Public Libraries Consultative Committee (PLCC)

36th meeting of the Library Council Sub-committee to be held on Monday 7 March 2005 in the Jean Garling Room, State Library of New South Wales, at 10:00am

Agenda

1. Attendance

2. Minutes
   The minutes of the 35th meeting held on Monday 15 November 2004

   2.1 Business arising

FUNDING FORMULA MONITORING

3. Review of funding arrangements
   PLCC Chair

   ACTION: For information and endorsement

4. Support for MPLA/ CPLA administrative functions
   Assistant State Librarian, Public Library Services

   ACTION: For endorsement

CONSULTATION

5. NSW.net Strategic Framework 2005-2008
   Lucy Arundell, Assistant State Librarian & CIO, eLibrary Services

   ACTION: For information and endorsement

6. Public libraries and e-government research
   Assistant State Librarian, Public Library Services

   ACTION: For information

POLICY ADVICE

7. Free Trade Agreement & State Library Collection Policies
   Elizabeth Ellis, Assistant State Librarian, Collection Management Services & Mitchell Librarian

   ACTION: For information
8. **Library Regulation 2000**  
   Assistant State Librarian, Public Library Services

   **ACTION:** *For information*

**LIBRARY DEVELOPMENT GRANT GUIDELINES**

**GENERAL BUSINESS**

9. **Libraries for life**  
   Assistant State Librarian, Public Library Service

   **ACTION:** *For information*

10. **For information**

   10.1 Country Public Libraries Association (CPLA) report

   10.2 Metropolitan Public Libraries Association (MPLA) report

11. **Other business**
1. **Attendance**  
Robert Knight, Chair (Library Council), Richard Fisher (Library Council), Dagmar Schmidmaier (State Librarian & CE), Ewan Tollhurst (CPLA Chair), Beverley Giegerl (LGSA), Sonya Phillips (MPLA Vice President), Jan Richards (CPLA), Noel Baum (LGSA), Lynne Makin (CPLA), Sue Parkinson (State Library – minutes), Kathleen Bresnahan (State Library), Paul Scully (MPLA)

**Apologies**  
Bronwyn Coop (State Library), Frances Sims (MPLA), Cameron Morley (State Library), Greg Smith (LGMA)

2. **Minutes**  
The Minutes of the 25th meeting held on 15 November 2004 which had been circulated, were confirmed and accepted as a true record.

2.1 **Business Arising**  
2.1.1 @ your library  
The @ your library theme for March is *Life Long Learning*. Feedback is that the program has been very successful, attracting good publicity.

2.1.2 Public Libraries Australia (PLA)  
A national public libraries conference is to be held in Albury on 9-11 November 2005. The full PLA report was tabled and will be distributed with the minutes of the meeting.

2.1.3 Review of library service provision models  
John Liddle has been engaged to undertake the research and has started on the case studies. The project is well underway and the final report, due in June, may extend by 6 weeks.

**FUNDING FORMULA MONITORING**

3. **Review of funding arrangements 2005/06**  
The PLCC, in welcoming a fundamental review of the funding arrangements, endorsed:

- financial models being developed, using the additional funding, to see if it is possible to totally revise the 1990 Funding Formula
• the Special Purpose Grants funds, as well as the additional funding, being used in the financial models
• a Special Purpose Grants program be retained, if possible
• should a Special Purpose Grant program be retained, that it be contribution incentive payment
• that no council is to receive less in 2005/06 than in 2004/05
• the Outback Letterbox Library funds being taken from the Library Development Grants funds
• non-resident membership not being included as a factor in the allocation of public library funding as it is a factor in the funding allocated by the NSW Local Government Grants Commission.

The Working Group is to re-convene prior to the 4 July 2005 PLCC meeting following the completion of the financial modelling and the release of the State Budget, to prepare recommendations for the PLCC.

4. Support for MPLA/ CPLA administrative functions
In endorsing the draft Memorandum of Understanding (MOU) it was agreed that the State Library consult further with the MPLA and CPLA prior to the MOUs being signed. In addition, the Library is to develop guidelines to accompany MOU.

CONSULTATION

5. NSW.net Strategic Framework 2005-2008
Roger Henshaw, Chair of the NSW.net User Group was in attendance for this item. The Framework has been developed following discussions at the NSW.net planning day. A draft was circulated to the User Group and to all public libraries for comment. The Framework was amended and the communication diagram altered in response to this feedback. Roger reported that the Framework has the full support of the User Group. It was agreed that the Framework be distributed by the MPLA and CPLA for final comment back to the State Library by 29 April 2005.

It was confirmed that the annual NSW.net management plan will come to PLCC for information following consultation with public libraries through the NSW.net User Group.

6. Public libraries and e-government research
The overview of the results of this research project, as distributed at
the briefing session for public libraries on 15 November 2004, were circulated to the PLCC for information.

POLICY ADVICE

7. Free Trade Agreement & State Library Collection Policies  
A paper was circulated to PLCC on how Australian libraries are affected by the copyright amendments under the Australia-United States Free Trade Agreement. The paper is for the interest of the PLCC and can be further distributed for information.

The State Library Collection Development, Acquisition and Retention & Disposal Policies are recent additions to the State Library website.

8. Library Regulation 2000  
The review of the Regulation has commenced and the PLCC was advised that advice and input from PLCC members may be sought out of session to ensure the deadlines are met.

GENERAL BUSINESS

9. Libraries for life  
The second edition of the Libraries for life was tabled. The aim of the publication is to profile the State Library’s services for public libraries, as well as those services delivered in partnership with public libraries. It is available on the State library web site.

10. For information  
The following reports were circulated with the meeting papers for information:

10.1 Country Public Libraries Association report  
10.2 Metropolitan Public Libraries Association report  
10.3 Public Libraries Australia (PLA) – tabled at the meeting

11. Other business  
11.1 Raising of issues of concern to the network  
The Committee was advised that a number of issues were being raised in the network that should have been raised with through the PLCC, or directly with the State library. A recent email regarding NSW.net indicates that there continues to be some concern, however, the matters have not been raised with the State Library, nor with the PLCC. Further the MPLA discussion paper on the administration of the State Government funding for local authorities to support public library services has been widely circulated but has
not been raised with the State Library, or the PLCC.

The PLCC exists as a mechanism for members to raise issues, however, serious matters are not being brought to the attention of the PLCC. Committee members were asked for suggestions on how to address this matter. The MPLA agreed appropriate mechanisms already exist. The Association is currently undergoing a strategic review which includes a review of their communications strategies. The CPLA noted that their current communication strategies via the PLCC were working for their members.

The Committee agreed that their 2003 Communications Strategy be reviewed at the July meeting to ensure that all reasonable steps are taken to gather and disseminate information through agreed channels.

11.1 Feedback on the review of the Library Development Grant Guidelines
The MPLA agenda for the Quarterly General Meeting of 25 February 2005, item 5 reported that the CPLA/MPLA submission had been submitted to the PLCC and that “…received verbal advice that none of the recommendations will be adopted”.

It was noted that a formal written response (6 pages) was circulated to all PLCC representatives as part of the PLCC papers (agenda item 6) and was discussed at the 15 November 2004 meeting. In addition, while not all the recommendations were accepted by the Grants Committee some are to be incorporated into the review of the 2006/07 Library Development Grant guidelines. The PLCC Chair noted that there was a comprehensive discussion of the paper at Library Council.

The State Library advised that a copy of this PLCC agenda paper will be circulated to all Library Managers to ensure they have the information as presented to the 15 November 2004 PLCC meeting.

11.1 Ohio Reference Excellence (ORE)
Ohio Reference Excellence has been assessed by State Library and public library representatives. They agree that this online and print training package would be of great benefit to NSW public libraries. PLCC agreed that the State Library approach Ohio requesting that the NSW Public Library Network, including the State library be allowed to adapt the package for local use.

The meeting closed at 11.30am
Public Libraries Consultative Committee

Support for MPLA and CPLA Administrative Functions

Issue
Payment of funds to the associations for administrative support

Background
The Library Council of NSW has provided the Country Public Libraries Association and the Metropolitan Public Libraries Association with funds for administrative support since 2000. These arrangements are based on an exchange of letters that occurred in 2000.

Summary
It is proposed that Memoranda of Understanding (MOU) are drafted to formalise and articulate the arrangements.

The PLCC provided in-principle support for an MOU at the meeting of 27 September 2004.

A draft MOU was presented to the November meeting of PLCC. The Committee recommended some amendments. A revised draft is attached.

Recommendation
For endorsement.

Cameron Morley
Manager, Funding and Advisory Services
7 March 2005
State Library of NSW

Memorandum of Understanding with the XX Public Libraries Association regarding the provision of administrative support funding

Background
The Library Council of NSW provides funding to the X Public Libraries Association of NSW to support the administrative functions of the Association.

This memorandum sets out the conditions under which the funds are provided.

Terms and conditions
• The funds are provided for the employment of an administrative officer to provide secretariat functions such as the preparation and distribution of Association meeting agendas, papers and other reports.

• The Library Council will provide the Association with up to $xxx per financial year, provided the Association spends $xxx on administration. The contribution will decrease proportionate to the Association’s expenditure on administration.

• The Association agrees that the funds will not be allocated to lobbying activities.

• These funds are allocated from the Cooperative and Networking Activities budget managed by the State Library.

• The Association will send a tax invoice to the State Library of NSW for this amount in October of each year.

• A report itemising the expenditure of the funds is to be provided to the State Library on a financial year basis.

Signed

Secretary, Library Council of NSW
State Librarian & Chief Executive

Signed

President / Chair
X Association
Briefing for Public Libraries Consultative Committee

NSW.net Strategic Framework 2005-2008

Issue

Background
A planning day for future NSW.net services was held in September 2004 with key stakeholders and the State Library of New South Wales. The outcomes and recommendations from the day were outlined in a report. The report was tabled at the September Public Libraries Consultative Committee meeting and circulated to the Public Library Network in December for feedback on the recommendations.

Summary
A Strategic Framework document, with identified key focus areas was developed for NSW.net services 2005-2008, based on the report and Public Library Network feedback. A draft framework document was circulated to the NSW.net User Group Committee for further input. The proposed final NSW.net Strategic Framework is attached.

It is anticipated that once the Framework is accepted an annual management plan will be developed and come to the Public Libraries Consultative Committee for information.

Recommendation
It is recommended that:

1. The NSW.net Strategic Framework 2005-2008 is accepted (in principle)

2. The NSW.net Strategic Framework is distributed through the CPLA and MPLA Executives to their members for final comment by 31 March 2005.

Lucy Arundell
Assistant State Librarian & CIO
eLibrary Services
22 February 2005
State Library of New South Wales
NSW.net Strategic Framework 2005-2008

The NSW.net service is committed to working with public libraries to assist them to position themselves as a gateway to electronic resources and associated services available via the Internet

Key focus areas for NSW.net services are:

- **Connectivity**: Provide access to subsidised, low cost, high speed communications

- **Content**: Provide access to specific online information content targeted to the identified needs of public library users

- **Communication**: Effectively communicate with clients and stakeholders

- **Training**: Provide training programs designed to improve the use of online information resources by public library staff

- **Promotion**: Provide programs designed to improve the understanding and use of online information and services by public library staff and customers

- **Access**: Develop mechanisms that allow quick and easy access to online information and services

- **Systems Solutions**: Identify, evaluate, recommend and implement innovative integrated solutions for information management, access and retrieval

- **Resourcing**: Explore opportunities to expand NSW.net services and facilities across the NSW public library sector

- **Management**: Effectively manage resources available to deliver all NSW.net services

* This Strategic Framework supports the State Library of New South Wales Corporate Strategy
NSW.net Communication Model

Minister

Library Council of NSW

PLCC
(CPLA, MPLA, LGSA, LGMA)

NSW.net User Group

NSW.net Users

by invitation

SLNSW

by invitation
Public Libraries + eGovernment 2004

Australian government agencies are making increasing use of the internet for service delivery. Public libraries in metropolitan and rural areas of NSW provide public access to the internet and are experiencing increasing demand from clients who want to access government services online.

The Public Library Network commissioned this study to report on the impact of eGovernment on public libraries in NSW.

The study involved:

- Site visits and interviews with libraries, local councils, TAFEs, schools, social service providers and community groups in the metropolitan areas of Willoughby, Hornsby, Liverpool, Auburn, Fairfield, as well as the regions: Moree, Dubbo, Greater Taree, Kempsey, Hastings, Bega Valley and Eurobodalla.
- Questionnaire survey of all libraries in NSW.
- Interviews with State Library and government department staff.

Key findings

1. **An invisible draw on resources.** While libraries were aware of some high-demand government online services, such as the RTA, librarians rarely had an overview of all government services accessed by their clients. As a result, government online services created a largely invisible demand on public library resources.

2. **Increasing demand.** Most librarians report increasing client use of individual Government websites.

3. **Staff assistance.** Librarians report substantial levels of staff assistance for many Government websites, as shown below.

![Graph showing level of staff assistance for various government websites]

4. **Staff assistance.** In order to provide public access to the internet and to government online services, staff do the following:
   - assist clients to use government websites,
   - manage the booking system,
   - collect fees for printing, use of Internet, etc.,
   - supervise the terminals visually to ensure compliance with rules,
   - trouble shoot technical glitches,
   - see the area is kept tidy and functional.
5. **Annual cost.** The annual cost of library staff in NSW public libraries to provide assistance for clients using government websites is estimated at $416,000.

6. **Unintended impacts.** Government agencies put services online in order to provide better access to their users to and streamline their own operations. Most agencies do not understand that their actions place extra burdens on public libraries.

7. **Resources.** Governments have resourced various initiatives to provide low-cost community internet access. The Federal Government has established Rural Transaction Centres, while the NSW Government has established Community Technology Centres and funded computers in libraries through NSW.net. These schemes have resulted in a patchwork of uncoordinated, small-scale, short term ventures that give little opportunity for forward planning.

8. **Priority resource needs.** The following graph shows the high priority needs for Central and Branch libraries, as seen by librarians.

![High priority resource needs by Central and Branch Libraries](image)

**Recommendations**

1. Establish strong industry leadership to support the vision for positioning the public library as the focal community access point for publicly available electronic information and government interactive electronic resources.

   Encourage the library industry to continue to embrace change and re-definition.

2. Encourage all levels of government to cooperate in establishing a coordinated service delivery approach, especially in non-metropolitan areas. Encourage a whole of government approach.

3. Lobby for ongoing funding for service provision.

4. Foster greater interaction between libraries and NSW government departments at top and middle levels to encourage wider understanding of the role of libraries and the implications of decisions about online services.

5. Support and facilitate librarian training on eGovernment issues. Establish networks for communication and support.

6. Encourage and support better website design by government departments.

This study was carried out in 2004 on behalf of the NSW Public Library Network. For more information, see www.sl.nsw.gov.au/pln/, or contact <name> <phone or email>. 
State Library of New South Wales

Public Library Network Research Committee

Issue
Report on findings for research project: NSW Public Libraries and eGovernment.

Background
The findings for this project were presented at the State Library on 15 November to an audience comprising of PLCC members, State Library Executive, public library managers and State Library staff. A complete report will be sent to all public libraries. Attached is a summary of the presentation.

Summary
The report provides a comprehensive overview of how public libraries currently support electronic government services, the issues associated with delivering these services in the local community and the resources required to provide optimal levels of service.

Importantly, eGovernment in Australia is in early stages of development which means the role of public libraries in delivering such services to their local communities will only continue to grow. This report provides valuable benchmark data which will assist in tracking public libraries support of eGovernment.

The research has generated strong interest within the Australian library industry, and from government policy makers. The convenor of the Research Committee will be presenting an overview of the results at an ALIA seminar in April, titled Digital Amnesia: the challenges of government online. This seminar is aimed at government policy makers and library specialists.

The Committee has now commissioned five case studies focusing on public library clients and their use of eGovernment at their library. Case studies can be very effective in promoting research findings, and will bolster and provide a more personal slant to the research.

A workshop comprising of the Committee, project steering group and other relevant public library and State Library representations will be conducted shortly to discuss the report’s key findings and implications and to develop a set of workable recommendations. A report on the workshop and its outcomes will be provided at the July 2005 PLCC meeting.

Recommendation
For information.

Kerrie Burgess
Convenor
Public Library Network Research Committee
Public Libraries Consultative Committee

Free Trade Agreement and Copyright Amendments &
Recent State Library Collection Policies

Issues
Copyright amendments under the Australia-United States Free Trade Agreement: how Australian libraries are affected; and recent State Library collection policies.

Background
The copyright amendments document attached was prepared by Virginia Morrison of Morrison Legal Pty Ltd on behalf of the State Library of New South Wales for use by Library staff, February 2005.

The policy documents are recent additions to the State Library website. They are:


Action
For information.

Elizabeth Ellis
Assistant State Librarian, Collection Management Services
& Mitchell Librarian
7 March 2005
Copyright amendments under the Australia – United States Free Trade Agreement: How Australian libraries are affected

(This document was prepared by Virginia Morrison of Morrison Legal Pty Ltd on behalf of the State Library of New South Wales for use by Library staff, February 2005)

Overview of the Free Trade Agreement Copyright Amendments
The Free Trade Agreement between Australia and the United States of America was concluded in 2004 and comes into effect on 1 January 2005. The Agreement requires Australia to make changes to its copyright law in order to strengthen protection for copyright material. The most significant change involves extending the period of protection for most copyright material.

The US Free Trade Agreement Implementation Act 2004, which contains the required amendments to the Copyright Act 1968, was passed by Federal Parliament in August 2004.

The purpose of this document is to provide information about the major changes to copyright law as relevant to reading room and copyright and intellectual property staff of the State Library of NSW. The document focuses particularly on the changes to duration of copyright protection and contains detailed information enabling staff to work out if, and how, material they are dealing with is affected.

It is important to note that this document is a guide only and is not intended to replace the specific advice that may be required in some cases.

What will not change?
The changes made to copyright law by the Free Trade Agreement are in a few specific areas and the majority of library practice will remain the same. This section outlines the areas where there will be no change.

Expired copyright
The extension of the period of copyright protection made by the Free Trade Agreement amendments (explained in detail later on) does not apply to copyright material whose protection expires at or before midnight on 31 December 2004. This means that there will be no revival of expired copyright, and you can continue dealing with material that is out of copyright as before.

Unpublished material
Some unpublished material, including old manuscripts, potentially has perpetual copyright. Copyright in this material will not expire unless it is ever published with the authority of the copyright owner, and until a certain period has elapsed after its publication. This material will continue to have perpetual copyright, although it will benefit from a longer term of protection if and when it is ever published, as explained below under the duration provisions.
Published edition and broadcast copyright
There is no change to the duration periods for published edition copyright (25 years) and broadcast copyright (50 years).

Duration of copyright protection for material in which government owns copyright
There is no change to the periods of protection for copyright material in which the Commonwealth, a State or a Territory owns copyright. The current periods of 50 years from first publication and 50 years from making continue to apply. For example, a photograph in which copyright is owned by the State of New South Wales lasts for 50 years from the year it was taken, if taken before May 1969.

Copying for individual clients and other libraries
There is no change to the provisions in the Copyright Act allowing a library to supply published material from books and journals to individual clients for their research or study, and to other libraries for collection and supply purposes. These provisions apply to material still in copyright, so are not affected by the changes to duration.

Copying old unpublished material 50 years after author’s death
There is no change to the provision in the Copyright Act allowing a library to copy and communicate unpublished material in its collection 50 years after the author’s death.

Fair dealing for research and study
There is no change to the provisions in the Copyright Act allowing people to copy material in libraries and elsewhere for their own research or study.

Use of digital resources under licence
The Library’s licence agreements for access to digital resources, such as full text databases, are unlikely to be affected by the amendments. Use of these resources is generally governed by the terms of the licence rather than by provisions in the Copyright Act. However, specific advice may need to be sought in particular cases, depending on the terms of the licence.

What will change?
Rules governing when copyright expires
Background
Copyright protection for most material protected at 1 January 2005 or created after that date has been lengthened by 20 years. Where copyright protection is calculated according to the life span of the creator, the period is now life plus 70 years. Where protection is calculated according to the year of first publication, the period is now publication plus 70 years.

These new rules come into force on 1 January 2005. As outlined earlier, the new periods of protection do not apply to material whose protection has already expired or to copyright material owned by a government.
Copyright material covered by the new periods will be protected at a minimum up until 2025.

In some cases the period of copyright protection is measured according to the date of “publication” of material. In some other cases it is measured by the date material was made public. In this context “publication” means that copies of the material have been supplied (by sale or otherwise) to the public, and “made public” means performed in public, broadcast, offered or exposed for sale and published.

It is important to note that you will not always have all the information necessary to work out whether copyright has expired. You may not have key pieces of information such as the date of creation or publication of the material, the identity of the creator and the date of the creator’s death. In these situations, you will not be able to safely determine that the material is out of copyright. Making enquiries and assumptions about the copyright status of material is not sufficient to avoid legal liability for infringement. Whether or not you proceed to use material in a way that may infringe copyright may then be a matter to be determined by appropriate Library staff on the basis of a risk assessment.

Photographs
The new periods of protection for photographs apply to all photographs taken on or after 1 January 1955.¹

The standard period of protection is:
Life of the photographer plus 70 years

This period applies regardless of whether the photograph has been published during the photographer’s lifetime or otherwise.

However, if a photograph is first published anonymously or under a pseudonym (whether before or after the photographer’s death, the date of which will not be known in this situation), the period of protection is:²
Year of first publication plus 70 years

Note that the date of 1969 is no longer relevant in calculating duration of copyright in photographs (except photographs subject to Crown copyright, as explained earlier).

The following diagram is designed to help you to apply the new rules and work out whether and for how long a photograph is protected.

¹ This is because photographs taken on or after this date are still protected by copyright on 1 January 2005, in accordance with the rules applying up until the end of 2004.

² Anonymous or pseudonymous publication means that, before the period of 70 years from first publication has expired, the identity of the photographer is not generally known or cannot be ascertained by reasonable enquiry. If the photographer’s identity becomes known before the expiration of 70 years from first publication, the period of duration becomes life plus 70 years.
Was the photograph taken before 1 January 1955?

Yes

Copyright has expired (as of 1 January 2005)

No

Was it first published anonymously or under a pseudonym?

Yes

Copyright lasts for 70 years from the end of the year of first publication

No

Copyright lasts for the life of the photographer plus 70 years

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**Literary, dramatic and musical works and engravings**

The new periods of protection for literary works (including manuscripts and the spoken word component of an oral history), dramatic works, musical works and engravings apply to:

- works which (as at 1 January 2005) have never been published, regardless of when they were created;
- works whose creator did not die before 1 January 1955; and
- works which were published anonymously or under a pseudonym on or after 1 January 1955.

The standard period of protection is:

*Life of the creator plus 70 years*

However, if a literary, dramatic or musical work was or is not made public during the creator’s lifetime, copyright protection continues unless and until
the work is first made public with the authority of the copyright owner, in which case the period of protection is:

**Year the work first made public plus 70 years**

If an engraving was or is not published during the creator’s lifetime, copyright protection continues unless and until the work is published with the authority of the copyright owner, in which case the period of protection is:

**Year of first publication plus 70 years**

If the first publication of a work is anonymous or under a pseudonym (whether before or after the creator’s death, the date of which will not be known in this situation), the period of protection is:

**Year of first publication plus 70 years**

The following diagram is designed to help you to apply the new rules and work out whether and for how long literary, dramatic and musical works and engravings are protected.

Note that the diagram does not deal with anonymous or pseudonymous publication, which is governed by the rule explained above.
Artistic works (other than photographs and engravings)
The new periods of protection for artistic works (other than photographs and engravings), including architectural and engineering plans, paintings, drawings, sculpture and craftwork, apply to:
♦ works whose creator did not die before 1 January 1955; and
♦ works which were published anonymously or under a pseudonym on or after 1 January 1955.

The standard period of protection is:
Life of the creator plus 70 years

If the first publication of a work is anonymous or under a pseudonym (whether before or after the creator’s death, the date of which will not be known in this situation), the period of protection is:
The following diagram is designed to help you to apply the new rules and work out whether and for how long artistic works (other than photographs and engravings) are protected.

Note that the diagram does not deal with anonymous or pseudonymous publication, which is governed by the rule explained above.

**Sound recordings**
The new period of protection for sound recordings applies to recordings made on or after 1 January 1955.

The new period of protection is:
Year of first publication plus 70 years

It is important to note that this rule applies to the sound recording itself and not necessarily to works included on the recording such as a spoken oral history or music, to which different periods of duration (as outlined earlier) may apply.

See the following diagram for further detail.
Films
The new periods of protection for films apply to:
♦ films made on or after 1 May 1969;
♦ films made before May 1969 that are “dramatic works”\(^3\) whose creators did not die before 1 January 1955; and
♦ films that are not dramatic works which were made on or after 1 January 1955 and before May 1969.

For films made on or after 1 May 1969, the new period of protection is:
Year of first publication plus 70 years

For protected films made before 1 May 1969, the new period of protection is:
Life of the creator plus 70 years\(^4\)

It is important to note that these rules apply to the film itself and not necessarily to works included in the film, such as musical scores and screenplays, to which different periods of duration may apply.

See the following diagram for further detail.

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\(^3\) A film made before 1 May 1969 is a “dramatic work” if “the arrangement, the acting form or the combination of incidents represented gives the work an original character”.

\(^4\) In the case of a dramatic work, duration is measured by the life of the creator of the dramatic work or the cinematographer, whichever is the longer. In the case of a film that is not a dramatic work, duration is measured by the life of the cinematographer.
Was the film made on or after 1 May 1969?

Yes

Copyright lasts for 70 years from the end of the year of first publication

No

Is the film a "dramatic work"?

Yes

Did the creator die before 1 January 1955?

Yes

Copyright lasts for the life of the creator plus 70 years

No

Copyright has expired (as of 1 January 2005)

Was the film made before 1 January 1955?

Yes

Copyright lasts for the life of the creator plus 70 years

No

Copyright has expired (as of 1 January 2005)

As the rules of duration for film are complex, it is likely you will need further assistance or advice to work out whether copyright has expired.

**Use of material which would have come into the public domain by 2006**

The copyright amendments include a compensation scheme in relation to agreements made before 16 August 2004 for the use of material that would have come into the public domain after 31 December 2005 and that is to take place before 31 December 2006.
This scheme would be relevant to the Library if it had (before 16 August 2004, the date the legislation received Royal Assent) entered into an agreement with another party, such as a publisher, to publish material in its collection which would, under the old rules have come into the public domain by 2006. The copyright in such material would be extended by the new provisions. Under the scheme, the planned use of the copyright material may go ahead in accordance with the agreement between the parties, unless the copyright owner notifies the party using the material of their objection and pays compensation (to be determined in the absence of agreement by the Copyright Tribunal). The use of the material must take place by 31 December 2006.

Ownership of copyright in sound recordings
The other relevant change to copyright law brought about by the Free Trade Agreement relates to ownership of copyright in sound recordings. The Copyright Act now provides that a person whose live performance has been recorded on a sound recording is considered to be one of the “makers” of the sound recording and therefore an owner of copyright in the sound recording.

Before the amendment, the maker of a sound recording was the person who owned the record in which the sound recording was embodied (the master tape, for example).

A live performance includes the reading or recitation of a literary work, including an improvised work (an oral history, for example), and a performance of an expression of folklore (which could include Indigenous cultural material, such as traditional ceremonies).

The effect of this amendment is that performers on sound recordings in which copyright subsists on 1 January 2005 (even if made before that date) will become part owners of the copyright in the sound recording with the original maker of that recording.

Example: the person who recounts an oral history on a sound recording becomes part owner of the copyright in the sound recording together with the person who owned the media on which it was recorded.

It is important to note that this new provision does not affect agreements that have been reached between makers of sound recordings and performers about ownership of copyright. Agreements such as these will continue to take precedence over the rules in the Copyright Act.

A further point to note is that the new rules do not affect the following types of recordings:
sound recordings in which the Commonwealth or a State or Territory owns copyright; or

commissioned sound recordings – for example those made by production studios on behalf of record companies.

Where the provisions do operate, the rights of performers are limited by several factors. Firstly, the “former owner/s” (that is, the maker of the recording) can continue to reproduce the recording and do other acts comprised in the copyright. Also, performers do not own copyright for all purposes and they are not entitled to certain remedies (damages or account of profits, for example) for infringement.

There is a scheme for compensation for acquisition of property (designed to overcome constitutional objections to the provisions). Performers (“new owners”) must pay makers (“former owners”) compensation as agreed between them (or determined by a court).

The new provisions also include moral rights protection for live and recorded performances. Performers will have the following moral rights in respect of their performances:

- the right of attribution of performership;
- the right not to have performership falsely attributed; and
- the right of integrity of performership.

The practical effect of these new provisions is that the Library may have to consider the rights of performers when making use of sound recordings in its collections. However, as the provisions are complex, specific advice may be required in particular cases.

More information

The amendments to copyright law made by the Free Trade Agreement legislation can be found in the Notes section of the online version the Copyright Act 1968 which is available at http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/

Background information on the Free Trade Agreement is available at www.dfat.gov.au

The Australian Copyright Council has information sheets on the Free Trade Agreement and duration of copyright at www.copyright.org.au
Public Libraries Consultative Committee

Review of the Library Regulation 2000

Issue
To review and remake the Library Regulation 2000.

Background
As advised at the November 2004 meeting, the *Library Regulation 2000* is due for remaking by September 2005, as required by the *Subordinate Legislation Act 1987*. The process involves consideration of any changes needed to the existing regulations and consultation with stakeholders.

Summary
The specific relevant sections that may be considered for review are:

- **Part 2 Management of libraries Division 2 Local libraries.** To confirm that these clauses meet public libraries’ needs and practice.
- **Part 3 Use of libraries and library books.** To confirm that these clauses are appropriate and meet the needs of public libraries; for example is the availability of cameras in mobile phones an issue for clause 9.
- **Part 4 Miscellaneous Clause 18 Prescribed amount for subsidy.** To consider the prescribed amount in light of the Library Act 1939 not being amended.

Preparation of the Regulatory Impact Statement will begin in March, after which the formal consultation process will begin. Advice and input from PLCC members may be sought out of session to ensure the deadlines can be met.


Recommendation
For information.

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Bronwyn Coop
Manager, Policy & Research
7 March 2005
Public Libraries Consultative Committee

Libraries for life

Issue
Libraries for life, your place your time. State Library of NSW services for the NSW public library network

Background
The second edition of the Libraries for life brochure has been published. The aim of the publication is to profile the State Library’s services for public libraries, as well as those services delivered in partnership with public libraries.

Libraries for life is structured around the State Library’s Corporate Plan 2002-2005

The primary audience for the publication is local government councillors, council officers and public library staff.

Libraries for life will be made available at relevant conferences, zone and region meetings. It will also be distributed to public library staff attending the introduction to the State library information sessions (Making Connections).

The brochure will be tabled at the meeting.

Recommendation
For information

Cameron Morley
Manager, Funding and Advisory Services
7 March 2005
CPLA Executive Meeting
A meeting of the Executive Sub-Committee was held on 8 November to discuss issues relating to the future of the CPLA. A decision was made to review the Association’s Strategic Plan and this will be undertaken over the next 3 months in conjunction with the scheduled meetings of the five (5) zones.

Participation in MPLA Strategic Review Process
As part of the MPLA’s strategic review members of the CPLA Executive were interviewed by the consultant engaged to undertake this process. The CPLA welcomed this opportunity to advance communication and joint initiatives between the two associations.

Colin Mills Scholarship
Applications for the 2005 Colin Mills Scholarship are now being invited. This scholarship is offered to the staff of country public library staff every two years. The scholarship is available to practicing professionals and paraprofessionals for professional development outside of normal staff training. It is funded by the CPLA in association with the MPLA and the State Library of New South Wales and in 2005 will be worth $8,000. Further information and application forms are available at:

Annual Conference and Annual General Meeting
Planning for the 2005 Conference “Feast of Formats” to be held at Gosford between 19 - 22 July is well advanced. The program promises to “explore the deep and rich array of formats public libraries must offer, in order to provide a tempting and satisfying service that will continue to meet the growing appetites of our communities, now and in the future”. Further Information about the conference can be found at

Library Models in NSW Research Project
A representative number of CPLA Libraries have participated in the Library Models research project currently being undertaken by consultant John Liddle. This project is being managed by the Library Models Steering Committee, jointly chaired by Lynne Makin (Library Manager/CEO, Upper Murray Regional Library) and Jan Richards (Manager, Central West Libraries) on behalf of the Greater Hume Shire Council. It is funded by a Library Development Grant.

The research project seeks to develop a definitive investigation and analysis of the value of stand alone, regional and cooperative library services and the
benefits of these models to key stakeholders. The resulting document will provide library stakeholders throughout the state with a body of knowledge that clearly articulates the benefits of each model in terms of accountability and sustainability. Interim reports from the Consultant reinforces the need for this research which is believed to be particularly valuable in the current local government environment.

Jan Richards
CPLA Secretary
23 February 2005
MPLA Strategic Review 2005

At the General meeting of 10 September 2004, the MPLA membership resolved that a Strategic Review of the Association be undertaken. This is an opportunity for the membership to consider our relationship with the CPLA, Government and Public Libraries as well as other strategic and operational issues.

The Australia Street Company was the successful consultancy appointed to conduct the Review. To date the consultants have had one on one interviews with the Executive Committee members. Interviews with the broader membership are scheduled for late February.

Interviews with members of key stakeholder organizations including the CPLA, LGSA, PLCC, Ministry for the Arts and the PLA have also been conducted.

Interviews have taken a uniform approach based on a standard set of questions in line with the Review brief. Following the workshops the consultants will prepare a Progress report for the Executive and recommendation on next steps to follow in the Review.

LGSA Library and Information Services Reference Group

The MPLA is keen for the Reference Group to reform as soon as possible as it provides an excellent forum for elected representatives and peak body representatives from the local and state levels of government to discuss issues and develop strategies.

The MPLA will be writing to the LGSA to seek reconvening of the group. The CPLA will be sent a copy of the letter and asked to consider sending a similar request.


The Conference was a great success with good attendance and interest from the profession in the special youth theme. The range of speakers from Australia and overseas were very well received and presented some challenging ideas. The young people of Wollongong who performed in bands and work shopped with the audience added real focus to the theme. The Conference was a financial as well as professional success building on the
achievements of the MPLA’s earlier successful conferences at Manly and the Blue Mountains.

**Special Purpose Funding**
The membership notes that the Special Purpose Funding had a short time frame for reply this year and would like to request the Public Libraries Branch either lets public libraries know earlier about the SPF or lengthens the timeframe for reply. Also that the time frame for reporting on expenditure was likewise considered too short.

**User Satisfaction Survey**
The MPLA notes that since it has been some time since the last User Satisfaction Survey was conducted that it would be beneficial to public libraries to undertake again.

**National Multicultural Marketing Awards**
Cr Beverly Giergel has received a letter from the President of the LGSA, Cr Genia Mc Caffery congratulating the MPLA for winning in conjunction with Waverly Library the government Award Category of the National Marketing Awards. Cr McCaffery expresses her thanks to the MPLA for highlighting the invaluable role libraries play in our communities and how their significant contribution assist in the development of a community’s cohesiveness.

This is indeed an honour and the MPLA is delighted to have received the Award and is appreciative of the support from the LGSA.

**Frances Sims**
PLCC Representative, MPLA
23 February 2005
Public Libraries Consultative Committee  
Public Libraries Australia Ltd  
February 2005

Change of Directors
Tom Elliott from ACT Public Libraries has resigned as a Director of PLa Ltd. Tom has moved to a new position.

Merrilee Pigram from the ACT has been accepted by the Board as the new Director from the ACT.

Special Directors’ Meeting
Held via telephone on Friday 11th February to accept above resignation and to endorse Merrilee as the new Director from ACT. She will hold this position until the election as per the requirements of the PLA Ltd Constitution.

The PLA Ltd Strategy for Advocacy was discussed and further actions were agreed to.

A Committee of Robert Knight, Jan Richards and Lynne Makin was endorsed by the Board to further advance the conference to be held in Albury on 9-11 November 2005.

Meetings will be held quarterly with the Directors Meeting and the AGM being the only meetings where there is attendance by Directors. All other meetings will be via telephone