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National Newsletter National Newsletter National Newsletter

Entrepreneurial Services Are they legal?

In the Staying Alive in the 90's column in the last issue of HLS Newsletter Andrew Rooke and Adam Clark proposed a number of options open to librarians wanting to raise some additional funds from "entrepreneurial services".

While it may be a good idea to use your collection as the basis of a small business, is it legal? Ian McDonald, Legal Officer at the Australian Copyright Council, offers his views on some of the issues raised.

Generally, copyright law will not prevent a library from charging membership or entry fees. Further, as mere names or titles are not generally protected by copyright a library may charge fees for preparing or supplying lists of titles of articles with references. Use of CD-ROMs or on-line services may, however, be subject to contractual restrictions; also, as of 1 January,

1996, there may be copyright implications in charging a fee where that fee relates to lending computer programs or sound recordings.

Under section 49 of the Copyright Act a non-profit library (that is a library not run for individual profit) may make copies of certain material for clients who require it for their research or study. This section is closely related to section 40 which allows an individual to copy for their own research and study.

These sections are not, however, available if the copyright material is required for purposes which are not "research" or "study". So while section 49 might enable a library to make a copy for a person studying for an exam or writing a journal article it is unlikely that that section of the Act is available where the client requires that copy for commercial or professional purposes.

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Entrepreneurial services

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In one case the judge approached the words "research" and "study" by reference to the definitions in the Macquarie Dictionary:

"research may be defined as: "1. diligent and systematic enquiry or investigation into a subject in order to discover facts or principles: research in nuclear physics.."

The Macquarie Dictionary definitions of the noun "study" include the following: "1. application of the mind to the acquisition of knowledge, as by reading, investigation or reflection. 2. the cultivation of a particular branch of learning, science or art: The study of law 3. a particular course of effort to acquire knowledge: to pursue special medical studies... 5. a thorough examination and analysis of a particular subject..."

The Copyright Law Review Committee in its final report, Computer Software Protection, released earlier this year, stated:

The requirement that a fair dealing under section 40 be for the purposes of "research or study" has been considered by Denis Rose QC, Chief General Counsel of the Attorney General's Department. It is, in Mr Rose's view:

likely that the courts would hold that "study" is confined to study by individuals for their own purposes whether in private or in some institutional course or otherwise. Moreover, the courts could well

confine "research" to research activities such as those in universities and the CSIRO, for the purpose of increasing knowledge in the community as a whole - by contrast, for instance, with research in a Government Department for the purpose of advising Ministers on proposed legislation, or research by a manufacturing company for the purpose of improving its products.

In my view, the same approach is likely to be adopted when determining the meaning of the words "research" or "study" in section 49. In commercial or professional contexts then, a commercial or professional purpose might be determined to be the real purpose behind any copying - copying for a purpose qualitatively different from the mere "acquisition of knowledge", or the "enquiry or investigation into a subject in order to discover facts or principles".

Also, where section 49 is available, a library may not charge a client an amount exceeding the cost of making and supplying that copy. While it is likely that a library may include in the charge for a copy a pro rata calculation of fixed costs (such as staff time and equipment depreciation) a library may not look to making copies under the section in order to turn a profit or to subsidise other areas of library activity.

*Ian McDonald
Australian Copyright Council*

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SWETS

AUSTRALIAN LIBRARY AND INFORMATION ASSOCIATION HEALTH LIBRARIES SECTION

ANNUAL GENERAL MEETING HELD 28 AUGUST 1995 AT 5.15PM

The National President of the Health Libraries Section, Ian Stubbin (NSW) welcomed those present.

1. PRESENT

J Marconi (SA) M Peterson (SA) B Heagney (NSW) S Noonan (ACT) A Alderslade (NT) J Stoelwinder (VIC) K Guthrie (NSW) S Buls (NSW) W Freeman (VIC) F Bludhorn (NSW) A Fricker (SA) L Griffiths (SA) S Kajewski (QLD) K Vincent (NSW) H Phan (NSW) J Oliver (VIC) L Bell (VIC) E Joyce (VIC) H Ried (VIC) A Dooley (VIC) J Quilter (VIC) R Davis (SA) N Wilkinson (SA) C Armstrong (SA) J Heath (SA) R Lawrence (VIC) R Jurisich (NSW) J Hooke (SA) E Hides (WA) C Nilon (NSW) A Mulder (VIC) M Kammermann (VIC) F Coyle (NSW) J Denholm (NSW) M Pannaci (NSW) C Hamill (WA) G Cheng (Hong Kong) P Deacon (ACT) K Lee (NSW) G Manns (NSW) B Glockner (WA) J Harradine (NSW) C Morie (NSW) J Riches (VIC) H Cotsell (VIC) J Donald (VIC) V Craven (VIC) D Wong-See (NSW) W Mallett (QLD) C Pillar (NSW) J Houston (ACT) K Keily (NSW) L Mulheron (NSW) J Corcoran (NSW) C King (NSW) P Terpaj (NSW) D Keast (NSW) M Drake (NSW) G Dale (NSW) C Wilkinson (QLD) P Nakouz (VIC) R Schaefer (NSW) S Brockway (NSW) P Scolaro (WA) D Lloyd (VIC) N Worswick (VIC) K Mowat (VIC) J Scaife (TAS) E Gatehouse (SA) V Staggs (NSW) J Cameron-Smith (NSW) M Sweet (ACT) S Grimes (NSW) M McGregor (VIC) J Marshall (VIC) D Bridger (NSW) G Spooner (NSW) T Silson (NSW) P Aguado (NSW) J Hill (NSW) M McGill (VIC) A McLean (VIC) C Gleeson (NSW) J Donald (VIC) I Stubbin (NSW)

APOLOGIES

S Lutley (WA) A Batt (WA) J Lucato (VIC) J Brick (VIC) M Rajendran (NSW)

2. MINUTES OF THE 1994 AGM

The date of the last AGM held in Wellington, NZ was omitted from the Minutes. This is to be inserted: 27 September, 1994. Acceptance of the amended Minutes was proposed by F Bludhorn (NSW) and seconded by G Manns (NSW).

3. BUSINESS ARISING FROM THE MINUTES

No matters were raised.

4. CORRESPONDENCE

No significant correspondence has been received.

5. HLS PRESIDENT'S REPORT

1. Ian Stubbin thanked member of the **Conference Organising Committees** mentioning K Vincent (NSW) in particular as the Health Convenor. The following people were involved in planning: F Bludhorn (Programme); C Dawson (Social); M Drake (Publicity); V Staggs (Trade)

Membership has increased to 502 this year (up from 390) as a result for targeting unfinancial members.

Three **scholarships** were awarded to members who otherwise could not have attended the Conference: Vicki McKay, Cairns Base Hospital Library; Diane Sinclair, Northern Territory Health Services Central Library and Robyn Hull, Psychiatric Services Library Graylands Hospital, Perth. Funding was sought from ALIA for this project; however General Council did not fund this.

The standard of **newsletters** was excellent; Grahame Manns was thanked for his work on compiling eight National Newsletters over a period of two years.

The '**National Guidelines for Hospital Libraries**' has been published and would be available for purchase at \$10.00 each.

6. TREASURER'S REPORT

The financial report is not complete; matters arising from the Conference need to be finalised.

7. REPORT ON COPYRIGHT

Graham Spooner (President, NSW HLS) presented a report on Copyright. A number of issues were raised including changes to the Act, Branch Council's role, ACLIS not represented on the Com-

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mittee looking into changes, users' rights in libraries.

8. ANNE HARRISON AWARD

Katherine Keily presented a report. This year's Award was \$2,500; there were five applicants - three from Victoria, one each from Tasmania and Western Australia. Kathy Saurine from Tasmania (Manager of the NW Region Library and Information Services) was named the recipient of the 1995 Award; her project is to investigate the extent of privatisation in the health sector and the impact of this on library and information services.

9. INTERNATIONAL CONGRESS AUSTRALIA 2005

The intention is for Australia to host the International Congress in ten years time and for this to be held in Melbourne. The National Executive of HLS supports this, continuing the policy expressed by previous AGMs. P Deacon (ACT) said it is imperative that preliminary lobbying takes place in Washington so that others know that we are in contention for it.

10. OTHER BUSINESS

A Alderslade (NT - Territory Health Services) thanked the National Executive for the financial support that enabled staff to attend

R Schafer (NSW) said that Prof J Marshall (Canada) was interested to find out if other countries were undertaking research into the impact of library services on clinical decision making (Marshall, JG 1992 The impact of the hospital library on clinical decision making: the Rochester study BULL MED LIBR ASSOC 80: 169-178).

This was replicating an earlier study by King (King, DN 1987 The contribution of hospital library information services to clinical care BULL MED LIBR ASSOC 75:291-301).

It was proposed that the incoming National Executive (WA) coordinates a multicentre study to assess the impact of hospital library and information services on clinical decision making. This was moved by P Scolaro and seconded by S Noonan (ACT). The proposal was unanimously accepted by the members present.

There being no further business the meeting closed at 6.00pm.

Editor's Note

This will be the final issue of HLS National Newsletter to be produced by the current executive and myself. As the executive functions of the National Health Libraries Section move back to WA so does the editorship of the Newsletter.

The editorship of this newsletter has been an interesting and fun job over the past two years and not at all the odious task it is said to be. In all, each issue takes about two to three days of work to put together. Spread over three to four months per issue this is really not a large amount of time to find, even from the busiest schedule (anyone who would like to challenge me on concepts of busy-ness should give me a call - one full-time job, a family and a social life is not, necessarily, busy enough to say you can't take on an Executive position).

Regular readers will have noticed that I have concentrated on copyright and document delivery issues. I believe that there will be no more significant issue in the next decade than information delivery and the ownership of information. With the coming review of the Copyright Act and developments in electronic delivery of all sorts of information it is clear that there will be significant changes to the way you run your library today and in the near future.

Thanks

I would like to thank a number of people for their help in making the newsletter a success over the past two years, starting with Ian Stubbin (NPOW) who has been my main contact with the National Executive and who has been responsible for arranging printing and distribution of the newsletter.

All of the contributors to the newsletter also rate a thank you but especially Andrew Rook and Adam Clarke at the Monash Medical Centre in Melbourne. The "Staying Alive" series has been topical, practical and has raised the debate on what libraries under financial stress can do. I would also like to thank the Editors of *Health Inform*, the newsletter of the Victorian HLS group, for allowing me to reprint this series.

I also feel that it is important to thank our two major sponsors; Alf Gans at ISA Australia and Carolyn Cohn at Swets Subscription Services, for their advertising support during 1994 and 1995 respectively. While the newsletter never gained sufficient advertising to cover the cost of production and distribution, without these two sponsors our task would have been far more difficult.

Grahame Manns
Editor

Synergy in Sydney

A view from the top (end)

Vicki McKay
Cairns Base Hospital Library

As the plane left Cairns I wondered if the Synergy In Sydney conference would live up to my expectations, being new in the profession I had not attended any of previous conferences; I was not disappointed.

Sunday evening started with registrations and a cocktail party which allowed me to renew old friendships and acquaintances, meet new colleagues, and catch up with trade representatives about their products and services.

Each morning those delegates who were able to rise to the occasion took brisk walk around the Darling harbour complex while others took advantage of exhibitor breakfasts. The quicker delegates managed both!

Keynote speakers concentrated on the provision of quality library services, both now and in the future.

Chris Nailer spoke of the global economic changes that will occur over the next 25 years and the effect this will have on information services. Professor James Matarazzo provided an insight into

the strategies library managers can use to provide more successful and viable services to their organisations.

Dr Erika Yeates dealt with the internal and external image of the librarian, while Robert Muir outlined the skills librarians need to market their library to their client base. This was supported by Beatrice Doran from the Royal College of Surgeons in Ireland who was able to distil the argument into 4 words - PRODUCT, PRICE, PROMOTION, and PLACE.

Continuing the customer focus of these papers both Clive Graham and Professor Mickie Voges spoke about how librarians can become innovative through broadening their viewpoint and looking at service as a user. Voges explained how a document scanning project led to business opportunities, a change in its organisational structure and a rethinking of the role of the library.

Other speakers discussed trends in service provision, library marketing, enhancing the image of the profession, as well as copyright issues, technological change and legal issues in information provision.

The trade display provided a wide range of products and services for delegates to view, while the multimedia "hands on" room was a very popular recreation room.

The last day of the conference allowed time for delegates to visit, (travelling by ferry), libraries in the area like the University of Sydney health sciences campus and Westmead Hospital. These tours were very informative in terms of the services provided at each location and the technology available to their clients.

Synergy in Sydney emphasised the need for information professionals to remain forward thinking and to continue to look to the future and not dwell in the past, nor to be overwhelmed by advances in technology. We must be positive and sell our expertise. I think we can work together to bring about a the provision of a quality information service of the future which is highly relevant to the goals, objectives and requirements of our clients and organisations. We have the skills and we are in a prime position to lead this exciting challenge. We can succeed.

Vicki's attendance at the Synergy in Sydney conference was partially funded by a grant from the ALIA National Health Libraries Section.

Cybersickness - the disease of the 90's

"Complaints over LSD-like cybersickness 'flashbacks' are now on the rise and researchers now think they know what causes them", reports Sarah Stambler's *Marketing with Technology News*. "Simulator sickness occurs when virtual reality creates audio and visual illusions of motion but lacks other physical clues, such as inertia, that the brain expects to encounter. To resolve the conflict, the brain opens new neural pathways, which can result in flashbacks hours or even days after the simulation is over."

A McGill University psychologist says, "this is a totally new phenomenon. It may bring new kinds of emotional disturbances and mental illnesses", and warns that, "there may be some big lawsuits looming."

What next - Medline Mania? ed.

From the literature

Barwell G *Electronic editions: an overview*. Bibliographical Society of Australia and New Zealand Bulletin, 19(2) 1995 pp 79-87

Electronic editions of scholarly texts are more likely to be consulted than read consecutively. In time the texts will be structured differently from those on paper but scholarly texts may never take up the fripperies of computer games. Delivery systems are still in a state of flux as is payment. A summary of what is being done in the Australian Electronic Editions at the University of Wollongong.

Bell D *Costing the cure: why finance professionals play increasingly important roles in health care management*. CA Magazine Sept 94 pp 28-33

Changes in hospital funding are transforming administrators themselves so that the financial officer must now have an integrated vision of planning, being aware of delivery of services themselves. Building a greater degree of accountability into the system is the only way to overcome a wrong turn in a universal health care system. Effective negotiating skills are imperative for CEOs. Cost effective care is high quality care because when you focus on every dollar and where it's going it forces you to do things better.

Consultation not confrontation: how to negotiate an effective workplace agreement. Benchmark #11 May 1995 pp 14-6.

Contains eight each steps with a summary discussion. A useful adjunct to the recent paper on enterprise agreements issued by Phil Teece, Industrial Officer, ALIA.

Dewing IP *Management I information and organisational change in a NHS hospital [UK]* Management Accounting Nov 1994 pp 34-5.

Describes the progress of reforms intended to create an internal market in the health system and the greater need for management information to support such activities. Describes a study which looks at the role of information, especially financial, in making these changes succeed. Two subsidiary papers are:

Howes J *Costing for contracting*. Management Accounting Nov 1994 pp 36-7.

This article describes performance measurement and management in a particular area.

Carroll E *Taking Stock of GP practices' fundholding experiences*. Management Accounting Nov 1994 pp 40-1.

Funding and managing GP activity in public hospitals in the UK.

Europe's great mail robbery. The Economist 7 January 1994 pp 51-3.

If you have ever wondered why your journals are published in London, posted in an Amsterdam post office and arrive at your library by courier, this paper helps to explain. Post offices in Western Europe are fighting to maintain their monopolies. Legal sleight of hand abounds and some prices are fixed to stifle even the limited competition which exists from private delivery services. The European Commission knows this but does little about it - we pay more.

Gorman M *Treason of the learned: the real agenda of those who would destroy libraries and books*. Library Journal 15 Feb 1994 pp 130-1.

Governments and multinational corporations have virtually no control over the dissemination of the printed word and cannot tax or charge for it. They can and do for electronic media. If librarians and scholars acquiesce in the destruction of print based knowledge they will assist in the loss of intellectual freedom.

Lawson R A *Activity-based costing systems for hospital management*. CMA Magazine June 1994 pp 31-35.

By providing improved information for strategic planning purposes ABC management systems are helping hospitals control costs, improving the quality and efficiency of the care they provide and manage their resources better.

Dimsdale J E [editorial] *Publication patters in Psychosomatic medicine*. Psychosomatic medicine 56 1994 pp 1-7.

Compares the similarities and differences between this journal and others such as Psychosomatics and Health Psychology in the composition of their editorial boards, the occupations of the authors and the subject matter of the papers. For the future the editor would like more clinical trials, novel case reports, health care delivery and the physiology of the immune, gastroenterology and respiratory systems.

Fornica L *Special medical procedures and the Family Court [of Australia]*. Law Institute Journal Nov 1994 pp 1046-1053.

Several recent court decisions in the area of non-therapeutic operations on children have seen the family court attempting to balance the rights of children, their parents, and society. This often involves the right of consent of parents or children and their capacity to give it. Cases have dealt with gender reassignment, removal of life support, sterilisation. Clearly the courts are still making law in this country.

Ian Stubbin
Price of Wales Hospital, Sydney

Health Information at the State Library of New South Wales

In response to a growing community interest in consumer health information, the State Library of New South Wales has established a Health Information Service, operating from within the General Reference Library on Level 7 at the State Library of New South Wales in Macquarie Street Sydney (sponsored by MBF Health Fund and the New South Wales Nurses' Association).

This service aims to give individuals access to plain language health information, both directly and via the public library network of NSW.

The focus of this new service is on the information needs of the general public rather than students or health professionals, who are already well provided for by hospital and university libraries. However, these groups are welcome to visit the State Library to use the resources.

In line with the consumer health focus we are primarily collecting resources in various formats written in non medical language. As well as pamphlets, books and videos we also have the following CD-ROMs available for public access.

- Health Reference Center
- Ebsco Health Source
- Family Dr
- HealthRom
- CINAHL
- Medline

If you have inquiries from patients or their families that you cannot answer due to the nature of your collections please refer them to this new service.

The preferred method of access by the public is a personal visit to the State Library, if they live in Sydney, or through their local public library if this is not possible. People can also write to us at Macquarie Street, Sydney 2000, fax (02) 2233369, or phone (02) 2301414.

Inquiries from librarians about the service can be directed to the Co-ordinator, Chris Austin on (02) 2301684, fax (02) 2233369, email caustin@ilanet.slnsw.gov.au

The character issue - just where do those deletions go?

Ethics and metaphysics are important concerns for today's health librarian and it with this in mind that we pose the critical issue of where do the characters go when we use the backspace or delete key on our PCs?

ANSWER - These characters go to different places, depending upon who you ask;

The approach of the Catholic Church is that the nice characters go to Heaven where they are bathed in the light of happiness. The naughty characters are punished for their sins and go elsewhere. Naughty characters are those involved in the creation of naughty words such as "sex" and "contraception".

The Buddhist explanation: If a character has lived rightly, and its karma is good, then after it has been deleted it will be reincarnated as a different, higher character. Those funny characters above the numbers on your keyboard will become numbers, numbers will become letters, and lower case letters will become upper case.

The 20th century bitter, cynical nihilist explanation: Who cares? It really doesn't matter if they're on the page, deleted, undeleted, underlined, etc. It's all the same.

The MAC user's explanation: All the characters written on a PC and then deleted go straight to PC hell. If you're using a PC you can probably see the deleted characters anyway because you're already in PC hell.

Stephen King's explanation: Every time you hit the *Delete* key you unleash a tiny monster inside the cursor who tears the poor unsuspecting character to shreds, drinks its blood, then eats it, bones and all!

Stuart Littlemore's (*MediaWatch*) explanation: The deleted characters mysteriously end up on newspaper subeditor's desks. The characters secretly implant themselves into carefully researched and written stories submitted by honourable journalists.

Greenpeace's explanation: You've been DELETING THEM??? Can't you hear them screaming??? Why don't you go and shoot some endangered species you unfeeling brute!!!

Reprinted with thanks to Joel Garreau

Medical Library Association Cunningham Fellowship 1997

The Cunningham Memorial International Fellowship, sponsored by the Medical Library Association (USA), gives health science librarians from outside the USA and Canada the opportunity to broaden their professional experience and skills by visiting health sciences libraries in either of these countries.

The fellowship offers valuable personal and professional rewards, with recipients bringing back new perspectives and expertise to their institutions. Each year's Cunningham Fellow works in the USA or Canada for four months and receives a stipend of US\$3000.00 for living expenses (US\$750.00 per month) and up to US\$1000.00 for approved travel within the USA and Canada.

Applicants must have a masters degree in library science or its equivalent, be working in a health sciences library in their country of origin, have citizenship or permanent resident status in a country other than the USA or Canada, and not be a former Cunningham Fellow.

Interested candidates must submit the following documents to the Cunningham Memorial International Fellowship Jury chair by December 1, 1995:

- i. undergraduate and graduate transcripts in English,
- ii. three letters of reference in English,
- iii. a certificate of health in English,
- iv. a statement (in English) indicating that the applicant will be employed in a health sciences library in his or her country upon completion of the fellowship,
- v. a completed fellowship application, including a brief essay in English of no more than 500 words describing the project according to the guidelines in "Project Goals",
- vi. a documented score of 500 or better on the Test of English as a Foreign Language (if the applicant's native language or language of graduate instruction is other than English, and,
- vii. an audio or video tape with responses to questions from the application.

The recipient of the Cunningham Fellowship will be notified in February, 1996, and should be prepared to arrive in the USA or Canada the following January and to stay until May, 1997.

Cunningham recipients are responsible for all travel expenses to and from the USA and Canada and are strongly advised to have personal funds to supplement the stipend.

**For more information or application forms contact the
MLA's professional development department at
Ste 300, 6 Nth Michigan Ave, Chicago IL 60602-4805, USA.
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