards, PO Box 679, Canberra City ACT 2601.

Councillors-at-large: John Levett (until end 1983), c/o School of Librarianship, University of Tasmania, GPO Box 252C, Hobart Tas 7001; Linda Beveridge (until end 1982), PO Box 679, Canberra City ACT 2601.

We wish them all the best and hope that their work for the LAA is enjoyable and rewarding.

## C'wealth pays up

ON 21 DECEMBER Deputy Public Service Arbitrator Booth determined salary increases for Commonwealth Librarians after a lengthy and detailed arbitration on work value grounds.

This was the first occasion on which Commonwealth librarians salaries had been specifically examined since 1964.

The increases were in two parts: 5.6 per cent from 22 November 1980 (in line with other professional groups in the Commonwealth Public Service) and what amounted to a further 10.5 per cent to 14.4 per cent from 17 December 1981. The latter compares with the 10 per cent to 13.2 per cent increases granted to Commonwealth Clerks on 22 December 1981.

Commonwealth librarians salaries are now as follows:

Librarian Class 1: \$14,800; \$15,500; \$16,300; \$17,200; \$18,100; \$18,900; \$19,700;

Librarian Class 2: \$20,500; \$21,100; \$21,800; \$22,500;

Librarian Class 3: \$23,500; \$24,500; \$25,500; \$26,500;

Principal Librarian: \$29,000; \$30,000; \$31,000.

Judith Hill  
LAA Industrial Officer

## Awards conferred

THE PRESIDENT OF the Library Association of Australia for 1981, Mr James G. Dwyer, announced on 14 December the decision of the Association's General Council to present its highest awards for 1981 to two South Australians.

The HCL Anderson Award for outstanding service by a professional librarian is to be conferred on Miss Phyllis Mander-Jones of Medindie. Miss Mander-Jones, now in her 86th year, served the profession with distinction in Australia and England in the fields of librarianship, archives and bibliography. She is a Fellow of the Library Association of Australia, a member of the Australian Society of Archivists and of the Royal Geographical Society of Australia and has been honoured with an MBE.

The Redmond Barry Award for outstanding service by a lay person to the promotion of libraries and library services is to be conferred on Mr James Allen Crawford of Brighton. Mr Crawford has dedicated many years to community services and public libraries in particular. He has chaired and served on many committees concerned with the planning and implementation of library services, has been Chairman of the Libraries Board of South Australia since 1977 and until recently was Mayor of the City of Brighton. In 1979 he was awarded the Officer of the Order of Australia in recognition of his dedication to community services.

Both Awards will be presented during the Association's biennial conference in 1982 which coincidentally will be held in Adelaide.

## 'Meet the author'

DARWIN CITY PUBLIC Library was the venue recently for a 'Meet the Author' evening at which Dr Grahame Webb, one of Australia's foremost authorities on crocodiles, spoke about his book *Numunwari*.

The meeting was made possible by a grant from the Literature Board through the Australian Library Promotion Council, and was a great success.