

members are warmly welcomed. 26/6; 28/8; 30/10. Contact: Ian McLean, ph 02 9886 7501 (w), ian.mclean@det.nsw.edu.au

• **28/6 NSW Library Technician section.** *Committee meeting.* Guest speaker: Mairead Browne, ALIA president. Macquarie University Library, North Ryde, 5:30 for 6pm start, all welcome. Contact: Kerry Darnell, ph 02 9715 8316, kerry.darnell@tafensw.edu.au

7/7 Keeping up with internet developments: how do they impact on information services. University of New South Wales, School of Information Systems, Technology and Management. Contact: Maureen Henninger, ph 02 9385 7128, fx 02 9662 4061, M.Henninger@unsw.edu.au

• **15/7 NSW Library Technician section.** *General meeting, guest speaker: Janice Biggin,* library services co-ordinator, discussing the library's decision to appoint their first LT. Blue Mountains City Library, 104 Macquarie Road, Springwood, all welcome. Contact: Kerry Darnell, ph 02 9715 8316, kerry.darnell@tafensw.edu.au

• **19/7 NSW Far North Coast Regional Group.** *General meeting.* All library personnel — librarians, library technicians, library students, & library assistants — are warmly invited to attend. Lismore Base Hospital Library, 5:30 for 6pm. *RSVP by 12/7 to:* Michael Wheeler, secretary, ph 02 6620 3995, fx 02 6620 3875, mwheeler@scu.edu.au

• **26/7 NSW Children & Youth Services section.** *Committee meeting, everybody welcome.* Parramatta City Library, 6pm. For further information, please contact: Sarah Steed, publicity officer, ph 02 9806 5159, fx 02 9806 5919, ssteed@parracity.nsw.gov.au

• **25/8 NSW School Libraries section.** *Book week celebrations.* Venue: tba. Contact: Ian McLean, ph 02 9886 7501 (w), ian.mclean@det.nsw.edu.au

• **27/10 NSW Children & Youth Services section.** *Management Seminar.* Burwood Council Chambers. For further information, please contact: Sarah Steed, publicity officer, ph 02 9806 5159, fx 02 9806 5919, ssteed@parracity.nsw.gov.au

• **27/11 NSW School Libraries section.** *End of year function.* Venue: tba. Contact: Ian McLean, ph 02 9886 7501 (w), ian.mclean@det.nsw.edu.au

• **29/11 NSW Children & Youth Services section.** *Committee meeting (everybody welcome).* Burwood Public Library, 6pm. For further information, please contact: Sarah Steed, publicity officer, ph 02 9806 5159, fx 02 9806 5919, ssteed@parracity.nsw.gov.au

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The digital copyright deadlock

Library and archive exceptions

Fiona Macmillan, Associate Professor of Law, Murdoch University

This is the second part of Fiona's article on the *Digital Agenda Bill*. Part one, which appeared in the May issue, dealt with the right of communication to the public and the fair dealing exceptions

Copying for and by library users and for other libraries

Libraries will be able to make electronic copies of material for users for the purpose of research or study, and for other libraries in digital or electronic form. This is, however, subject to two sets of limitations. The first set of limitations are those which currently exist in relation to this type of copying. The other set of limitations have been newly introduced to deal with the issue of electronic reproduction. Both sets of limitations appear to apply whether the work is held by the library in hard-copy form or has been acquired by it in digital form. The new limitations require that by the time the communication of the electronic copy is made, the person to whom the work is communicated is informed that the work is subject to copyright protection and is also informed of any other matters prescribed by regulation. These limitations also require the library to destroy the electronic reproduction once the material has been communicated to the user. For library users who are geographically remote, these provisions — while a little bureaucratic and heavy-handed — should facilitate reasonable access to library resources.

For those who are not geographically remote, the issue will be whether or not they may copy from the digital work themselves relying on the fair dealing exemptions that would apply if they were using library facilities to copy from a hard-copy work. Bearing in mind the Government's decision that the same fair dealing exceptions are to apply in the digital environment as apply in the traditional hard-copy environment, one might have thought that (apart from the matter of the quantitative test) there would be no problem with this. However, this is not the case. Rather, the Bill makes it clear that libraries will be breaching the new right of communication to the public if they make material that has been acquired by them in digital format available to users to browse online unless they comply with the new s 49(5A). This proposed new sub-section permits libraries to make material acquired in electronic form available online to users in the library premises, but only under circumstances where the users cannot use library equipment to make an electronic reproduction of the work or electronically communicate the work in any manner.

This provision will mean that libraries will face the choice of 'locking' electronic material so that it cannot be copied or communicated to another site, of disabling computer terminals in order to comply with s49(5A), or of paying

licence fees. The result of this is, either way, increased costs to libraries in giving users access to digital material for the purposes of research and study. These are costs which do not apply when giving users access to traditional print material. Serious issues arise as to whether the Bill appropriately strikes the balance between copyright owners and the users of copyright material in this respect.

After having digested the import of s49(5A), it almost comes as a shock to discover that, notwithstanding the costs that have been heaped upon them, libraries still run the risk of being liable as authorisers of infringement for infringing activities which take place on computers located in the library. This conclusion is implied by an amendment to the present s 39A(a) which confers immunity from such liability on libraries if copyright warning notices are displayed on or near the relevant copying machinery [cl 41]. Of course, if libraries choose to lock electronic documents or to disable computer terminals in order to comply with s 49(5A) then there will be no possibility of liability for authorising infringement on such terminals. On the other hand, it is important to note that such choices will preclude fair dealing with such works by individual library users.

Reproduction of unpublished works in libraries

The current provisions, as amended by the Bill, on copying of unpublished works held in library collections will also apply to reproduction of material in electronic form and communication of that material [cll 67-70 amending s 51, & cl 91 amending s 110A]. The result of the amendments in this area will be to allow the reproduction of unpublished literary, dramatic, musical and artistic works for the purposes of research or study or for publication where the original version of the work is held in the library collection and is open to public inspection and where fifty years has elapsed since the death of the author of the work. This would include the reproduction of an unpublished work held in electronic form [cll 68 & 70]. So far as unpublished sound recordings and films are concerned, where these are held in a library's collection and are open to public inspection then they may be copied, which includes copying in digital form, and communicated for the purposes of research or study.

Copying by libraries for the purpose of preservation, in the event of loss or theft

Pursuant to the provisions of the Bill, libraries will be permitted to digitise copyright works in their collections for the purpose of preservation

or in the event of loss or theft and to transmit such digital versions electronically in accordance with the restrictions laid down in the present legislation [cll 73-78 amending s 51A, & cll 92-93 amending s 110B]. The proposed amendments also permit the making of a reproduction of a literary, dramatic, musical or artistic work held in a library's collection and making that copy available online to be accessed by officers of the library [cl 75 replacing s 51A(2) & (3)]. An implication from this provision is that if an electronic copy is made this may only be made available to a library officer [cl 75 inserting s 51A(3)]. This implication is particularly strong with respect to literary, dramatic and musical works, since the proposed new s 51A(3) explicitly permits the communication by way of library computer terminals of an electronic copy of an artistic work made for preservation purposes (provided such an electronic material cannot be copied in any way). There probably is a policy reason for this, other than the vague sentiment that it will 'protect the interests of copyright owners', but it is not immediately identifiable.

The approach of the *Digital Agenda Bill* does little to alleviate concern that it will impose a digital deadlock on access to library

and archive materials. The workability of the limitations on the quantitative exception is an open question. The somewhat peculiar exception to the new right of communication to the public, which allows libraries to make material acquired in digital format available for browsing only to users on the premises and on equipment which is incapable of any form of reproduction or communication of the copyright work in question, has a number of implications. Not only does this makes life difficult for library users, it also may require libraries to disable valuable equipment which is currently put to multiple library uses. A knock-on effect of this may be to deprive library users of the ability to engage in fair dealing in relation to digital copyright material held in libraries. Certainly, it ensures that the access for library users which prevails in relation to traditional print material is not duplicated in relation to the electronic environment. This is a serious issue in a world of proliferating digitisation. A consequence may be to restrict access to a considerable wealth of knowledge. Alternatively, libraries and their users will simply have to pay more in licence fees in order to access these riches. Either way we are turning libraries into gatekeepers for the new information age, rather than making them its facilitators. ■



QLD

1/6 QUT Kinetica Web training. Conducted at QUT Library, Gardens Point Campus. Cost: \$90. Visit the Library homepage on <http://www.lib.qut.edu.au> for further details and to obtain an enrolment form.

• **6/6 Qld Library Technicians section.** *Annual dinner.* COTAH Skyline restaurant, Southbank Institute of TAFE, 6:30–10pm. \$30 ALIA members, \$35 non-members, includes pre-dinner drink, 3 course meal and coffee. *RSVP and payment by 22/5.* Enquiries: Elaine West, ph 07 3403 2550, e.west@uq.net.au

8/6 QUT Kinetica Document Delivery Training. Conducted at QUT Library, Gardens Point Campus. Cost: \$195. Visit the Library homepage on <http://www.lib.qut.edu.au> for further details and to obtain an enrolment form.

• **13/6 Qld Library Technicians section** — *no meeting* — Annual Library Technician's Dinner being held, in lieu, on Tuesday 6 June 2000.

• **19/6–27/11 Qld Branch.** Committee meeting. Brisbane Administrative Centre, Conference Room, Level 6, Corner George and Ann Street, Brisbane City, 4–6pm. 19/6; 11/9; 27/11 — plus AGM. For further information contact: Kathryn Harding ph 0409 642 152, fx 07 3864 2014, k.harding@qut.edu.au

• **28/7–29/9 Qld Public Libraries section.** *Committee meeting and seminar* — all welcome. Venue: tba, 5:30 for 6pm, refreshments provided. 28/7; 29/9. For further details please contact: Robyn Gattera, minutes secretary, ph 07 3403 4104, fx 07 3403 9969, sbispo@brisbane.qld.gov.au

• **8/8–14/11 Qld Library Technicians section.** *General meeting.* Venue: tba, 5:30 for 6pm. 13/6; 8/8; 10/10; 14/11 — AGM. For further information contact: Yvonne Brock, ph 07 3896 2229, yvonne.brock@acgs.qld.edu.au

• **1/12 Qld Public Libraries section.** *AGM.* For further details please contact: Robyn Gattera, minutes secretary, ph 07 3403 4104, fx 07 3403 9969, sbispo@brisbane.qld.gov.au

SA

• **14/6 SA Special Libraries section.** *Tour of three special libraries:* ABS Library, History Trust of SA Library, Housing, Environment and Planning Library. Commonwealth Centre, 3–5pm. Meet in the foyer at 2:55pm sharp. afternoon tea provided. *RSVP by 7/6 to:* Geraldine Wardle, ph 08 8203 3630, fx 08 8203 3501, gwardle@asc.corp.mot.com

• **14/6–11/12 SA Branch.** *Meeting.* Please note that all meetings held at: PLAIN, 8 Milner Street, Hindmarsh, 5:30pm. 14/6; 10/7; 14/8; 11/9; 9/10; 13/11; 11/12. Contact: Amanda Nixon, ph 08 8201 2577, amanda.nixon@flinders.edu.au

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Alive and kicking...

Marion Bannister, facilitator, InfoLit_Oz

InfoLit_Aust, a listserv on information literacy issues, was reborn in May 2000 as InfoLit_Oz. As an open forum for views and ideas from professional practitioners, researchers and students, InfoLit_Oz will focus on information literacy in its variant forms. Group problem solving through respect and trust are central features of this community

Hopes and plans for InfoLit_Oz? The facilitators encourage discussion about information literacy. This list will cover issues such as:

- global community and information literacy;
- critical literacy;
- multiple literacies;
- life-long learning;
- integrating information technologies within an information literacy philosophy;
- information literacy training tips; and
- collaborative teaching and learning strategies.

Why not join us... To subscribe send

a message to InfoLit_Oz-request@listserv.csu.edu.au, with *subscribe* in the subject line and leave the message area blank. You will receive an InfoLit_Oz Welcome message when you subscribe, please read and save this message as it contains the web links for *InfoLit_Oz introduction* and *InfoLit_Oz guidelines* for membership in this community.

The facilitators

The facilitators — Marion Bannister (mbannister@csu.edu.au) and Linda Langford (llangford@csu.edu.au) — work in the School of Information Studies at Charles Sturt University. Both are members of the information literacy working party at the university.

InfoLit_Oz: an invitation

We would like you to join the InfoLit_Oz community and be a part of the stimulating debates on information literacy. Contribute to the growth of ideas and knowledge that will keep us all learning together and learning forever... worthwhile goals of an information literate learning community. You can find more information about InfoLit_Oz at the website http://www.csu.edu.au/cstl/infolit_oz. ■