

PRESIDENT'S PERSPECTIVE

Visit to Perth

One of the privileges of being President is having the opportunity to visit members of the Association throughout Australia. In March I spent a busy two days in Perth and saw many members and prospective members. I spoke to two large groups of students at the Nedlands campus of the merging WA College of Advanced Education and at WAIT and visited and talked to people at the State Library and the Universities of Western Australia and Murdoch.

The Annual General Meeting and dinner at which I gave the address was an opportunity to meet more people. Mr Ali Sharr, the retired State Librarian of Western Australia, presented the Sharr Medal to Ian McBain as the student most likely to contribute to the profession. Many Divisions now have awards which recognise and encourage the work of students in librarianship and these are a useful link between the profession and those entering it.

Mr Sharr spoke briefly before making the presentation. From his long experience in libraries he chided those who consider these to be particularly hard times and complain about them. He reminded us that, in the past, the economy has been in a far worse state and that libraries are in a better state now to cope with problems. He reminded us that it is important that librarians assess their priorities and be ruthless in cutting our services of lowest priority. If after concentrating on the matters of most pressing need some resources can be allocated to the other services well and good. This was a timely reminder from a retired leader of our profes-

sion that one of our prime tasks is the good management of our resources.

Miss Margaret Medcalf, the President, Roy Stall, the Secretary, and the members of the WA Branch Council are to be congratulated on a lively and interesting Branch AGM.

Board of Education

Many members of the Association give their time voluntarily to serve the Association in the promotion of libraries and library services, the improvement of the standard of librarianship and the status of the library profession. One of the most important of the Association's bodies is the Board of Education.

At the Board's most recent meeting in late March, the agenda showed the range and importance of activities in improving the standard of librarianship in this country. The Education Statements which delineate the policy of the Association on such matters as qualifications in librarianship, continuing education, principles of school librarianship, recognition of courses and library technician qualifications which appear in the *Handbook* have been revised and the drafts will be published in the 1982 *Handbook* for wider study and discussion.

Please read these drafts and contribute either through Division meetings or comments addressed to Sue Phillips, Secretary to the Board.

Ted Flowers is to retire from the Board of Education after six hard years' work as a member and latterly as Chairman. We owe a considerable debt to Ted and other members of the Board for their continuing work on our behalf. It is also appropriate to mention the contribution which our institutions make in sparing so many people to work in so many ways for the Association. It enriches both the institutions themselves and the Association.

Judith Baskin
LAA President

Short list for awards

THE JUDGING PANEL for the 1982 Children's Book Council of Australia Book of the Year and Picture Book of the Year awards is pleased to announce a short list of eight finalists in each class of the awards. The winning entries will be announced on Saturday 24 July at the commencement of Children's Book Week 1982.

Class A, Book of the Year

- BARNETT, Gillian, *The Inside Hedge Story* (Oxford University Press)
 FATCHEN, Max, *Closer to the Stars* (Methuen)
 FOWLER, Thurley, *Wait for me! Wait for me!* (Rigby)
 FRENCH, Simon, *Cannily, Cannily* (Angus & Robertson)
 MATTINGLEY, Christobel, *Rummage* (Angus & Robertson)
 PHIPSON, Joan, *A Tide Flowing* (Methuen)
 THIELE, Colin, *The Valley Between* (Rigby)
 WRIGHTSON, Patricia, *Behind the Wind* (Hutchinson)

Class B, Picture Book of the Year

- ARMITAGE, Ronda and David, *Ice Creams for Rosie* (Deutsch)
 HATHORN, Elizabeth, *The Tram to Bondi Beach*, Illus. by Julie Vivas (Methuen)
 HUNT, Nan, *Whistle up the Chimney*, Illus. by Craig Smith (Collins)
 McLEAN, Andrew and Janet, *The Steam Train Crew* (Oxford University Press)
 MOORE, Inga, *Aktil's Bicycle Ride* (Oxford University Press)
 ORMEROD, Jan, *Sunshine* (Penguin)
 SMYTH, Gwenda, *A Pet for Mrs Arbuckle*, Illus. by Ann James (Nelson)
 TRELOAR, Bruce, *Bumble's Dream* (Bodley Head)

For further information please write to the above address, phone Robyn Collins (07) 221 8400 or contact the State Secretary of the Children's Book Council in your state.

KURING-GAI COLLEGE OF
ADVANCED EDUCATION
SCHOOL OF LIBRARY AND
INFORMATION STUDIES

COMMUNITY INFORMATION

Friday 14 May, 1982
Saturday 15 May, 1982

A continuing education programme designed specifically for people setting up a community information service. No previous experience of the community information scene is required. The programme covers setting objectives, issues relating to provision of services, methodology and file maintenance, day to day operation and evaluation.

Fee: \$70.00 (including lunch)

Contact:

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School of Library and Information Studies

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Lindfield NSW 2070

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Margaret Stiller honoured

IN THE QUEEN'S Australian 1982 New Year's Honour List, Mrs Margaret Stiller of Darwin, a career teacher librarian/librarian was awarded an MBE for services to education and the community. This honour has not been bestowed on many teacher librarians or librarians in Australia and should not go unrecorded in librarianship circles.

Mrs Stiller holds a BA, a Secondary Teacher's Diploma, a Registration Certificate in Librarianship, and a Diploma in Educational Technology.

Her career spans 26 years of work in the NT and three years in Adelaide. During her first years in the Territory she commenced work in school libraries in Alice Springs. In 1956 she became the Teacher-in-Charge of the School of the Air, Alice Springs, and began the library for the School of the Air students.

From 1960-73, Margaret was teacher librarian at Darwin High School. While at Darwin High the library won the National Grolier Award (1969) for a secondary school library that had made the most progress in the previous year. In 1970 the library was highly commended by Grolier for its progress and in 1971 the library received the award for the library that had made the most progress in South Australia and the Northern Territory. In 1971, when for the first time the South Australian Education

Department offered a promotion position for teacher librarians, Mrs Stiller was the only person given promotion in South Australia and the NT.

In 1970 Margaret was awarded a study scholarship at the UNESCO-sponsored International Youth Library in Munich, West Germany, to study international children's literature. On the way to Munich she spent seven weeks working in and observing the Knapp Project demonstration school libraries in the USA and two weeks in a community school library in Hawaii. As a result of the time spent at the International Youth Library, a booklet, *International Understanding Through Children's Literature* was published by Mrs Stiller. It was revised in 1978.

In 1970 Margaret Stiller founded the School Library Association of the Northern Territory, the first professional organisation for teacher librarians or librarians in the Northern Territory. She has been a committee member ever since, except 1975, and in 1976 was made a life member of SLANT.

Since 1970 Margaret has been reviewing books each month, mainly during her own time, for the benefit of teacher librarians. A monthly list of these reviews go to all NT schools under the title, *What's New?* She

JUDGMENT IN COPYRIGHT CASE

JUDGMENT HAS BEEN handed down in the case in the Supreme Court of New South Wales of the Copyright Agency Limited and Ors. V Haines and Anor. (No 3521 of 1981). The effect of the judgment is to find that the plaintiff (normally the Director General of Education), by issuing a memorandum, gave rise to an

'infringement, or a threat of infringement, (of the copyright) of certain of the plaintiffs by authorisation because they misrepresented the effect of the Act in certain material respects and conveyed a policy of encouragement to teachers to make copies of works subject to copyright in purported reliance on provisions of the Act which did not require record-keeping or result in payments being made to copyright owners, in circumstances to which those provisions properly interpreted did not apply, and thus commit acts of infringement.'

It was found that the Director General's memorandum contributed to this particularly by suggesting that s.40 of the Act (the section which deals with fair dealing for purposes of research or private study) could be used in schools to achieve all the effect of ss.53B and 53D, (sections which relate to the multiple copying of a reasonable portion, or in certain circumstances more than a reasonable portion, of a copyrighted work and involve the possibility of paying a fee). The Director General is required to withdraw the offending section of the memorandum and to indicate that s.40 does not permit all the copying which ss.53B and 53D do.

In discussing his decision, the Judge demonstrates that there are at least some cases, specifically the copying of multiple copies of whole works, where the conditions set out in s.40 would not permit the type of copying allowed by s.53B.

He also draws attention to the 'effect of the dealing upon the value of the work', arguing that the use of s.40 in certain circumstances would affect that value.

More significantly he states:

'But independently of any such argument based on paragraph (d) of s.40(2), the availability to schools of the right to make

copies under s.53B upon compliance with conditions designed to provide "equitable remuneration" to the owners of copyright, must necessarily have an influence upon what amount and type of copying done in a school could properly be regarded as "fair dealing" under s.40.'

While librarians would not, in my view, normally wish to use s.40 where they had other sections available, this judgment does nothing to interfere with the librarian's rights, as I understand them, to use s.40 for copying in certain circumstances.

Self copying

The plaintiffs had also criticised a statement by the Director General commenting on self copying (s.39A).

'This notice effectively removes any liability whatsoever, on both the body administering the library and the officer in charge of the library, that could arise simply because copying was done on such a machine. A librarian then need not be concerned to enquire as to what is being copied.'

The Judge did not believe that there was significant risk of infringement of copyright occurring in reliance on the statement. Where the officer-in-charge knows that an infringing copy is going to be made on the machine and does nothing to prevent it he still bears a responsibility.

Inspection

The Director General had expressed the view that on the basis of s.203E(4) which gives the right of inspection of declarations, or in the case of s.51A inspection of the collection that these rights were limited to cases where the library had relied on the sections mentioned in s.203E, ie 49, 50, 51A, 53B and 53D.

The judgment stated 'it is difficult to resist the conclusion that the purpose of conferring a power of inspection of the collection was to enable a copyright owner (by himself or his agent) to see for himself whether the library had made copies of any of his published works for inclusion in its collection, at the same time as he could inspect whatever declarations (if any) had

been made in relation to any such copies. Such a purpose would not be fully achieved if the power of inspection of the collection were limited to cases where copying under s.51A (or ss.49 and 50) had in fact occurred. No such limitation is expressed in the terms of s.203E nor in my opinion is there any sufficient basis for the implication thereof.'

Relevant records

The view had been expressed by the Director General that the right of inspection of declarations conferred by s.203E (5) pursuant to a notice, is exercisable in respect only of relevant records of the class in question which relate to works in which the person giving notice is the owner of the copyright or his agent.

The judgment states 'that the right of inspection under sub-s. (5) extends to all the records to which the notice relates and therefore, unless the notice so specifies, is not limited to records relating to works in respect of which the person giving the notice is the owner of the copyright or his agent.'

The final question which arose in the case in relation to s.203E was whether the right of inspection conferred by sub-s. (5) includes a right to take copies or notes of all the records inspected, and in particular of those relating to works in respect of which the person carrying out the inspection is neither the copyright owner nor his agent.

The decision was that 'in respect of all records which may be inspected the *prima facie* rule applies that a right to inspect documents carries with it an incidental right to record the contents thereof.'

Alan Horton

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also reviews for the SA Education Department's *Review* and for five NT newspapers.

In 1972 Margaret became the first advisory teacher librarian in the NT and in 1974 she was appointed Education Adviser in charge of School Library Services in the NT Department of Education.

After Cyclone Tracey, Margaret Stiller was seconded in 1975 to the SA School Libraries Branch as an Advisory Teacher Librarian. During that year she conducted a survey on the effectiveness of libraries in open space secondary schools, as compared with traditional secondary school libraries.

She returned to the NT Education Department in 1976 in her previous position as Officer-in-Charge of School Library Services, and over the years helped train teacher-librarians, established the Department's film library, wrote over 50 articles for periodicals, edited two periodicals and had several books of interest to teacher-librarians published.

In 1979 she was requested by the Schools Commission to do a survey of reviewing for school libraries throughout Australia. The survey was published in 1980.

In 1979 Margaret resigned from the NT Department of Education to take up a position with the NT Library Service. Her present position is Audiovisual Librarian with responsibility for supervision of the NT Film Library and the establishment of a State Music Library.

Margaret Stiller should be congratulated on her services to librarianship and the resulting MBE award, which expresses the Territory's appreciation.

Gil Jennex

PEO Educational Resources

Middle East Conference

THE RECENTLY ESTABLISHED Australasian Middle East Studies Association (AMESA) will be holding its first conference in Canberra at the ANU 21-22 May.

The information session of the conference is being organised by the Footscray Institute of Technology, Melbourne. 'A highlight of this session' says FIT Chief Librarian Alan Bundy 'will be a paper presented by the bibliographer of Oxford University's Middle East Studies Centre Dr Derek Hopwood'.

The session will also contain a preliminary report by the National Librarian's Chief Selection Librarian, Richard Stone, on his survey of Middle East information resources in Australia. This project is a co-operative venture between AACOBs, the National Library and the Footscray Institute of Technology.

Further details of the conference can be obtained from Dr Beverley Male, Department of Government, Royal Military College, Duntroon 2600. Telephone (062) 63 3726.

Announcing a new publication from the Library Association of Australia.

Local Government Records in New South Wales: Control, Management, Preservation and Use.

Occasional paper no6 from the LAA NSW Branch.
Cost: \$10 (\$7 to LAA & ASA members).

This publication is the result of a two-day workshop and seminar, held in October 1981 and jointly sponsored by the LAA NSW Branch and the Sydney Branch of the Australian Society of Archivists.

Available from the LAA, 473 Elizabeth Street, Surry Hills NSW 2010.