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Freedom, who cares?

IF THE Australian Post Office has done an efficient job you should be reading this the day before Australia goes to the polls to elect the next federal government.

This is an appropriate time to remind you about the present government's attitude to the Freedom of Information Bill.

Readers will be aware that *Incite* no12 (18 July) reported that the Bill was due for debate in the August session of Parliament.

Amendments rejected

If you have been following the news recently you will know that both Government and Opposition Senators have openly criticised the government's rejection of many of the Senate Committee's proposed amendments to the Bill.

Senator Gareth Evans . . . 'we are not going to have freedom of information legislation of which we can be genuinely proud'. Photograph: News Ltd.

The Senate Standing Committee on Constitutional and Legal Affairs proposed 93 changes to the existing Freedom of Information Bill and another 13 to the Archives Bill. The basis of the Senate Committee's recommendations was to provide legal avenues of appeal against decisions made by ministers and public servants should they refuse to disclose information. The recommendations also tried to narrow down exemptions of classes of information and to give the right of access to existing documents.

The government has accepted some of the recommendations but has rejected those recommendations which were the heart of the legislation. They have not accepted recommendations which would lead the way to a more effective access of information held by government. The government has also refused to narrow the categories under which exemptions from disclosure could be claimed.

'Government fears Freedom of Information'

On 16 September, Senator Gareth Evans (Lab, Vic), told the Senate that 'the government fears the freedom of information legislation and is a prisoner of the most reactionary anti-democratic and self-protective elements of the public service.

'We are not going to have freedom of information legislation of which we can be genuinely proud which will improve the quality of Australian democracy,' he said.

On the same day Senator Missen (Lib, Vic), Chairman of the Senate Standing Committee on Constitutional and Legal Affairs, walked out of the Senate during debate on the Bill after launching a strong attack on the 'divine right of ministers' to issue conclusive certificates which deny access to documents.

What now?

Should the present government be re-elected, their record to date would indicate that the chances of having effective freedom of information legislation are minimal.

Should Labor win the election, they can either follow the present government's policy of only accepting a few of the Senate Committee's recommendations or they can re-introduce the Bill with all of the Committee's recommendations.

A result of the government's decision . . .

Copyright changes coming

SUBSTANTIAL AMENDMENTS to the Copyright Act 1968 have been passed by Parliament. These amendments are expected to come into force in about six months time. When this happens it will mean changes in the way libraries work.

The Association is preparing a detailed report for members, but in the interim the following is an outline of some of the major changes in the legislation. We are indebted to Allan Horton, Librarian at the University of New South Wales for these notes:

1 A variation has been made in the law in order to protect a library in which an infringing copy is made on a user operated copying machine. The effect is that provided certain notices are displayed and other conditions are met, the library is not responsible for a user's action if he is in breach of the law. This is clearly a response to the Moorhouse case. (Section 39A).

2 The inclusion of a definition of 'reasonable portion' guides as to what portion of a book may be copied without a breach occurring. The previous Act did not define this and it was left entirely to the judgement of the librarian. (Section 10).

3 Variation of the definition of 'fair dealing' so that it now becomes fair dealing to make a copy for the purpose of research or study, not just private study as previously. (Section 40).

4 Changes in the requirements relating to the making of copies for individuals by a library. In essence libraries must still obtain declarations in terms of the Act from each person who wants to make a copy. These must be filed in order by the date on which the copy was made. The library in which the copy was made and the date on which the copy was made will have to be on the copy. If this is on the platen of the copying machine used for such copying this would ensure that the declaration can be retrieved should it be required. (Section 49 and Section 203A(1)).

5 Libraries will be able to continue inter-library loans. But it will be necessary to file a copy of the inter-library loan request chron-

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Tas — severe cuts

IN THE PREVIOUS issue of *Incite* we reported that the Hobart Lending Library and the State Reference Library, Tasmania, had been forced to reduce their hours of opening because of cuts in government spending – we thought that was bad news.

The latest news we've heard from Tasmania is even worse, following the release of the State Budget.

The State Library will receive $6,436,000 this year, compared to $6,269,000 last year.

Laurie Brown, State Librarian, Tasmania, says that 'this represents a drop in real terms once inflation is taken into account.

'Our book purchasing budget has been cut by about 22.7 percent' he said, and because of the rise in the cost of books that means our purchasing power has been reduced by about 35 percent'.

Mr Brown has announced there will be drastic cuts in staff numbers.

A spokesman for the LAA Northern Areas Regional Group has expressed 'grave concern and apprehension at the anticipated deterioration of the public library service, which will be the inevitable result of cuts to the State Library's budget'.

The Group is anxious that as many Tasmanian library users as possible should demonstrate their concern by contacting their local members of State Parliament without delay.