PUBLIC LIBRARIES SOUTH AUSTRALIA

Internet Access in Public Libraries
Policy, Procedures and Guidelines
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Executive Summary
This report was endorsed in 2005 by The Libraries Board of SA, the Public Libraries SA Executive and the PLS Standing Committee in consultation with SA public libraries. In April 2010 this document has been reformatted, links updated and checked for accuracy, and content checked for currency.

Compliance with Legislation
The Australian Communications and Media Authority (ACMA) require that Internet Service Providers (ISP’s) abide by legislation and codes of practice that ensure the safety of all Internet users, in particular those under 18 years of age. PLS is not an ISP. Telstra is the ISP and abides by the legislation. Nationally banned sites are removed by Telstra.

PLS provides a state wide network that allows open Internet access to the community without the use of filtering or blocking mechanisms. By using this service libraries comply with the legislative requirements set out by the ACMA.

Freedom of Access to Information
Public Libraries support the philosophy of freedom of access to information as stated in the “Rules For Using Library Online Resources and Services” (Available here http://www.libraries.sa.gov.au/site/page.cfm?u=194).

OUR PHILOSOPHY AND OBJECTIVE
These rules support the vision of South Australia as an informed, IT-literate and information enabled community;

We recognise freedom of choice and equitable access to public library collections for all South Australians;

We abide by State and Federal laws and regulations;

We are here to help you access, within the bounds of the law, the wide variety of material available electronically. We do not exercise any form of censorship on any grounds (political, moral, sexual preference, gender, racial or religious);

and;

Statement on Free Access to Information (Attachment 7); Statement on Online Content Regulation (Attachment 8).

To provide freedom of access to information, and as stipulated by The Libraries Board of SA, PLS will not filter the Internet. Local decisions may be made to add filtering at the local level but this cannot be done using PLS owned equipment.
Internet Procedures and Guidelines

Policies, Conditions of Use and Fact Sheets were developed in 2005 and updated in 2010 to assist libraries to comply with the legislation. See Attachments 1-8.

The ‘Internet Conditions of Use’ ensures libraries comply with the requirements of the ACMA (Attachment 6).

To provide freedom of access to information libraries are to note the network’s philosophy stated in: The ‘Rules For Using Library Online Resources And Services’ (Attachment 3) and ‘Statement on Free Access to Information’ (Attachment 7).

For libraries to provide safe internet access for those under 18, Libraries are to ensure:
- Minors are registered library members and have parental approval to use the Internet;
- Safe use of the internet and fact sheets are discussed and made available to minors; Public access computers are housed in a public space in view of staff (Attachment 1).

Should libraries choose to apply filtering to their Internet service The PLS Standing Committee suggests:
- Filtering is a local Council decision;
- Filtering may not resolve all access issues to inappropriate sites;
- Filtering may be applied to Children’s public access computers;
- Consider freedom of information for adults by not applying filtering to all public access computers;
- Information is provided to library users on safe use of the Internet.

Recommendations for Internet Access Guidelines in Public Libraries:

1. That the Internet policy, procedures and guidelines outlined in Attachments 1 - 8 must be followed and adhered to by all public libraries in South Australia to ensure compliance with legislation and code of practice. Libraries must include and display online and in print the Using Online Resources in your Library (Attachment 2) and Rules for Using Online Resources and Services (Attachment 3). Display and access to Attachment 4 & 5 for further information;

2. That Libraries provide information and advice to parents, minors and library users on the safe use of the Internet but also recognise that Internet use by minors is the responsibility of the parent;

3. That Public Library Services undertake a support role to maintain and review the policy to comply with industry legislation changes and amendments;

4. That the PLSA Executive, Public Library Services Services Standing Committee and the Libraries Board of South Australia support the freedom of access to information and do not endorse filtering for the public libraries of South Australia.

5. Library services choosing to apply filtering at the local level do so at their own risk. Any associated costs or impacts that may arise as a result of filtering, is the responsibility of the library service and their local Council.
Background

PLS provides free public Internet access to 136 public library services across South Australia. In the interest of public safety and awareness of legislative requirements, The PLSA Executive sought legal advice on the best possible way to manage legal risk that may arise from misuse of the public Internet within the library services. From this legal advice, the Internet Conditions of Use and Information Pack for Access to Internet Services in SA Public Libraries, Part One - Policies were endorsed in 2000 by the then CLASA and the Libraries Board of South Australia. These documents were distributed throughout the library services with accompanying operational recommendations and are freely available on the PLSA Intranet website. Due to changing requirements, the documents have been reviewed in November 2009 by the Public Libraries SA (PLSA) Executive and the PLSA Standing Committee.

Recent publicity in regard to public libraries and Internet use has raised concern amongst library services and the general community to the appropriateness of the networks guidelines. In particular to the absence of blocking or filtering mechanisms for the network as a whole.

This document briefly outlines the networks legal obligations and responsibilities. It also explains the different types of blocking and filtering software available and where this might fit within the networks philosophy of access, equity and diversity and freedom of information.

Legislation and Codes of Practice

Under the current legislation and codes of practice, Internet Service Providers (ISP’s) and Internet Content Hosts (ICH’s) must:

- Take reasonable steps to ensure that Internet Access accounts are not provided to children under 18 without parental consent or the consent of a responsible adult
- Provide for use of filtering software which can be installed on the home computer or provide an optional filtered service available direct from the ISP
- Provide end users with information about their rights and responsibilities online. This includes information on the following:
  - Ways of supervising and controlling children’s access to Internet content
  - The procedures which parents can implement to control children’s access to Internet content
  - Users right to make complaints to the Australian Communications and Media Authority (ACMA) formerly Australian Broadcasting Authority (ABA) about online content
  - The procedures by which such complaints can be made

1 Internet Industry Codes of Practice, May 2005, Version 10.4
The above guide aims to satisfy the informational requirements under the code. ISP’s are not required to filter or block content themselves. They also comply with the requirements of the Broadcasting Services Amendment 1999, Schedule 5 – Online Services (Attachment 6).

PLS is not an ISP. PLS provides a state wide network that allows open Internet access to the community without the use of filtering or blocking mechanisms. As providers of this service, we are obligated to comply with the legislative requirements set out by the ACMA. The Public Libraries ‘Rules for Using Library Online Resources and Services’ clearly comply with the requirements of the ACMA (see attachment 6). Further to the conditions, PLS openly supports the ‘Statement on Free Access to Information’ (Attachment 7) and ‘Statement on Online Content Regulation’ (Attachment 8) as adopted from the ‘Statement on Freedom to Read’ by the Australian Library and Information Association. However, the Internet environment is ever changing. Constant vigilance to keep up with changes of attitude among the community, legal and business practices is necessary.

**PLSA Network Filtering**

As ISP provider for the public library network, Telstra complies with the current legislation and code of practice. Unless a site is legally prohibited from access, pornography on the Internet is legally accessible, except where the user is under 18 years of age and has no parent or guardian permission. In this instance PLSA complies with the legislation and code of practice through the registration of users under the age of 18 years requiring parent/guardian consent.

Under direction from The Libraries Board of SA PLS provide no filtering on any of its equipment. There are several library services that are filtering their internet traffic utilising their councils filtering solution. This filtering is being done on council owned and managed equipment and is facilitated by routing traffic from the PLS owned NAC’s through to the council filters. This does not contravene The Libraries Board of SA direction.

**Information Sources**

The following list shows the primary resources accessed to obtain all information contained in this report. Further information was obtained from direct contact with the Australian Communications and Media Authority for advice on legislations and codes of practice. IT Managers at City of Adelaide Council and Holdfast Bay Council were also consulted to discuss their filtering along with some vendors in the State and Local Government sectors.

- Internet Industry Association [http://www.security.iia.net.au/](http://www.security.iia.net.au/)
Summary

PLS in consultation with Public Libraries SA Executive and the PLS Standing Committee recommend that public libraries abide by the ‘Statement on Free Access to Information’ (Attachment 7) allowing access to all information in keeping with the network’s philosophy. Should libraries choose to apply filtering to their Internet service; the committee’s suggest that some public access computers are dedicated to over 18 usage allowing open Internet access to those that desire it. Further to this, the committee’s endorse the following recommendations;

Recommendations for Internet Access Guidelines in Public Libraries:

1. That the Internet policy, procedures and guidelines outlined in Attachments 1 - 8 must be followed and adhered to by all public libraries in South Australia to ensure compliance with legislation and code of practice. Libraries must include and display online and in print the Using Online Resources in your Library (Attachment 2) and Rules for Using Online Resources and Services (Attachment 3). Display and access to Attachment 4 & 5 for further information
2. That Libraries provide information and advice to parents, minors and library users on the safe use of the Internet but also recognise that Internet use by minors is the responsibility of the parent
3. That PLS undertake a support role to maintain and review the policy to comply with industry legislation changes and amendments
4. That the PLSA Executive, PLS Standing Committee and the Libraries Board of South Australia continue to support the freedom of access to information and do not endorse filtering for the public libraries of South Australia
5. Library services choosing to apply filtering at the local level do so at their own risk. Any associated costs or impacts that may arise as a result of filtering, is the responsibility of the library service and their local Council.

For information:

Geoff Strempel
Associate Director
Public Library Services
08 8348 2301
Attachment 1 (available in soft here: http://www.libraries.sa.gov.au/site/page.cfm?i=146)

Libraries Board of South Australia
INTERNET PROCEDURES & GUIDELINES
September 2005

1. REGISTER YOUR USERS
   Adult Internet users do not need to be registered as a member of the library to use the Internet.
   Internet users under the age of 18 must be registered. This registration must include parental/guardian permission to use the Internet. A record of this registration and parental/guardian approval must be kept until the person turns 18 years of age,
   Under the legislation, independent under 18 year olds are minors. You may waive this registration for independent under 18 year olds.
   Ensure that information is provided to Internet users on safe use of the Internet.

2. MAINTAIN A BOOKING SYSTEM
   A booking system to manage use of the Internet equipment is required for all Internet users.

3. MAINTAIN PRIVACY
   You must protect the privacy of Internet users;
   Manual booking forms or registers must not be accessible to community members - Privacy must be maintained for owners of online booking systems;
   Requests for information from Police should be provided eg. Police Officer requests in person or via a warrant. See your Council policy for advice on responding to Police requests;
   Public access computers are to be placed appropriately in view of staff in general public areas, a level of privacy for the user must also be considered;
   Privacy may be subject to your Council's policy.

4. DISPLAY THE CONDITIONS OF USE
   Using Online Resources in your Library, September 2005 must be displayed electronically on each Internet PC linked to the full version "Rules for Using Library Online Resources and Services, September 2005."
   Printed copies of both documents must be available upon request;
   Printed copies of both Internet Safety Fact Sheets and Information Sheet 079 – Fair Dealing must be available upon request.

5. LOCAL POLICY
   Filtering is a local Council decision;
   Consideration must be given to freedom of information for adults by providing adult computers with no filtering;
   Consideration may be given to filtering to Children's computers only.

6. SEEK COUNCIL ENDORSEMENT
   It is recommended that Internet guidelines for your library be formally endorsed by your Council.
(To Be Displayed On Public Access PC's)

Using Online Resources in your Library

Conditions of Use

[November 2009]

We are a responsible library and we ask that you be a responsible user and use all our resources lawfully and thoughtfully.

You must provide some identification and proof of age if Library staff requests it.

If you are under 18 you are considered to be a minor for the purposes of the Broadcasting Services Amendment Act 1998, Schedule 5 - Online Services.

- Minors must have parent/guardian consent;
- Parents and Guardians must take responsibility for materials accessed by minors (under 18);
- Protect your privacy and return to the "home page" when you have finished;
- Please consider that you are in a public place. Maintaining access to any material that is pornographic, offensive or objectionable may lead to loss of access to this service;
- We reserve the right to deny access to resources if you do not comply with the law and our rules and requests. A full copy of these rules is available upon request from your library, alternatively you can access these from the link below.

If asked to co-operate with Law Enforcement Agencies, we may be required to disclose information about you and what materials you have accessed.

Use of these resources is at your own risk.

I ACCEPT [You must accept the Conditions of Use before continuing]

Additional Information:

- Public Libraries SA (PLSA) Internet Policy 2010
  - PLSA Internet Policy 2010.pdf

- Australian Copyright Council Information Sheet - Fair Dealing G079 v5
  - Information Sheet: Fair Dealing G079 v5.pdf (598 kb)

- ALTA Statement on Free Access to Information

- Australian Copyright Council Information Sheet - Broadband Content and Copyright G071
  - Information Sheet: Broadband Content and Copyright G071.pdf (273 kb)
RULES FOR USING LIBRARY ONLINE RESOURCES AND SERVICES
April 2010

You agree that you have read and understood these rules and agree to be bound by them. You also agree to comply with any directions given by the Library on the use of resources and services.

OUR PHILOSOPHY AND OBJECTIVE:
These rules support the vision of South Australia as an informed, IT-literate and information enabled community.
We recognize freedom of choice and equitable access to public library collections for all South Australians.
We abide by State and Federal laws and regulations.
We are here to help you access, within the bounds of the law, the wide variety of material available electronically. We do not exercise any form of censorship on any grounds (political, moral, sexual preference, gender, racial or religious).

YOU AGREE THAT:
We make these resources available as part of our continuing commitment to the highest level of service to the community.
These conditions apply to everyone and all services and resources.
We reserve the right to terminate your rights of use and access if you do not comply with our rules.
If you break the law you may be prosecuted and we may be asked to disclose information about you and materials or services you have accessed and used.
Proof of your age and identity may be required and must be provided as requested.

NOTICE OF INDEMNITY
You acknowledge that if any legal action is threatened or commenced against you because of your conduct we take no responsibility whatsoever for the conduct or outcome of the legal action.
You indemnify the Library, and will keep the Library indemnified against any and all damages, costs and expenses suffered by the Library arising out of your conduct, and in respect of any action, settlement or compromise, or any statutory infringement.

RULES OF USE
Australian and international laws protect library resources. We must obey those laws and so must you. You are authorized to use the Library’s resources and services strictly in accordance with the laws that protect the resources and services, the laws that govern the technology, and these Rules.

Some activities are unlawful and PROHIBITED. Unlawful activities include but are not limited to:
- Opening access to any material that is pornographic, offensive or objectionable.
- Engaging in conduct that offends Federal, State or Local Council laws and regulations.
- Harassing or harassing (sexually or otherwise) another person.
- Engaging in defamatory message, including reading and then forwarding a message of which you are not the author.
- Sending or forwarding any material that is abusive, racist, sexist or otherwise illegal.
- Circumventing any filtering or other content access device or software.
- Interfering with electronic rights management information.
- Making use of or taking control of resources or services outside our terms of use.
COPYRIGHT WARNING

You must respect the property rights that apply to material accessible through our library. It is entirely your obligation to ensure that you operate within the legal system.

Check for a copyright notice or other information to determine what you can do with the material. If it is not clear that you are allowed to use the material the way you may want to, you must contact the copyright owner before attempting to use it.

Copyright and other laws apply to most materials on the Internet. Copyright owners are entitled to determine who may use and access their materials and on what terms. If you interfere with owner's rights, legal action may be taken against you.

Australian laws determine what is a “fair dealing” in copyright materials (refer to Information Sheet – Fair Dealing G279, also available here [http://www.copyright.org.au/publications/infosheets.html]).

The Library accepts no responsibility for the supervision of minors' use of library services or materials.

Adults responsible for minors must exert their own safeguards and controls.

Please note that anyone aged 18 or under is considered a minor for the purposes of these rules and the law.

The Library accepts no responsibility for the supervision of minors' use of library services or materials.

If requested, verification of age must be produced and a parent or guardian's notice signed.

CONTENT

We do not control the content or layout of any material on our site. We do not make any representation or warranty about relevance, accuracy, quality, or validity of any material and you must make that judgement for yourself. Some material you access may require you to divulge personal details and credit information – you do so at your own risk.

All use of our resources and services is at your own risk.

In the interests of privacy please log out or use the 'home' button when you have finished your session.

INFORMATION SHEET

Fair dealing

June 2008

The Copyright Act 1968 (Cth) allows people to use copyright material without the copyright owner's permission in certain situations. These include making a "fair dealing" for certain purposes.

The purpose of this Information Sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

We update our Information Sheets from time to time. Check our website at www.copyright.org.au to make sure this is the most recent version, and for other information such as our training program.

Key points

- The Copyright Act allows "fair dealing" with copyright material for certain purposes stated in the copyright act.
- There is a new exception allowing fair dealing for parody or satire.
- Unlike US copyright law, Australian law does not have a general "fair use" defence.

When are the fair dealing exceptions relevant?

If you are using copyright material in ways reserved to the copyright owner, you generally need permission to use it, except:

- copyright has expired (see our Information Sheet Duration of copyright at www.copyright.org.au/introductory);
- you are using less than a substantial part of the material (see our Information Sheet Quotes & Extracts at www.copyright.org.au/pemhier.html); or
- one of the specific exceptions to infringement applies.

In this Information Sheet, we look at the fair dealing exceptions. Other important exceptions include:

- special provisions for educational institutions (see our Information Sheet Educational Institutions at www.copyright.org.au/education);
- special provisions for libraries (see our Information Sheet Libraries at www.copyright.org.au/libraries); and
- special provisions for governments (see our Information Sheet Government (Commonwealth, State and Territory) at www.copyright.org.au/government).
The "fair dealing" exceptions to infringement

There is no general exception for using copyright material simply because you think it is fair or because you are not making a profit. The Copyright Act allows you to use copyright material without permission if your use is a "fair dealing" for one of the following purposes:

- research or study;
- criticism or review;
- parody or satire;
- reporting news or
- professional advice by a lawyer, patent attorney or trade mark attorney.

What does "fair dealing" mean?

In this context, a "dealing" with copyright material means using the material in any of the ways reserved to the copyright owner.

Whether a person's use of copyright material is "fair" depends on the circumstances of the case. In a recent case, the Federal Court noted that whether a dealing is fair or not "is to be judged by the criterion of a fair minded and honest person".

Courts will look at whether an objective person would consider that:

- the person is genuinely using the material for one of the purposes set out in the Act, and
- their use of it is fair in that context.

Factors that may be taken into account in working out whether a use is fair include whether the person using the material is doing so for commercial purposes, and whether the copyright owner is out of pocket from the use (for example, where a person copies the whole of a work that is available for sale). The more fact that the person is not making a profit does not make it fair.

In general, a person or organisation can rely on a fair dealing defence only for his, her or its own use of copyright material. For example, it would not be regarded as a fair dealing for criticism or review to reproduce a photograph without the owner's permission. The person making the reproduction must themselves be making the criticism or review.

Fair dealing for research or study

Use of copyright material for the purpose of research or study will not infringe copyright, provided the use is "fair".

The Copyright Act states that if you use less than a certain amount of a copyright item for research or study, the use is deemed to be fair. If the amount used exceeds these limits, the Act sets out a number of factors to be taken into account to work out whether the use of the material is "fair". This provision is discussed in our Information Sheet Research or Study.

Fair dealing for criticism or review

People can use copyright material for the purpose of criticism or review without infringing copyright, provided they acknowledge the author and title of the work, and provided the dealing is "fair". The criticism or review may relate to the work being used or to other material. For example, television film reviewers may show clips from other films as well as the one they are reviewing, in making their criticism or review.

The Federal Court has stated that "criticism and review" involves making a judgment of the material concerned, or of the underlying ideas. Criticism and review may be strongly expressed, and may be expressed humorously, and need not be balanced. The defence can apply where the criticism or review takes place in a commercial context, such as in published books or newspapers or on commercial television.

However, the court emphasised that the purpose of criticism or review must be genuine. If the person has other motives - especially if these motives involve using the material to make a profit, or using a competitor's material to divert customers from the competitor - the fact that they have also engaged in a form of criticism or review is not enough to prevent the use from infringing copyright.
Fair dealing for parody or satire

You can use copyright material for the purposes of parody and satire, provided you use it "fairly". The terms "parody" and "satire" are not defined in the Copyright Act and have not yet been considered by Australian courts, but it is likely that a court would look at dictionary definitions of the words to work out what they mean. The Mosquera Dictionary includes the following definitions:

"Parody":
1. A humorous or satirical imitation of a serious piece of literature or writing.
2. The kind of literary composition represented by such imitations.
3. A burlesque imitation of a musical composition.
4. A poor imitation; a travesty.

"Satire" (used as an adjective):
Involving malicious or degrading treatment of a serious subject.

A parody is an imitation of a work, and may include parts of the original. In some cases, a parody may not be effective unless parts of the original are included. It seems that the purpose of a true parody is to make some comment on the imitated work or on its creator.

The purpose of satire, on the other hand, is to draw attention to characteristics or actions - such as vice or folly - by using certain forms of expression - such as irony, sarcasm and ridicule. It seems that both elements are required: the object to which attention is drawn (vice or folly etc) and the manner in which it is done (irony, ridicule etc). It is not clear, for example, that a work which uses irony or ridicule about something other than vice or folly would be satire.

As discussed later in this information sheet, the new provision does not directly affect a creator's right to take legal action if his or her work is treated in a derogatory way. However, in many cases the use of a copyright work for parodic purposes may be defendable as "fair use" under the moral rights provisions.

It is not so clear that use of a copyright work for satiric purposes would be as likely to be "fair use". This is because, unlike parody, the object of satire is generally not the copyright material itself or its creator. The copyright material used may enhance a work that has a satirical purpose, but is unlikely to be necessary for the satirical purpose.

The use of copyright material for parody or satire must be "fair" and it is unclear how courts will assess "fairness" when it comes to this new exception. However, factors such as the following could be relevant:

- how much of the copyright material is used;
- the context in which the parody or satire is used; and
- whether or not the copyright owner generally licenses such uses.

Fair dealing for reporting news

Copyright material may be used in reporting news in a newspaper, magazine or similar periodical, or in a film, or by means of a broadcast. The author and title of the work must be acknowledged. However, music in news reports is not covered by this provision, unless the playing of the music is part of the news being reported. (The use of music and sound recordings in this context is usually covered by broadcasting licences from APRA and PPCA. For further information on these licences, see our Information sheet Copyright collecting societies.)

The Federal Court has held that "news" is not restricted to current events. For example, old material, or footage that was never related to a current event, may be relevant to current news events. Alternatively, under this provision investigative journalists may be able to use copyright material they have discovered that relates to past events.

In looking at whether a person's use of copyright material comes within the exception of fair dealing for reporting news, courts are likely to require more than simply a connection with a newsworthy event. The crucial element in determining whether the exception applies seems to be whether the primary purpose is to report or comment on news. Although courts have held that reporting news may involve the use of humour, it seems that where a court considers the purpose of using the material is primarily to entertain, the presence of an 'entertainment' focus is insufficient to make the use a fair dealing.
Fair dealing for professional advice

It is not an infringement of copyright to use copyright material for the purpose of giving professional advice by a lawyer, patent attorney or trade marks attorney. Again, the use of the material must genuinely be for the purpose of giving such advice, and must be "fair". For example, if an item is available for sale, it is unlikely that this provision would allow a person to copy the entire item for the purposes of legal advice.

There are also special exceptions allowing use of copyright material for the purpose of a legal proceeding.

Common questions

Someone has reproduced my work without my permission and is claiming that their use is a fair dealing. What can I do?

In this case, you should try to find out the exact circumstances of the person's use of your work and the basis on which he or she considers the use was a fair dealing. Before taking legal action, you should seek legal advice. For further information on infringement, see our information sheet Infringement: what can I do?, available at www.copyright.org.au/permission.

Can we reproduce material in an educational textbook for users of the textbook to critique?

The reproduction may be a fair dealing if the textbook critically reviews the material. If, however, there is no criticism or review in the textbook, and the criticism or review is to be done by people using the textbook, then the reproduction would not be a fair dealing for criticism or review. Permission would be needed.

Can our photocopying business copy for students for their research or study?

A photocopying business is not entitled to photocopy material requested by students for their research or study. Even if the person requesting the copy genuinely needs it for their research or study, the purpose of the photocopying business is making the copy to be made a profit, and it would not be a fair dealing. However, it might be able to obtain a licence from CAL allowing it to make some copies in these circumstances (for example, 10% in one chapter of a book). See also our information sheet Copying services (available at www.copyright.org.au/business).

The Australian Publishers' Association has taken action against at least one photocopying business that was copying entire textbooks for sale to students.

Further information

For further information about copyright, and about our other publications and training program, see our website – www.copyright.org.au.

For information on policy issues relating to fair dealing, see our books Fair Dealing in the Digital Age and Access to copyright material: job one & other issues, and our information sheets Fair use; some rights and misconceptions and Access to copyright material in Australia and the US. The information sheets are available at www.copyright.org.au/information.

If you meet our eligibility guidelines, a Copyright Council lawyer may be able to give you free preliminary legal advice about an issue that is not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions and libraries. For information about the service, see www.copyright.org.au/advice or our information sheet Australian Copyright Council who we are, what we do.

Information from the Arts Law Centre of Australia may also be of interest to you: see www.artslaw.com.au or telephone (02) 8368 2545.

Reproducing this information sheet

You may download and print one copy of this information sheet from our website for your reference, or you may purchase a printed copy from our online shop – http://shop.copyright.org.au – or direct from us.
Australian Copyright Council

The Australian Copyright Council is a non-profit organization whose objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unsatisfactory;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.

The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body.

© Australian Copyright Council 2000
Attachment 5

www.libraries.sa.gov.au

FACT SHEET search locate explore @your library

Internet Safety

Special Rules for Kids
The Internet allows you to discover the world from the comfort of your own home, school or library. However, when you use the Internet, it's really important that you remember the following rules:

- Before using your full name, address or contact details, ask your parents or guardians for permission.
- Ask your parents or an adult for help if you see something you don't understand, or something that scares you.
- Don't do anything that makes you feel uncomfortable or unsafe.
- Never agree to meet someone you've met online unless your parents or an adult go with you.
- Remember – not everything on the Internet is true or accurate.
- Be careful downloading files and games, which are free. Sometimes people can trick you into clicking on a link that sends you into an “unsafe” zone or makes the computer download a virus or spyware.

Special Tips for Parents/Guardians
Remember that the vast majority of sites are safe, but just like the real world the online world contains material that is sexual, violent or simply inappropriate for children.

- Whenever possible be with your children when they are on the Internet.
- Teach your children rules about communicating online.
- Teach them that not everything they see or hear may be accurate or true.
- Computers used by children should be easily seen and watched.
- Filtering software is available but is not the answer: they cannot block everything you want blocked and they often block helpful material. Filtering is no substitute for parental guidance.

REMEMBER! THE BEST PROTECTION IS PARENTAL SUPERVISION.
Internet Safety

Kid's Search Engines:
The services below are designed primarily to serve the needs of children, either in focus, or by filtering out sites that some parents and teachers might find inappropriate for kids.

- libraries.sa 24 hour library - www.libraries.sa.gov.au
- KidsClick! - http://www.kidclick.org/
- Kid's Search Tools - http://www.rcs.org/ksearch.htm

Internet advice and information:
Cybersmart provides activities, resources and practical advice to help young kids, kids, teens and parents safely enjoy the online world. Cybersmart also offers training and resources for schools and materials for library staff.
Developed by the Australian Communications and Media Authority (ACMA), Cybersmart is part of the Australian Government's cybersafety program.

Contact Cybersmart Toll free Helpline on 1800 080 176 or visit http://www.cybersmart.gov.au/ContactUs.aspx for online contact forms.

The Cybersmart website has a wealth of information on filtering, spam and all those other internet issues you have heard about. To make a complaint to the ACMA about Internet content (including Internet gambling content) that you think is, or may be, prohibited use one of these contact methods:


Email: online@acma.gov.au

Post: The Content Assessment Hotline Manager
Australian Communications and Media Authority
GPO Box 2000 Queen Victoria Building NSW 1230

Fax: (02) 9234 7766

For further information regarding internet safety, just ask @yourlibrary™, or visit www.libraries.sa.gov.au
Attachment 6 (available in soft here http://www.libraries.sa.gov.au/site/page.cfm?u=146)

Australian Communications and Media Authority

Australian Broadcasting Authority, Broadcasting Services Amendment, 1999 – Schedule 5

Online Services

Schedule 5—Online services

Part 1—Introduction

1 Explanation of the context of this Schedule

(1) This clause explains, in simplified form, the context of this Schedule within the proposed Australian scheme for dealing with content on the Internet.

This Schedule

(2) The first component of the proposed scheme is this Schedule, which regulates Internet service providers and Internet content hosts, but does not impose any obligations on:

(a) producers of content; or
(b) persons who upload or access content.

State/Territory laws and telecommunications offence provisions of the Criminal Code

(3) The second component of the proposed scheme will be:

(a) State/Territory laws that impose obligations on:
(i) producers of content; and
(ii) persons who upload or access content; and
(b) Subdivision C (Offences related to use of telecommunications) of Division 474 of Part 10.6 of the Criminal Code.

Non-legislative initiatives

(4) The third component of the proposed scheme will be a range of non-legislative initiatives directed towards:

(a) monitoring content on the Internet; and
(b) educating and advising the public about content on the Internet.

2 Simplified outline

The following is a simplified outline of this Schedule:

• This Schedule sets up a system for regulating certain aspects of the Internet industry.
• A person may complain to the ACMA about prohibited content or potential prohibited content on the Internet, and the ACMA must investigate the complaint.
• Internet content hosted in Australia is prohibited content if:
  • (a) the content has been classified RC or X 18+ by the Classification Board; or
  • (b) the content has been classified R 18+ by the Classification Board and access to the content is not
subject to a restricted access system.

- Internet content hosted outside Australia is **prohibited content** if the Internet content has been classified RC or X 18+ by the Classification Board.
  - Internet content is **potential prohibited content** if the content has not been classified by the Classification Board, but if it were to be classified, there is a substantial likelihood that the content would be prohibited content.
    - If the ACMA is satisfied that Internet content hosted in Australia is potential prohibited content, and is likely to be classified RC or X 18+, the ACMA must:
      - (a) request the Classification Board to classify the content; and
    - (b) give the relevant Internet content host an **interim take-down notice** directing the host not to host the content pending the classification of the content.
  - If the ACMA is satisfied that Internet content hosted in Australia is potential prohibited content, and is likely to be classified R 18+, the ACMA must request the Classification Board to classify the content.
    - If the ACMA is satisfied that Internet content hosted in Australia is prohibited content, the ACMA must give the relevant Internet content host a **final take-down notice** directing the host not to host the prohibited content.
      - (a) if the ACMA considers that the content is of a sufficiently serious nature to warrant referral to a law enforcement agency—notify the content to an Australian police force; and
      - (b) notify the content to Internet service providers so that the providers can deal with the content in accordance with procedures specified in an industry code or industry standard (for example, procedures for the filtering, by technical means, of such content).
  - The ACMA has a reserve power to make an industry standard if there are no industry codes or if an industry code is deficient.
  - The ACMA may make online provider determinations regulating Internet service providers and Internet content hosts.

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3Australian Broadcasting Authority, Broadcasting Services Amendment, 1999 – Schedule 5 Online Services
Attachment 7


Statement on free access to information

ALIA objects addressed
To promote the free flow of information and ideas in the interests of all Australians and a thriving culture and democracy.

Principle
Freedom can be protected in a democratic society only if its citizens have unrestricted access to information and ideas.

Statement
There are several different levels at which the free flow of ideas can be impeded. At the societal level, legislative bodies of all kinds are expected to consider the legal and regulatory frameworks they put in place to support the free flow of information and ideas about the interests and concerns of citizens. At the institutional level, library and information services are expected to encourage the free flow of information and ideas within the scope of their roles and responsibilities. At the individual level, citizens are expected to make informed decisions in exercising their rights and responsibilities.

The Australian Library and Information Association believes that library and information services have particular responsibilities in supporting and sustaining the free flow of information and ideas including:

1. asserting the equal and equitable rights of citizens to information regardless of age, race, gender, religion, disability, cultural identity, language, socioeconomic status, lifestyle choice, political allegiance or social viewpoint;
2. adopting an inclusive approach in developing and implementing policies regarding access to information and ideas that are relevant to the library and information service concerned, irrespective of the controversial nature of the information or ideas;
3. ensuring that their clients have access to information from a variety of sources and agencies to meet their needs and that a citizen's information needs are met independently of location and an ability to pay;
4. catering for interest in contemporary issues without promoting or suppressing particular beliefs and ideas;
5. protecting the confidential relationships that exist between the library and information service and its clients;
6. resisting attempts by individuals or groups within their communities to restrict access to information and ideas while at the same time recognizing that powers of censorship are legally vested in state and federal governments;
7. observing laws and regulations governing access to information and ideas but working towards the amendment of those laws and regulations which inhibit library and information services in meeting the obligations and responsibilities outlined in this Statement.

*Australian Library and Information Association, *Statement on Free Access to Information*, 2001*
Attachment 8


Short title
Statement on online content regulation.

ALIA objects addressed
To promote the free flow of information and ideas in the interest of all Australians and a thriving culture, economy and democracy.

Principle
Freedom can be protected in a democratic society only if its citizens have unrestricted access to information and ideas.

Statement
Libraries and information services facilitate and promote public access to the widest variety of information, reflecting the plurality and diversity of society. The selection and availability of library materials and services, including online content and services, is governed by professional considerations and not by political, moral and religious views.

Libraries and information services support the right of all users to unhindered access to information of their choice regardless of format. Access to electronic information resources should not be restricted except as required by law and this basic right should not be eroded in the development of regulatory measures for online information.

Users are assisted with the necessary skills and a suitable environment in which to use their chosen information sources and services freely and confidently. Each user's right to privacy and confidentiality is protected with respect to information sought or received and resources consulted.

In addition to the many valuable resources available on the internet, some are incorrect, misleading and may be offensive. Libraries and information services proactively promote and facilitate responsible access to quality networked information for all their users, including children and young people. They enable library users to learn to use the internet and electronic information efficiently and effectively. Australian Library and Information Association, ‘Statement on Online Content Regulation’, 2002.