Round-up: 2012 Annual Gathering of Librarians Interested in Government and Legal Information

By Chris Burns, Gail Curry, Carla Graebner, Mary Luebbe, Caron Rollins and Shelley Wilson-Roberts.

With cuts to Library and Archives Canada and other federal libraries and programs, this year's Government Information Day provided a sober assessment of the current library landscape. There were bright spots, however, as colleagues demonstrated new and innovative practices including collaboration on digital portals and digitizing historical provincial documents. Thanks to the Simon Fraser University Library and the BCLA Information Policy Committee for sponsoring this annual event

What follows is a round-up of presentations from the day.

From Charles Babbage to Ray Kroc to Stephen Harper

Presented by James Turk, Executive Director, Canadian Association of University Teachers (CAUT)

James Turk spoke about recent national events which will profoundly affect librarians and the people we serve. These include drastic federal budget cuts which will result in the closure or downsizing of many departmental libraries[1], the elimination of some critical programs and services,[2] and the reduction of the number of professional librarian and archivist positions at Library and Archives Canada (LAC)[3].

Mr. Turk framed these discouraging developments within broader economic and societal shifts which began with Charles Babbage in 1832[4] who foresaw the de-professionalization of labour and some of its subsequent consequences. Using the needle-making industry as an example, Babbage suggested that the process of making needles could be divided into many small steps, and that less-skilled (and lower-paid) workers be used for less-skilled tasks. He predicted that production would increase, quality would be more consistent, and costs would decrease, and he was right. The rapid industrialization of labour, however, also led to the loss of artisanal skills and an increasing separation of professional expertise from the actual production and delivery of goods and services. It also facilitated the exploitation of less-skilled workers.

Moving forward to present day, Turk pointed to McDonald's (founded by Ray Kroc) as a modern example of this de-professionalizing trend; there is no skilled labour required at the point of delivery of this company's uniformly-mediocre (at best) food products. Classic signs of de-professionalization include: 'rationalization' and de-skilling of positions, discontinuation of professional work, and the use of technology in place of people. This de-professionalization process applies equally to knowledge-based jobs (such as librarians), as demonstrated by the widespread outsourcing of cataloguing and collection development services, and the reduction in librarians' positions (and professional services) in all types of libraries. It is very evident in the recent changes at what Turk called "McLAC" [McLibrary and Archives Canada].

He spoke critically of current LAC Head Daniel Caron's promotion of a fundamental shift at LAC from providing a 'comprehensive' national record to a 'representative' one, and his declaration that "[LAC's] monopoly as stewards of the national documentary heritage is over.[5]" This publicly confirms

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[1] Departmental libraries which have been (or will be) closed or 'miniaturized': Agriculture Canada, Citizenship and Immigration, Human Resources and Social Development, National Capital Program, and Industry Canada. There is no plan for the disposition of their collections yet.

[2] Examples: The National Archives Development Program and LAC's Interlibrary Loan service.

[3] Approximately 215 positions will be lost, including professional jobs such as Government Document Specialist, Newspaper Specialist, and Library Science Specialist. Librarians will no longer provide direct service to the public without prior appointments.

[4] Charles Babbage. *On the Economy of Machinery and Manufactures.* (London: s.n., 1832). http://www.gutenberg.org/ebooks/4238

[5] Daniel Caron. "Digital Archives or Archives in a Digital World: To be or not to be?" (presentation, University and Research Archives Conference, University of Alberta, Edmonton, [March 26, 2012]), accessed May 31, 2012, http://www.bac-lac.gc.ca/eng/news/speeches/Pages/digital-archives-digital-world-remark.aspx

the erosion of LAC's collection mandate and services which had been quietly taking place for some time. Turk cited several examples of seminal, one-of-a-kind Canadian documents that were offered to the LAC, but not purchased. Access to archival materials has been hampered by changes to LAC's archival description practices; Turk noted that records now have half the number of descriptive fields as before, and no longer indicate provenance. And, with the elimination of the National Archives Development Program, which supported the digitization of unique collections in community archives, the capacity of smaller organizations to pick up those very responsibilities that LAC wishes to download upon them is significantly eroded.

Turk also challenged federal Heritage Minister James Moore's assertion that there will be no loss in service because materials are now available digitally. Turk estimates that, in fact, only 4% (at most) of the LAC collection has been digitized. Since the number of digitization staff is also being cut in half, it will be a very long time before the bulk of the LAC collection is available online.

Turk cautioned that, given this trend toward de-professionalization of the work of librarians and archivists, it's a small step to the reduction and closure of libraries and archives themselves: a devastating outcome for Canadians. He encouraged librarians to get actively involved in opposing these service cuts.

For more info, see: www.saveLAC.ca

- Chris Burns

Crown Copyright and Parliamentary Privilege vs. Copyright Law

Presented by Jennifer Marles, IP Lawyer with Owyen, Wiggs, Green and Mutala LLP

Jennifer Marles, currently an IP lawyer with Owyen, Wiggs, Green and Mutala LLP and an adjunct faculty member at UBC's Faculty of Law, discussed the distinctions between Crown Copyright, Parliamentary Privilege and Copyright law.

Marles began by saying that the key distinction between parliamentary privilege and other forms of copyright is that it evolved through tradition, rather than law, as a way to prevent the Crown's interference in the activities of Government. There is no basis in law for Parliamentary privilege, and, as a rule, courts will not interfere with it.

Copyright Law and Crown Copyright
Copyright law in both old and new forms is driven by advances in technology, like the advent of the printing press. Materials produced this way were inexpensive and quickly disseminated (as opposed to volumes produced in monastery scriptoria by hand), and this, coupled with regulation by the Church and Crown led publishers and authors to seek protection for their work.

An early copyright act from this time, the 1710 Statute of Anne, offered some protection to the author, rather than the publisher, for his or her work, and a limited term of exclusivity, after which the work passed into the public domain. This limited term of exclusivity encouraged the production and dissemination of new works, unlike pre-existing perpetual copyright. These two basic rights of protection and limited exclusivity continue to inform copyright legislation today. Marles pointed out that there is continual expansion in Copyright law, something we can see today with the proposed changes to the Copyright Act. The primary right conferred by copyright laws is the right to control the reproduction and performance or transmission of a work. These are economic rights. However, there are also moral rights conferred: the rights of paternity and integrity of a work. Marles noted that moral rights are weak in Canada, and often overlooked, but they are very important.

Crown Copyright applies to work prepared by and/or for the government, where copyright belongs to the Crown. It is defined in Section 12 of the Copyright Act and has a much shorter duration that other copyright (50 years from first date of publication, then the work is in the public domain). However, it is subject to agreement with the author. It is always best to not assume that Crown copyright applies. Copies of federal works like laws can be made under the Reproduction of Federal Law Order; however any copies must indicate they are a reproduction of an official work, and never be represented as an official version. As an aside, the Crown Copyright Office will close in 2014, so anyone seeking copyright clearance will have to contact individual government organizations for clearance.

It was mentioned that reproduction of British Columbia's legislation is much more restricted. Gay Lepkey, (DSP), pointed out that there is often third party Intellectual Property in government departmental reports, and that the Crown Copyright office often has to locate the third party contractor to see if there are rights to be asserted under copyright. This process will be onerous with the

closure of the Crown Copyright Office. In contrast, in the United States most government publications are in the public domain, though an author may have moral rights.

Parliamentary Privilege

Parliamentary privilege exists to shield the actions of Parliament from interference by the crown and the courts. It is based on our Constitution, and the privileges granted to Parliament cannot exceed those granted to Parliament in the United Kingdom. They include freedom of speech; freedom from arrest in civil actions; exemption of jury duty; and exemption of being subpoenaed.

Marles gave a recent example of parliamentary privilege in action: the RCMP search of the offices of members of the legislative assembly during the Basi/Virk trial. Two judges refused the RCMP's application for a warrant based on parliamentary privilege, but the third approved the warrant as the RCMP had deleted the information on the warrant that indicated the offices were in the Legislature. To search any location in the Legislature, the RCMP should have gotten permission from the Speaker.

Caron Rollins (UVic) asked about control of proceedings with regard to current digitization projects of Legislative Assembly documents at the University of Victoria. Does Parliamentary privilege or Crown Copyright govern the use of these documents?

Answer: sessional papers from the Legislature fall under Parliamentary privilege, while departmental reports fall under Crown Copyright.
Marles concluded by noting that the United Kingdom has recommended a loosening of control of print governmental publications, and it is unclear at this point if Canada will follow suit. Her engaging presentation gave a clear overview of the sometimes murky distinctions between these three forms of copyright.

References
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- Shelley Wilson-Roberts

Changes to the Depository Services Program

Presented by Gay Lepkey, Manager, Public Works and Depository Services Canada, Publishing and Depository Services

Gay Lepkey spoke about the current situation in view of recent announcements about the publishing and depository library programs.

Public Works and Government Services Canada (PWGSC) will be closing its publishing programs and distribution facility and the DSP will discontinue distribution of publications in tangible formats by the end of the 2013/14 fiscal year. That means distribution activity will cease around January 2014 in order to honour claims and wind up operations.

Gay indicated that due to the suddenness of the announcement, his information on moving forward is limited.

He outlined some consequences:

- There will be no central publication sales/distribution office.
- Libraries wishing to acquire print items will have to contact author departments and agencies.
- To receive serial titles that continue to appear in print, libraries will have to establish either subscriptions or mailing list status with author departments and agencies.
- The website will have to be redesigned.
- Production of the Weekly Checklist will cease; it will be replaced by an online database report of recently catalogued electronic publications. Archived older issues of the Checklist will probably vanish.
- Some federal departments may switch entirely to electronic publishing; others will probably scale their production of print titles back. Statistics Canada will have to curtail some publications that are paid for by other departments.
- The Depository Library Agreement will become null and void. He referred to articles 3.1a, b, f and 4 and mentioned that there will no longer be an

obligation for libraries to keep items received in the past.

- The purpose and function of the current depository library network will have to be redesigned if it is to continue. This will require consultation with depository library members.
- There will no longer be any distinction to being a depository library.
- The map depository plan is no more and the agreement with the Canadian Government Standards Board is unsettled.

The depository program was already committed to making changes; its current catalogue and record types will be replaced by an industry standard MARC 21-based integrated library system, Evergreen, with implementation planned for April 2013.

All records currently in the catalogue were recently forwarded to the Association of Parliamentary Libraries in Canada for inclusion in the APLIC Portal, an online catalogue representing holdings from territorial and provincial legislative libraries. They will figure out a plan to update their holdings on a regular basis, as long as the program exists.

Virtual Library
Gay mentioned that Canada's Action Plan on Open Government contains a paragraph about a Virtual Library, one component of Open Data, Open Information, Open Dialogue:

"To simplify access to a range of government information available to the public in Year 1, we will begin the design of an online searchable repository of published Government of Canada documents of all kinds (e.g. publications, consultant reports, ATI summaries, government research, presentations, white papers, etc.). Moving forward in Years 2 and 3, we will launch this Virtual Library through a pilot which will provide public access to federal publications and documents via a single window. Public input will be sought throughout "

If the Virtual Library becomes reality it could offer useful services such as pathfinders to the library community as well as the expected catalogue. Gay indicated that the DSP's electronic archive could form the foundation of the Virtual Library. With this in mind he wants to initiate a discussion among Infodep members to think about the program and how it could serve a different mandate in the future.

- Mary Luebbe

An inside view of NRCan's scientific archives: taking a look at preservation, records and access

Presented by Diane Thompson, Library Manager, Natural Resources Canada Library - Vancouver (Earth Sciences)

Diane Thompson, Library Manager of the Natural Resources Canada (NRCan) Library in Vancouver spoke about two projects at her library: the development of an electronic archive of emeritus scientists' material and the development of an e-book collection.

Although Library and Archives Canada (LAC) is responsible for preserving Geological Survey of Canada records, data and history, the Vancouver Office of the GSC is responsible for preserving its own recent data (approximately 60 years). The contents of retired scientists' offices have traditionally been stored in boxes labeled with content lists. The work of current scientists is built on previous research, so this material is still relevant and the library gets requests from scientists to use it. With these facts in mind, it was recognized that more organization was needed to optimize accessibility.

The archival project is based on the NRCan HR Renewal Plan and broader renewal efforts, which address knowledge retention and information accessibility. In the first phase of the project, archival fonds and finding aids were created and then finding aids were made available via a wiki, allowing desktop access to archival descriptions.   Phase Two of the project will focus on digitizing the contents of the fonds, after which the digital objects will be linked to from the finding aids.

This project is piloting a new way of archiving departmental records. It is also an exercise to show internally what a library can accomplish in addressing archival needs.

How open the access will be to this material is yet to be decided. Thompson noted that government scientists don't necessarily want these materials to be accessible to the public.

The Vancouver branch of the NRCan Library has also been experimenting with e-book collections, such as EBSCO e-books, Books 24x7, Edward Elgar e-books, National Academy Press, Knowel, and Lyell Collection, and portable readers, such as Kindle and Kobo. About 10 percent of their purchases are now

digital. E-collections that are device compatible are being preferred to allow for portability.

Observations about e-book collections:
- Ownership is complex and several models exist. Large collections provide perpetual licenses, but they tend to be expensive and not really suited for small special libraries.
- Some collections, such as Edward Elgar, are not portable.
- Individual titles may be selected in EBSCO. To date, GSC Pacific has approximately 3,000 EBSCO e-book titles.
- Discovery can be an issue. Some collections don't come with catalogue records.

Observations about e-book readers:
- Kindle can only be used for books downloaded from Amazon, which does not include a good selection of scientific titles. Kindles are also not conducive to viewing images.
- Kobo can be used to read EBSCO e-books, as Kobo is compatible with Adobe Digital Editions.
- E-book readers are not compatible with muddy, rainy field conditions, and it is a challenge to recharge them in the field.

Thompson identified the following advantages of e-books:
- They can't be stolen or damaged (although the same can't be said for e-readers).
- Weeding is easier, as one doesn't have to deal with physical items (but e-books can't be resold).
- They don't take up space. (This is important to the Vancouver branch of the NRCan Library, as they are being asked to downsize their footprint.)
- Clients want more digital.
- The library can reach niche audiences, such as senior managers and IT specialists, who tend not to be heavy users of the library.

- Gail Curry

"A Tale of Two Portals"

Presented by Marilyn Carr-Harris and Erika Luebbe, Legislative Library of British Columbia (LLBC)

Marilyn's and Erika's talk, "A Tale of Two Portals" provided context and information about portal projects they have been involved with at the Legislative Library of British Columbia.

Erika spoke first about the Association of Parliamentary Libraries in Canada Portal (APLIC) http://aplicportal.ola.org. APLIC's members, comprised of ten provincial legislative libraries, two

territorial libraries, and the Library of Parliament, have been working on the portal since 2010. The goal of the portal project is to provide access to electronic government documents, from the provinces and territories, all at once, in a single search interface. Right now the portal, still in pilot phase, includes over 160,000 records, with approximately 13,000 from British Columbia. Also included will be records for 90,000 electronic titles provided by the federal Depository Services Program along with records from the Government of Canada Publications catalogue.

The portal was developed in Ontario at the Legislative library of Ontario. It uses Apache Solr open source software. During the ingestion of documents into the portal, documents are downloaded temporarily in order to create a full text index. Materials remain in individual APLIC library repositories or catalogues; links in portal records point to electronic document(s) located in their collections. While there is still work to do, including work on French subject headings, APLIC hopes to officially launch the portal later this year.

Marilyn spoke about the British Columbia Royal and Special Commissions Digitization project and the Marjorie Holmes Bibliography project as part of the work being done by the Legislative Library of British Columbia.

Starting with a brief history of commissions and highlighting the Royal Commission on Milk-Supply in British Columbia, 1913, which had been, coincidentally, chaired by her grandfather, A. P. Procter, Marilyn indicated that commissions of inquiry first originated in Britain over 900 years ago. There are two types of commission: policy and investigative. Commissions are set up by government but are legally separate from government, like courts. Commissions hold hearings, collect evidence, and may call witnesses. A final report with recommendations is tabled in the Legislative Assembly, but the government has no obligation to implement the recommendations.

The Royal Commissions project was to digitize every commission listed in the *Royal Commissions and Commissions of Inquiry under the Public Inquiries Act* (now the Inquiries Act), a published checklist issued in three parts (1872-1942, 1943-1980, 1980-2005) under the authorships of Marjorie Holmes and Judy Bennett. The goal was to digitize the checklists and provide hyperlinks to the digitized commissions from the Legislative Library's web page. See http://www.llbc.leg.bc.ca/commissions/

Commission submissions (documents presented to a commission by witnesses or others) are not included, however, only interim and final reports. While the Commission submissions are possibly another project, there may be likely questions raised regarding the intellectual property of the submissions.

An outside vendor was contracted to do the digitization as the LLBC does not have enough equipment in house. The print copies were scanned at 300 dpi in black and white and PDFs were produced which were OCR'd for full text searching.

The scope of the project is 1872 – 1980 as commission titles from 1981 to the present are already online. A batch of MARC records for the titles will be created, including links to the digital copies. The batch will be made available in the same way the as the current Monthly checklist batch records (see http://www.eln.bc.ca/view.php?id=1876 and report in BCLA Browser Vol 3, No 3 (2011) http://bclabrowser.ca/index.php/browser/issue/view/16/showToc

The Marjorie Holmes bibliography, *Publications of the Government of British Columbia,* covers 1871 to 1847 and is the most comprehensive bibliography of early British Columbia government documents. Many titles have never been catalogued by the LLBC and are only listed in this bibliography, such as forestry, lands, agriculture, etc. Most have expired crown copyright. The bibliography also contains important department histories. The scanned content is not yet available as this is a large multi-year project. Some scanning will be done in-house, especially if there is only a single print copy in existence. This project is more challenging than the commission's report project because these titles include more maps, colours, and

pictures. Ultimately, the goal is to create another portal for the titles listed in Holmes.

A link to the digitized Holmes bibliography is at: http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs2010/188940/bc1871_1947.pdf

- Caron Rollins

Annual Gathering 2013

Next year's Annual Gathering will be held on Friday, April 26th. Calls for expression of interest in presenting or for submitting ideas for the 2013 Annual Gathering will go out on various lists this fall.

Thank you very much to the following people for contributing write-ups on this year's event:

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