

LIBRARY ASSOCIATION OF AUSTRALIA

MEDICAL LIBRARIANS SECTION

Victorian Branch

Newsletter # 1

February, 1983.

Programme for 1983

28th February: General section meeting, discussion
"Patient access to Medical Information" led by
Susan Liepa.
6 pm for 6.30 p.m. Venue: Alfred Hospital.
Commercial Road, Prahran.

PARKING - Available either Monash Car Park,
Commercial Road down lane near Chevron Hotel,
Boomgate park, small charge or VISITORS car
park, Cnr. of Punt & Commercial Roads.

Enter Hospital at main Commercial Road doorway,
walk through foyer to lifts on left hand side
opposite enquiry desk, down two floors to
Cafeteria 3 in the basement.

27th April: Joint meeting Special Libraries Section
"Co-operative information provision and networking in
specialist subject areas"
Speaker: Heather Weidenfor Brice.

1st June: General section meeting.

4th August: General section meeting.

18th November: Annual General Meeting.

8th December: Christmas Party.

NEWS FROM L.A.A. GENERAL COUNCIL

- # A voucher-only L.A.A. membership category has been created, for institutions with a library staff and materials budget of less than \$25,000 per annum. The fee will be \$50.00 p.a. these institutional members will not receive Incite or A.L.J.
- # A Queensland Branch of the Medical Librarians Section has been formed.
- # 1983 has been designated as the International World Communications Year, General Council has requested suggestions from Sections and Branches for appropriate activities.
- # THE GUIDE TO AUSTRALIAN REFERENCE SOURCES from the L.A.A. Publications board is almost ready for publication, it will primarily be distributed through MANNINGS. Library Suppliers Pty. Ltd., 4/175 Gibbes St., Chatswood, N.S.W., 2067.
- # The L.A.A./N.Z.L.A. 1984 Conference will be held in Brisbane.

Australian Medical Librarians 5th Biennial Conference: Perth, W.A. 18th-23rd September, 1983.

The programme is as follows:

- Day 1 Sunday 18th
Registration; wine and cheese.
- Day 2 Monday 19th
Co-operation - Inter-regional: Australia/Pacific/Malaysia
- National: Local and interstate networks..
- Day 3 Tuesday 20th
Identification, Selection and Acquisition of Library Materials.
- Day 4 Wednesday 21st.
Trends in Medical librarianship.
- Day 5 Thursday 22nd
Trends in Medical librarianship.
- Day 6 Friday 23rd
Management of medical libraries.

Contact: Ingrid Sims, Chairman conference
Planning Committee
Biomedical Librarian
Medical Library
Queen Elizabeth II Medical Centre,
NEDLANDS, W.A. 6009.

MEDICAL LIBRARIANS

Section News - Victorian Group

The 1982 Christmas Party Cruise on the Yarra was a most enjoyable evening. Those who attended included family and friends and all were treated to a fine, mild evening for chugging up and down the Yarra. The Yarra Yarra Jazz Band played marvellous music for both dancing and partying.

Thanks go to Standish Prideaux & Pye for making the Band available and to Ramsay's for their help with the liquid refreshments.

All present declared the party a great success, a wonderful way to finish off the year's work, and no party goers lost overboard (we think).

Judith Quilter, the Group's Treasurer, has resigned to embark on further studies. As the inaugural Treasurer Judith has given much time and dedication to our group and we are very grateful. Our thanks and best wishes in her endeavours.

Nominations are called for the position of Treasurer, office-bearers must be current members of the L.A.A. Nominations close 4 p.m., 28th February, 1983.

A nomination form is attached to this newsletter but other format will be accepted if signed by two sponsors and the nominee.

Forward to: Ms. A. Zalitis,
Secretary
Medical Librarians Section
Central Cancer Library
481 Little Lonsdale Street,
Melbourne. 3000.

The "Audio-Visual Update" one day seminar held at Ballarat Base Hospital was a most interesting and informing day. The seminar was quite well attended and the group was able to cover all its costs. Your executive invites suggestions for topics for future one or two day seminar sessions.

Librarians on the move:

Kathy Gray (formerly of Bendigo Base Hospital) has moved to Queen Victoria Medical Centre Library, while Cecily Gilbert is on extended leave.

Heather Morton has been appointed as the Librarian at Bendigo Base Hospital.

Susan Liepa will be taking 12 months leave from Moorabbin Hospital from mid-February. Your president can still be contacted at home on 561 4243.

Laurice Malone will be the Librarian at Moorabbin Hospital for 12 months.

- # Vivienne Wallington the Medical Librarian at Maroondah Hospital has recently had the distinction of having a book published; entitled "Somewhere", Vivienne's book is a children's storybook and is now available in the bookshops.
- # L.A.A. President 1983, Barrie Mitcheson will be addressing a meeting of the Special Libraries Section, Victoria Group on Tuesday, 22nd March, watch Incite for details.
- # More information on Legal Responsibility in Information Provision:

The following were circulated to Branch Council Members, they are reproduced here for you. (attached).

BOOK NOTES

1. A GUIDE TO LEARNING INDEPENDENTLY,
by L.A. Marshall and R. Rowland. Melbourne, Longman Cheshire 1981. Available locally for \$8.95.

This is a very down to earth view on the subject of study. As it is written by two people from Churchlands College of Advanced Education in Western Australia there is an Australian perspective on methods in achieving success in formal education which I found very compatible.

The book doesn't offer dogmatic prescriptions but instead gives a range of ideas and techniques for study from which each reader can choose the guidelines most suited to a particular situation.

The following are some of the chapters I found particularly valuable:

1. You: your self and your surroundings; 2. Planning when & how you study; 7. Using libraries and other information sources; 8. Reading; 9. Listening to lectures; 11. Developing your own writing voice; 14. Using conventions: quotations, references, bibliographies, the finishing touches; Appendix: Discrimination: sexist language and attitudes. However I feel that all the fifteen chapters and appendix provide the reader with a commonsense yet refreshing view on study.

2. DIRECTORY OF LIBRARY SUPPLIERS USED BY AUSTRALIAN LIBRARIES
by L.A.A. Acquisitions Special Interest Group, 1982
ISBN 0 86804 024 X Available from Library Association of
Australia 376 Jones Street Ultimo N.S.W. 2007 \$8.50 (\$6.00 to
LAA members)

This list is a result of a questionnaire sent to suppliers of monographs and serials to Australian libraries. Thus information varies from rather brief entries to very informative ones. Coverage of non-book material is limited to those suppliers which include this type of material as part of their services. There is no index to advise what suppliers include non-book material.

Directory is arranged alphabetically by continent, where it is subdivided by country and within each country the arrangement is alphabetically by suppliers. There are indexes to 1. Name of company, 2. Publishers' agencies 3. Subject specialisation.

There are 3 entries listed under medicine (2 in Australia, 1 in Italy; there is one entry listed for biology, however the entry as such makes no mention of any specialization in this subject. There is 1 entry for computers.

I have been grateful for Tom & Weny Whitton's publications, "Inside bookshops" and I feel this publication is a further step in the right direction in assisting librarians reaching the most efficient sources rather than dealing with an ineffectual intermediary on the way.

3. AUSLOAN: AUSTRALIAN INTER-LIBRARY LOANS MANUAL,
produced jointly by Reference Interest Group/ Interloans
Working Party and L.A.A. 1982. ISBN 0 86804 016 9
Available from Library Association of Australia, 376
Jones Street Ultimo N.S.W. 2007 \$15.00 (\$10.00 to LAA members)

Interlibrary loans provide a large percentage of our work and so this publication is a must for all libraries, especially as I believe some librarians do not consider the public relations aspect of the interlibrary loan exercise. All one wants to know on interlibrary loans is consolidated in one publication.

One particular point of interest is the chapter on copyright which states that a supplying library has no responsibility for record keeping and thus the copy is stamped by the requesting library with the following notation

Copy made on behalf of
[your library's name]
on [date copy received].

LEGAL RESPONSIBILITY OF LIBRARIANS

The Crisp opinion and a guideline for Commonwealth public servants appear in the papers at pp.129-133. One may take two positions regarding the implications for a librarian. One - and the easy one - is that given by Sir Peter. This is the 'disclaimer' position, i.e. 'all care taken... but no responsibility' for the accuracy, relevance, or currency of information supplied, or indicated, and no inference that it is exhaustive, or the best available. If we accept this position, we are accepting that the responsibility of librarians is both minimal and indirect. Assuming that the public continues to agree, and that no litigation occurs, we may expect things to go on much as they have, except that other undertakings - such as information brokerage - which may be prepared to guarantee the validity of information supplied, and accept responsibility for it - will steadily edge librarianship out of the field of information supply, and lead to its further relegation as a profession.

If, on the other hand, we take the position that librarians do have a responsibility regarding the quality of information supplied or indicated, we would be moving to a degree of maturity for the profession comparable to that obtaining in, say, the law, medicine, or engineering. If we did take such a position we could justifiably move to claim a licence for our profession which it presently lacks, but the consequent implications for recruitment, education and certification, and evaluation of performance would be revolutionary.

I draw these matters to the attention of Council.

John Levett.

12 August 1982

AACOBS

STANDING COMMITTEE MINUTES

18. LEGAL LIABILITY FOR PROVIDING MISLEADING INFORMATION
(AACOBS/SC/1982/50 and appendix)

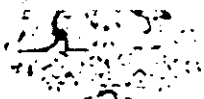
Sir Peter Crisp, Chairman of AACOBS and present as an observer was invited to take part in the discussion. It was explained that a High Court decision in Shaddock & Associates vs the Council of the City of Parramatta laid down no new rule of law but marked a factual extension of an existing principle to novel circumstances.

It had long been the law that where a person practised a profession, skill or craft the law would imply and enforce a duty of care in giving advice to others who consulted him in his professional or technical capacity. It did not matter if in fact he possessed the special skill or knowledge that he professed; a person while not being qualified as a doctor nevertheless medically advised and treated another person would be judged against the same standard of care and skill that it would be reasonable to expect in a fully qualified practitioner.

There is nothing novel in this, the novelty in Shaddock's case lies in the extension of the principle to a municipal corporation, whose officers were consulted as to matters peculiarly within their competence and knowledge, when they knew or should have known, that others would act to their detriment in reliance on the information received, and where in giving the information sought they failed to exercise reasonable care and diligence. This is clear if extracts supplied from the Judgement are studied carefully.

Standing Committee was asked what are the implications for librarians. They are no more than they are now and always have been. If librarians assume the role of advisors in technical and professional matters and they fall short of the standard of competence that can be expected of those who possess the special skills and knowledge necessary to deal with them, they and their employers can expect to be held liable for their mistakes. Their proper role is to act as guides to sources. If they accede to any request for specialised advice or help, this should be done they should do so with a disclaimer of any skill or knowledge of the subject and an exhortation to consult those who are properly qualified in the area of the enquiry.

Ultimately it will always come down to a question of fact. As the law is clear but the facts infinitely variable, Standing Committee saw no point in seeking a general legal opinion which could do no more than confirm principles of conduct which librarians already knew and followed.



3) COMMONWEALTH PUBLIC SERVICE

Reference 81/8435

8 July 1982

All Departments
Statutory Authorities
and Staff Organisations

THE DUTY OF CARE IN GIVING INFORMATION OR ADVICE

The purpose of this memorandum is to draw to the attention of departments and authorities certain aspects of the law of negligence as it relates to the provision of advice and information by officials to members of the public. This area of the law has been the subject of discussion in the Joint Council following the decision of the High Court in L. Shaddock and Associates v The Council of the City of Parramatta (Ref: 55 ALJR 713) delivered on 28 October 1981.

2. The High Court in the Shaddock Case has put beyond doubt the fact that government instrumentalities may be liable in damages for the economic loss sustained by persons who act on information or advice negligently given by officials of those instrumentalities. (Previously there had been a view that such liability should be regarded as confined to persons carrying on a business or profession involving the giving of advice of a kind which calls for special skills and competence or to persons who held themselves out as having such special skills and competence.) In the Shaddock Case, the Parramatta City Council was held liable for the economic loss sustained by development companies which bought property for redevelopment relying on the erroneous information provided by an employee of the Council that there were no road-widening proposals approved by the Council affecting the property.

3. The principle of law involved is expressed in the following terms in the Shaddock Case:

'... wherever a person gives information or advice to another person upon a serious matter in circumstances where the speaker realises, or ought to realise, that he is being trusted to give the best of his information or advice as a basis for action on the part of the other party and it is reasonable in the circumstances for the other party to act on that information or advice, the speaker comes under a duty to exercise reasonable care in the provision of the information or advice he chooses to give.' (Mason J. citing Barwick C.J. in MLC v Evatt (1968) 122 CLR 556)

The principle applies equally, if not more, strongly in the case of written information or advice.

4. In cases where incorrect information or advice is provided as a result of the negligence of a government employee, the employee may be sued. However, assuming that the information or advice was given by an officer acting in the general course of his duties, it is expected that the recipient of the information or advice would invariably exercise his right against the Commonwealth rather than the officer. As employer, the Commonwealth is liable for the acts of its officers and, in terms of capacity to meet any award of damages, would be a more attractive defendant than the officer. If an officer alone is sued in such circumstances, he is able to join the Commonwealth as defendant. It should be noted that there may be circumstances when the officer himself is not liable but the Commonwealth is, for example, when the officer, but not the department or authority, is ignorant of the use to which the information is to be put.

5. Proceedings brought against an officer on the basis of reliance on advice or information negligently given would normally come within the terms of Finance Directions 21/18 and associated guidelines (attached) which provides for the cost of defending legal action against an officer to be borne by the Commonwealth.

6. It is recognised that the provision of information and advice to the public (and to staff, for example, the provision of advice about conditions of service) is a significant and essential part of the operations of most, if not all, departments and authorities and that this will continue to be the case. In many situations government instrumentalities are the only source of relevant information and advice. Further, in some cases, the provision of information or advice results directly from particular statutory requirements.

7. Given the great variety of circumstances in which information and advice are sought and provided, it is not possible to formulate detailed rules of universal application. However the following should be borne in mind:

- the employers duty is to exercise reasonable skill and diligence to ensure that information and advice provided by staff, upon which the recipients are likely to rely for serious purpose are accurate;

- staff need to be sensitive to the use an inquirer may make of information or advice sought;

- staff, of course, should exercise due care in informing and advising inquirers - the standard of care required being related to the nature of the inquiry and the possible consequences that may arise from the provision of incorrect advice or information;

- when there are doubts about the reliability of the information or the authority of the officer to provide advice these should be made known to the inquirer;

- in some circumstances it may be possible to indicate that while all care is taken in providing the information or advice no responsibility is accepted for any loss incurred as a result. Disclaimers of this kind however are clearly not appropriate where the department or authority is the only authoritative source of information or advice on a matter and it is reasonable for the

Information or advice is being given on a matter that has not been finalised e.g. where full consideration of a case is required to come to a conclusion, the interim or conditional nature of the information or advice should be made clear;

Where information or advice is sought on a question of legal interpretation it may be appropriate to advise that such a question is ultimately for the Courts to determine and that therefore an inquirer should not rely on departmental advice;

In some circumstances it may be relevant to suggest to inquirers that they should seek independent advice from appropriately qualified persons.

It is suggested that departments and authorities identify areas of their activities where the negligent provision of information or advice result in those relying upon it sustaining economic loss, with a view to

proper measures being taken to ensure that information and advice provided by staff in the course of their duties are accurate;

ensuring that there are adequate guidelines and instructions informing staff how requests for information and advice are to be handled in particular work areas;

advising staff of their rights and obligations in relation to civil actions under the Finance Directions and Guidelines.

B.R. Hamilton
Secretary

Please note this will be issued as part of the Personnel Management Manual shortly.