

Letters

ILL explained

Your issue of *Incite* no 14, 21 August 1981 included an article headed 'Changes to ILL form' over the signature of P. Simmenauer, Convener, AACOBS Technical Subcommittee on Interlibrary Loan.

This article outlined changes to the AACOBS Interlibrary Loan Request form and suggested procedures where photocopies are requested between libraries to allow for the requirements of the new amendments to the Copyright Act, these changes and procedures being approved by Standing Committee of AACOBS.

As a librarian closely concerned with the operations of an interlibrary loan and copy service which must operate within the copyright law I believe there is a need for several matters to be explained in relation to this statement.

Though I am a member of the AACOBS Technical Subcommittee on Interlibrary Loan and was aware that this statement had been drafted, it should be made known that no opportunity was given for the Subcommittee as a committee to discuss or amend this statement.

Without additional explanation this statement as published is likely to increase confusion amongst interlibrary loans officers as to what is *required* under the amended Copyright Act and what may be *desirable* in some libraries.

It is essential to understand that the declarations which must be made when an interlibrary loan request is made for a photocopy are not equal to the request itself. The declaration is a statement made by the requesting librarian or authorised officer, which sets out the particulars of the request, including its purpose. Because of the general tenor of the Act in its requirements for declarations one assumes such declarations should be signed by the requesting librarian or authorised officer, and dated. A declaration required by Section 50(7) of the Act may be made *after* the request has been made (eg by telephone or telex). No declarations need or should be sent to the supplier library.

The Copyright Act does not require that records of interlibrary loan requests be made available for inspection by copyright owners or their agents. There is no requirement that a requesting library show a date of declaration or the date of making of a copy on an interlibrary loan request form. Some libraries may wish to record the date of declaration on a request so that when a copy has been supplied the declaration may be retrieved from a file of declarations awaiting fulfilment, and so be filed by date of declaration in a completed file.

Therefore it seems unfortunate that AACOBS should introduce requirements for interlibrary photocopy requests to show declaration dates and amend the design of the interlibrary loan request form when it is legally unnecessary. Already some libraries are returning requests without processing if a declaration date is not shown; this is not contributing to the efficiency of the interlibrary loan system.

The AACOBS statement suggests that the

ILL — 'confusing practices'

Since the implementation of the 1980 Copyright Amendment Act a number of inconsistent and confusing interlibrary loan practices have sprung up.

As I read the Act, Section 50 (3) makes it clear that a library supplying a photography in lieu of interlibrary loan is not liable to actions for infringement providing the copy was requested by an authorised officer of the requesting library. The requesting library bears the responsibility for any infringement. It follows that the supplying library needs no assurance that suitable declarations are in existence, and in particular, does not need to know the date of the reader's declaration.

The space for the date of declaration on the new AACOBS approved interlibrary loan request form is to give requesting libraries the option of adding the date of declaration to the notation on the copy. Some libraries might elect to do this so that records relating to a particular copy can be easily found. If the notation only includes the date of copying a large number of records may have to be examined because of the time lapse between the making of the declaration and the making of the copy.

Because the requesting library bears the responsibility for any infringements it is the requesting institution's name that should appear on the notation on the copy. Supplying libraries should not annotate photocopies as being made by or on behalf of the supplying library. If they do, when the requesting library applies the correct annotation the result of inspecting the copy is quite confusing, in that the copy appears to have been made on behalf of both the supplying and requesting libraries.

'supplying library makes copy, marks date of making copy and despatches copy'. It must be emphasised that the law requires the supplying library to show the date of making *on the photocopy*; the date of making does not need to appear on the interlibrary loan request *form*. Nor therefore does there seem to be any requirement that the interlibrary loan request form should be redesigned to include a line for the date for the making of a copy.

It is also desirable that interlibrary loans officers be aware that there is some opinion that the law requires the supplying library to show the name of the requesting library on the photocopy supplied in response to an interlibrary loan request. This of course could be a time-consuming activity for a supplying library, and it is a welcome suggestion that requesting libraries assume this responsibility.

The AACOBS statement, in procedure number 4, states that supplying libraries should not supply photocopies where a loan only has been requested as the required declaration may not have been obtained. But it is useful to note that a supplying library may continue to substitute a photocopy for a loan, where a work or periodical which is not copyright or is out of copyright is involved.

On another point, the AACOBS statement is suggesting yet another procedure which is not explicitly required by the law; that is that the requesting library on receipt of the photocopy show the date of declaration on the photocopy itself. It is not made clear whether, in the case where a photocopy has been requested on behalf of a reader, the declaration date should be that of the reader

Furthermore if the supplying library makes an annotation on a copy that the copy was made on its behalf, it is leaving itself open to action because it does not have in its files the reader's request and declaration relating to the copy. It is the responsibility of the requesting library, on whose behalf the copy is made, to maintain these files.

The second part of the annotation of an 'interlibrary loan' photocopy is the date on which the copy was made. Only the supplying library can know this. The supplying library should therefore either stamp the copy 'date copied ...' (with the date inserted) or note the date of copying on Part B of the request form so that the requesting library can add the date to the notation.

In accordance with these principles it seems to me that standard practice with respect to supplying photocopies on 'interlibrary loan' should be:

- (i) Libraries can supply photocopies requested by an authorised officer of another library without the need to know the date of the reader's declaration.
- (ii) The supplying library makes the copy requested and stamps the copy 'date copied ...' with the date inserted.
- (iii) On receipt of the copy the requesting library adds the notation 'Copy made on behalf of Institution X', where Institution X is the requesting library. Optionally, it may also add the date of the reader's declaration.

If there are alternative readings of the Act that imply procedures different to those outlined above I would be most pleased to hear of them.

Ian Douglas
Swinburne Library

or that of the requesting librarian or authorised officer's Section 50 declaration (which would be made subsequently, and possibly on a different date). Such a procedure has been suggested, I assume, because one possible interpretation of Section 203E(1) and (4) relating to inspection of records *may* be that a copyright owner, having a notated photocopy in hand, showing only the date of making, may request inspection of the declaration relating to that photocopy. In such a situation it would then be easier to produce declarations of the appropriate date for inspection. However interlibrary loans officers should be aware that such an interpretation of Section 203E(1) and (4) is not usual and that the procedure of showing declaration dates on the photocopy itself is *not* required by law.

I understand that there is some discussion continuing between the Attorney-General's Department and various interested associations on the requirements of Section 50 declarations. Unless the Copyright Act is further amended and the requirement for Section 50 declarations is changed, a more useful approach than the AACOBS Standing Committee's proposal may be to amend Copy D of the ILL request form so that it could be used by libraries as a Section 50 declaration.

For example a declaration statement could be printed on Copy D in an appropriate space. Libraries wishing to maintain Copy D as an interlibrary loan record in a completed transaction file could make a photocopy of Copy D for that file, while using the original of Copy D in a declarations file. *Beth Stone*
National Library Association of Australia

Letters

Thanks during Mental Health month

On behalf of the IYDP Committee of the NSW Association for Mental Health would you please convey our thanks for the support of so many of your members during Mental Health Month in July.

We had requests for leaflets and posters from libraries all over NSW and some from interstate. Libraries held displays, special days and film showings during the month and Randwick/Botany Library produced a special booklet listing books on mental health related subjects which we have found most informative.

As we would like to keep a record of the events of Mental Health Month, we would appreciate any information about the activities during that month, and the response from the public and any suggestions which may improve future projects. Letters should be addressed to me c/o 194 Miller Street, North Sydney 2060.

Barbara Sherman
NSW Association for Mental health

LAA Handbook inadequate

I am a librarian isolated by geography and poor telecommunications – try ringing me during the wet season! As such, I am dependent upon the printed word for the majority of my library science information requirements. The serial publications of the Association fulfil that need in most cases, but the 1981 *Handbook* does not.

The *Handbook* should reflect the high standards which the Library Association of Australia expects from its professional and para-professional members. I hope the following points are read as constructive criticism and other members of the Association are stimulated to comment.

The *Handbook* should contain Australian standards on such matters as library staffing levels and numbers for various types of libraries, space planning, cataloguing levels, statistical analysis, etc. A list of comparative international standards could be included as well.

The Association should be able to provide a brief annotated bibliography of publications and texts which could assist all librarians in preparing reports and planning services for their operation. I am sure that the National Section Committees could arrange the preparation of the bibliographies.

Another useful tool would be a list of information science organisations in Australia, such as AACOBS, CAVAL, LASIE. The list should include brief details of the functions and contact address of each organisation. For example, such a list could help a librarian about to tackle the automation of his cataloguing system by directing him to organisations with expertise in that area.

There are a number of directories to information science organisations – if you know where to look. My problem is that I have to travel a long distance to look, or wait two months for copies of publications discovered by a remote literature search!

A final point. The *Handbook* would be further improved by a detailed subject index to its contents and Cataloguing in Publication data.

Geoff Wharton
Weipa, Qld

Mr Wharton's letter lists a number of items which the LAA might publish, but perhaps the *Handbook* is not the best vehicle for them.

Handbooks normally include the constitution of the organisation, its office bearers, committees and awards, details of membership and similar items. The 1981 issue of the *Handbook* once again includes a membership directory, and the 1982 issue will include an index and Cataloguing in Publication data.

The LAA Executive has been aware of the need for another publication to contain some of the items Mr Wharton mentions. A publication similar to the Library Association's (UK) *Librarian's Handbook* has been suggested and material for this has already been collected. The Publications Board is now negotiating the next stage of production, with a view to publication in late 1982.

It might be noted that a number of the standards now available are very dated. The Special and Public Libraries Sections are revising their standards, and other Sections have been asked to consider whether theirs need to be reviewed.

Sue Phillips
LAA Executive Assistant

Roving Report – a 'streaker'

I write to register my concern at the tone and content of *Incite's* Roving Report on Australian aid to Indonesian academic libraries, (no 13, 7 August 1981).

Having recently read Dietrich Borchardt's excellent article 'Australian aid to Indonesian University libraries', in *Focus on International and Comparative Librarianship* (v12 no 1 (46)1981), I found *Incite's* report outstandingly poor and insensitive by contrast.

Possibly *Incite's* description of the recent visit of Dietrich Borchardt and Alan Horton to Indonesia was a well-meant attempt to deliver a punchy, colloquial, impressionistic piece which would draw the interest of a wide readership. However, the actual effect is to register as part of the record of Australian librarianship an ill-considered and undiplomatic statement which could weaken the impact of such Australian aid and undermine the overdue and slowly emerging Australian involvement in international library relations.

I have studied Indonesian language, culture and history and also travelled widely there. I am fascinated by the rich diversity of the country and have some understanding of the kinds of problems which exist there. In addition I have just spent the last year as a student in a UK university, alongside dozens of other overseas students, and have become increasingly aware of the deleterious effects of the arrogant and insensitive attitudes which many westerners adopt to other cultures and traditions. I would not expect to see such views perpetuated, even unintentionally, in an official organ of the LAA.

Incidentally, in order to check my own reactions, I asked several of my South-East Asian friends to read the article, and all, politely of course, expressed disappointment – but alas, not surprise.

Let's face it, a walk through Kings Cross would show that Indonesia has no monopoly on male or female impersonators, and ambiguous allusions to Darwinism, and to buttons and zips are wide open to misinterpretation.

To speak of the 'horrors of asian foods' and to use the word 'missionary' is to take Australian international relations back to the ambience of colonial days. Indonesia does not need conversion, patronage or condescension, but simply assistance to develop itself. Perhaps we would do well to understand the traditional Javanese concepts of 'gotong royong' and 'musywarat', meaning in turn 'mutual assistance and co-operation', and 'consultation or discussion', because there is another modern term alive in the region – 'streakers', used to describe overseas consultants who prepare shallow, badly researched reports and spend most of their time enjoying the good life.

I have no doubt that the work of Dietrich Borchardt and Alan Horton was 'gotong royong' in character, but fear that the article in question may have falsely implied that it has been of the 'streaking' variety.

Streakers beware!!

Marilyn Hart
Research Fellow
CLAIM – British Library
Loughborough University, UK

CE opportunities

It is becoming increasingly apparent that employers of library personnel in Australia have differing views on continuing education for librarians. In recent months several interesting variations have emerged, in WA at least!

One college of advanced education was extremely reluctant to send its only audiovisual librarian to a copyright conference in Perth, whilst one WA university saw fit to send a librarian to Brisbane for a two-day conference on distance education, with fares and accommodation expenses paid!

I do not doubt that different institutions have different needs and priorities but it does seem that in many cases one's chances of undertaking CE programs can depend on purely subjective decisions.

The LAA's Statement on Continuing Education for Library Personnel, as stated in the 1981 *Handbook*, is quite laudable but it has about as much influence on an employer of librarians as the UN Declaration on Human Rights had on Idi Amin.

Locally, a group of concerned librarians including myself is preparing a summary of differing policies on CE by employers of librarians in WA with a view to urging some equality of opportunity into the situation. I would be interested in the experiences of *Incite* readers concerning CE opportunities and also whether the LAA could be more constructive in this area.

Roy Stall
Claremont Teachers College, WA