

FEDERATION OF AUSTRALIAN HISTORICAL SOCIETIES INC

G.P.O. Box 1440, Canberra ACT 2601

Website: <http://www.history.org.au/>

E-BULLETIN No. 51 – 12 May 2009

Hon Editor, Dr Ruth S. Kerr

- 1) Guidelines for the assessment of places for the National Heritage List
 - 2) Link to Heritage South Australia's E-newsletter
 - 3) Links to recent DEWHA media releases
 - 4) Convict registers database
 - 5) Statement of knowledge for recordkeeping professionals – draft terms of reference
 - 6) Copyright case – IceTV v Nine Network
 - 7) Humanities resources in electronic format in Australian libraries
 - 8) *Copyright Act 1968* – flexible dealing provisions
 - 9) Disaster preparedness
 - 10) Sale of *Yungaba* building in Brisbane
 - 11) Steam bucket dredge off Rottneest Island
-

1) Guidelines for the assessment of places for the National Heritage List

There is a general interpretative guide to the process of assessing places against the National Heritage List criteria under the statutory provisions of the *Environmental Protection Biodiversity Act 1999* and Regulations. It is provided for the use of those preparing nominations and for general information on the process of assessing places for the National Heritage List.

Available for download from

<http://www.environment.gov.au/heritage/ahc/publications/nhl-guidelines.html>

(Source: Australia ICOMOS E-Mail News No. 385, 8 May 2009)

2) Link to Heritage South Australia's E-newsletter

To view the May 2009 issue of Heritage South Australia's E-newsletter, visit

http://www.environment.sa.gov.au/heritage/latest_e_news.html

(Source: Australia ICOMOS E-Mail News No. 385, 8 May 2009)

3) Links to recent DEWHA media releases

A world of value in heritage

<http://www.environment.gov.au/minister/garrett/2009/mr20090507b.html>

\$2 million helps conserve and restore Old Government House in Parramatta

<http://www.environment.gov.au/minister/garrett/2009/mr20090507a.html>

QANTAS Hangar joins National Heritage List

<http://www.environment.gov.au/minister/garrett/2009/mr20090502.html>

(Source: Australia ICOMOS E-Mail News No. 385, 8 May 2009)

4) Convict registers database

The State Library of Queensland has just re-released the Convict Transportation Registers Database (over 123,000 convicts sent to Australia between 1787 and 1867).

They have changed the underlying software.

A new feature is the ability for researchers to post comments on a chosen convict's record.

Users may link to the website: - <http://www.slq.qld.gov.au/info/fh/convicts>

A comment can be written by finding the convict on the database, click on the link under "Don't have a login?" and then signup for a "One Search Guest" account. Queenslanders can also use the "e-services card" or "QPL account" options.

An example is:

"Thomas Dowse was born in Hackney, London in 1809. In 1824, at the age of 15 he was convicted at the Old Bailey for theft and sentenced to death, which was later commuted to transportation for life. He spent the next few years onboard English hulks (the Bellerophon and the Euryalus) awaiting transportation. In January 1828 he arrived in New South Wales onboard the convict transport Florentia. After receiving his pardon he made his way to Moreton Bay. Between 1862 and 1869 he became Town of Clerk of Brisbane. Thomas died on 9 November 1885 and is buried in Toowong Cemetery."

The dates of conviction are being added to each record.

(Contact: Myles Sinnamon | Family History | Reference Services State Library of Queensland | PO Box 3488 | South Brisbane 4101 t +61 7 3840 7837 | f +61 7 3840 7795| e myles.sinnamon@slq.qld.gov.au | www.slq.qld.gov.au)

(Source: aus-archivists@archivists.org.au - Myles Sinnamon - Myles.Sinnamon@slq.qld.gov.au - 5 May 2009)

5) Statement of knowledge for recordkeeping professionals – draft terms of reference

Background to development

In 2006, the ASA/ RMAA Joint Education Steering Committee released the 'Statement of Knowledge for Recordkeeping Professionals' with a proposed review in 2008. Preliminary discussions commenced amongst Australian Society of Archivists

Inc (ASA) and Records Management Association of Australia (RMAA) members commenced in 2008.

How has it been used?

The Statement of Knowledge has had limited use. It has been used by the ASA and RMAA for accreditation of tertiary courses, and courses following the Recordkeeping Competency Standards in the Business Services Training Package.

Conduct of the review

The review will be conducted in consultation with relevant stakeholders including:

- ASA Council and RMAA Board;
- Review Working Group of members from ASA and RMAA;
- Members of ASA and RMAA through branch/committee communication lines and listservs; and
- Allied professions

Meetings, online discussions and workshops will be held during 2009 to facilitate consultation with ASA, RMAA and other interested stakeholders. Consultation would be dependent on interest and availability of members. Investigation of aspects of the review could be undertaken by smaller groups in different locations through email.

Reporting

The Review Working Group will report regularly through existing communication lines. The final draft and any accompanying products will be submitted for approval by the ASA Council and RMAA Board.

Proposed timetable

The following timetable is based on the assumption that the Review Working Group commits resources on a part-time basis.

Contacts for information: Marian Hoy marian.hoy@rrma.com.au
or Dr Sigrid McCausland education@archivists.org.au

The Statement can be found at the following links:

<http://www.rmaa.com.au/docs/profdev/StatementKnowledge.cfm> (PDF)

<http://www.archivists.org.au/course-accreditation> (Word)

(Source: ASA Qld Branch - Draft terms of reference for statement of knowledge review – Email 28 April 2009)

6) Copyright case – IceTV v Nine Network

IceTV's win over Channel Nine in the High Court is seen by the legal affairs media as a benefit for the rights of the reading public. On 22 April 2009, the High Court allowed the appeal in IceTV Pty Limited v Nine Network Australia Pty Limited [2009] HCA 14 (22 April 2009).

(website: <http://www.austlii.edu.au/au/cases/cth/HCA/2009/14.html>)

IceTV provides a subscription-based electronic television programme guide (EPG), for use with digital personal video recorders (PVRs).

The case is likely to have a significant impact on Australian copyright law. The balance has been redrawn between information and facts, and provides greater certainty for researchers and creators, as well as bringing Australia more into line with the US and Canada.

“The court considered what constitutes a 'substantial part' of a copyright work (a compilation in this case). That is, how much material can be used from a copyright work without needing permission from the copyright owner, before it becomes a 'substantial part'. It found that IceTV did not reproduce a substantial part of Nine's television program schedules in its electronic program guides.

The High Court reversed the ruling of the Full Federal Court, saying that IceTV did not infringe Nine's copyright when they used some of the time and title information in Nine's programme guides.

The rights of users were emphasised by the judges. The interests of television viewers in the dissemination by means of new technology of program listings was a focus of Justices Gummow, Hayne and Heydon. A concern to preserve the rights of the reading public in accessing and using facts and information was expressed by Chief Justice French and Justices Crennan and Kiefel.

ALIA President and Australian Digital Alliance (ADA) Chair Derek Whitehead said, “The conventional view of copyright law is that it protects creative expression but not facts – anyone is free to use and re-use information as they wish.”

“But after the Full Federal Court decision last year, it seemed that Australian copyright law was now giving copyright holders monopoly control over the use of even small slivers of information contained in copyright works. We might have ended up in a situation where copying parts of a train timetable, or even your city and the temperature forecast becomes an infringement of copyright.”

“So we are very pleased with this outcome. The High Court has taken a sensible and balanced approach to copyright that recognises that importance of maintaining a robust public domain which allows people and organisations to use, re-use and build upon materials to produce innovative new works.”

ALIA's Copyright Advisor Helen Roberts attended the two day hearing of the case in the High Court on 16 and 17 October 2008. The transcript of the case is available at IceTV Pty Ltd v Nine Network Australia Pty Ltd [2009] HCA 14.'

(Source: aliaaglin@lists.alia.org.au – 30 April 2009)

7) Humanities resources in electronic format in Australian libraries

Electronic Resources Australia (ERA) (a national initiative) is working towards national licensing of electronic resources for Australian libraries. It is the first consortia operation that covers all libraries within Australia and Australian libraries may collaborate in purchasing online information.

The 2009-2011 program offers a much wider range of full text resources, including humanities and social science resources for the first time. The full list of products available to Australian libraries through ERA are listed on the ERA website at http://era.nla.gov.au/product_list/.

Product pricing is based on participation levels. Key licence terms and conditions (including pricing) have been negotiated on behalf of libraries and are included in Head Deed contracts for each product. This means that libraries can subscribe to these products by quoting the relevant Head Deed in their purchase order arrangements with vendors and don't have to negotiate individually.

Historical Society *Journals* may begin appearing as part of these resources.

More information, including answers to frequently asked questions, is available on the ERA website at <http://era.nla.gov.au/>, or telephone 1800 182 937 (toll free within Australia), or email era@nla.gov.au.

(Source: aliaaglin@lists.alia.org.au - Roxanne Missingham, Chair, ERA – 11 May 2009)

8) Copyright Act 1968 – flexible dealing provisions

Sessions are being held by National Library with librarians through the Australian Libraries Copyright Committee/Australia Digital Alliance on the use of the flexible dealing provision under section 200AB of the *Copyright Act 1968*. Unlike the library and other copyright exceptions, the s. 200AB exception is designed to be 'open-ended', and libraries may not be sure just what they are entitled to do under the exception. Some of the areas where it may be relevant to libraries include:

- format shifting
- use of orphan works
- digitisation of materials
- adapting works to suit a variety of needs.

There are requirements for using the flexible dealing exception and s.200AB User's Guide is being published.

See Australian Government IP Australia website: <http://www.ipaustralia.gov.au/>.

(Source: aliaaglin@lists.alia.org.au – 11 May 2009 – Amanda Magnussen, Assistant Library Manager, IP Australia)

9) Disaster preparedness

In the light of recent Australian bushfire and flood disasters and current United States fires the following digital suggestion seems timely. It involves photographing assets ahead and storing the copy off-site. The link is below:

<http://cwflyris.computerworld.com/t/4995248/247711/189507/0/>

(Source: [Aus-archivists] The paperless life - blog piece by Mike Elgan – 12 May 2009)

10) Sale of *Yungaba* building in Brisbane

The proposed sale of the former immigration building, *Yungaba*, in Kangaroo Point in Brisbane was raised at the April meeting of the Queensland Branch of the Society of Archivists. It is said to be the only 19th Century Immigration station in Australia and is heritage listed. It is being recommended as a Queensland Icon on the Q150 Icons Website.

(Source: Record of April Meeting of Queensland Branch of Australian Society of Archivists Inc)

11) Steam bucket dredge off Rottnest Island

Western Australia's scuba diving former Attorney-General, Jim McGinty, has been credited with discovering the *Freemantle*, an old steam bucket dredge that was scuttled off Rottnest Island. Jim McGinty, maritime archaeologist, Graeme Henderson, and friend, Geoff Kimpton, located the shipwreck in January 2009 in 12 metres of water, one kilometre west of Stragglers Rocks, off Rottnest Island. The 48 metre wreck is heavily broken up. The *Freemantle* dredged the harbour at Freemantle in accordance with C.Y. O'Connor's design.

(Source: *Australian* 30 April 2009 p.7 including photo)