



September 2009

eNetwork

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President's Message

I wish to extend my congratulations to all the recently elected National Council and R & E Board delegates. I am looking forward to working with you all in a proactive year where we see the institute clearly represent our members' needs.



It was with great sadness that I heard the news that the Medical Illustration Unit (MIU) at University of New South Wales & Prince of Wales Hospital (POWH) has closed. MIU delivered a first class service to patients, doctors, researchers and staff for 47 years. I worked at MIU for 4 years where I learnt a great deal and the staff there became a second family to me. This sudden closure caused a big stir and Pam Dawes (AIMBI treasurer & the clinical photographer at POWH) is currently renegotiating her role and has many supporters within POWH and Sydney Children's Hospital. So watch this space and hopefully we shall see new Medical Photography services evolve. This brings home the need for AIMBI to keep supporting our members and keep coming up with new ideas on how can we avoid these drastic measures taken by hospitals or universities to save money by closing down a whole department.

At the recent NC meeting we outlined the two main issues that we shall be working on this year, which will be the clinical photographers national registration and accreditation scheme for health professionals application and AIMBI becoming incorporated or registered. The new National Council Reps will be meeting in November and we hope to have made some good progress on these important projects. National Council will also be holding a special meeting to discuss the format of the AIMBI Conferences in the future, so please do discuss this at your local group meetings or feel free to contact Vicki or myself if you have any ideas.

Amanda Rebbechi (AAIMBI)



Employment Benchmarking

The tertiary education institutions throughout Australia (universities and TAFE colleges) recognise the need to train specialist photographers for roles in the workplace. However, many government departments (State and Federal) do not share the need to employ trained specialist photographers.

This issue extends to other specialist illustrators represented by the Australian Institute of Medical and Biological Illustration, such as medical and graphic artists, video- and cinematographers, managers of these departments, and the like.

As such it is proposed that AIMBI:

- ♦ Try to ascertain a list of all medical illustrators working in Australia – not just AIMBI members. Not by name due to government departments privacy obligations, rather at least what position exists.
- ♦ Communicate with all governments at State and Commonwealth level to determine at what level biomedical photographers (perhaps expand to illustrators to include artists, videographers, managers, etc.) are employed, what qualifications are required, and what restrictions apply to employment (e.g. sworn officer), membership to professional body, staff development and further education, training of future practitioners (including cadetships etc),
- ♦ Government departments to include: health, police, primary industry, etc.
- ♦ Compare states, territories and federal replies.
- ♦ Compare intra-state for inconsistencies.
- ♦ Establish a national benchmark.

Once information has been collated, it is proposed that:

- ♦ Compile information and reports for presentation to National Council.
- ♦ Report recommendations to Governments and lobby with AIMBI bias on findings.
- ♦ Liaise with R&E Board to promote next stage – national registration.

All reports and findings to be compiled and submitted to relevant federal government body by July 2010.

The following members have volunteered to collect & collate information:

- | | |
|---|---------------|
| ♦ Queensland collector | Vicki Adams |
| ♦ New South Wales | John Baird |
| ♦ Victoria & Tasmania | Lisa Breayley |
| ♦ South Australia | Carly Emerson |
| ♦ Western Australia & Northern Territory | Chris Barry |

Please provide these members with as much assistance and support as possible.

The objective of this process is the establishment of a recognised registration for Medical and Biological Illustrators in Australia, similar to that of the United Kingdom.



Think it over . . .



This edition of eNetwork's reflective topic is **Copyright in the Workplace**. The following *general information* was presented at the Mater Education Centre's Copyright Information Session by

David Richardson – Partner, Dibbs Barker on 10th August 2009.

Please note the information contained in this article is to be used as guideline information only. Should you require copyright information for your workplace, seek professional legal advice.

Introduction

Intellectual Property (IP) issues are creeping into every part of business life.

IP is a body of rights which derive from creativity and include rights arising out of:

- ♦ inventiveness (patents)
- ♦ originality of expression (copyright and designs)
- ♦ brands of origin (trade marks) and
- ♦ trade secrets (confidential information)

IP is intangible and, like other property, may be bought, sold, licensed or exploited in various ways.

IP rights are territorial and rights in Australia do not generally affect activities which take place wholly outside Australia.

Fundamental Concepts

- ♦ Copyright protects original "works" including literary, dramatic, artistic and musical works.
- ♦ Copyright protects the original expression of ideas, not the ideas themselves.
- ♦ Copyright protection is provided in Australia under the *Copyright Act 1968* and is free and automatic (from when it is first written or recorded).

- ♦ Copyright is a right against copying and not against independent creation.
- ♦ Copyright protection gives the owner of the work exclusive rights to license others in regard to copying the work, performing it in public, broadcasting it, publishing and making an adaptation of the work.

Copyright

Some of the works which can be covered by copyright include:

- ♦ Computer programs (a category of literary work)
- ♦ Compilations such as anthologies, directories and databases
- ♦ Artistic work such as logos, drawings, cartoons, photographs, maps and plans, painting and sculpture
- ♦ Dramatic works such as choreography, plays and mime
- ♦ Musical works including the music itself, separately from any lyrics or recording
- ♦ Cinemographic films and recordings
- ♦ TV and radio broadcasts
- ♦ Published editions (typographical arrangement of publishers)

Copyright subsists automatically on creation of original work – as there is no requirement for registration, it is important to keep signed and dated originals of copyright works for evidence in case of dispute.

Although a copyright notice with the owner's name and date is not necessary in Australia, it can help prove your ownership of copyright.

Generally, copyright lasts from the time the work is created until 70 years after the creator's death.

Once copyright has expired, anyone can use the material without permission.

There can be a number of different and separate copyrights – for example a DVD movie may contain different and separate



copyright in the moving images, recorded sounds, the script, the screenplay and the music.

Although copyright cannot be claimed in an idea but only in its expression, often a problem exists in drawing a line between an idea and its expression.

In determining whether a work reproduces the expression in another work and would infringe, it is always useful to keep in mind the policy behind the idea/expression dichotomy.

An "original work" is work which originates from the thought, skill and labour of the author and has not been copied from some other work.

The purpose of copyright is to provide an incentive for people to produce new works for the benefit of society - copyright aims to protect the investment (thought, skill and labour) in creating such works.

The incentive is created by the opportunity to be paid when other people use and disseminate those works.

Who Owns Copyright?

The general rule under the Act is that the author (creator) is the first owner of copyright in the "work".

Exceptions to this general rule are:

- ◆ Where work is created by an employee, the first owner of copyright will be the employer if the work was created in the course of the employee's employment.
- ◆ The first owner of copyright in a film is usually the producer or person who paid for it to be made.
- ◆ Where photographs are taken for private or domestic purposes.
- ◆ Material created under the direction or control of the Government.

These rules though can be changed by agreement between the parties.

- ◆ Where work is commissioned, in the absence of express agreement to the contrary, the author of the commissioned work will own the copyright and not the commissioner of the work.
- ◆ Need to document who owns the copyright where possible when commissioning work.
- ◆ Where third party copyright material is incorporated into your work, it is important to ensure that all appropriate assignments, licenses or consents have been obtained from the owners of the copyright work.
- ◆ Any work published on the internet can be relatively easy to copy and digitally manipulated without the copyright owners permission - therefore it is not advisable to display commercially valuable copyright material on the internet.

Using Copyright Works

In copyright law, the objective of encouraging creation of new works is balanced by the objective of making material available for socially desirable purposes such as research and education.

If you want to use something someone else has created you generally require permission from the copyright owner.

You need permission where (i) the work is protected by copyright (ii) you use a substantial part (an important part) of the work and (iii) your use is not covered by a special exemption.

Failure to get permission will usually result in an infringement of copyright - may also infringe where you allow someone else to infringe.

Under international treaties, almost all copyright material created overseas is also protected in Australia under the Copyright Act (and vice versa).



How do you get permission?

Publishers - usually the first step is to contact the publisher/producer of the work or the copyright owner if these details appear on the work.

Collecting Societies – in some cases you need a licence from more than one collecting society (e.g. playing recorded music in public can require a licence from both APRA and PCCA (Phonographic Performance Company)).

Licensing organisations – use of images associated with popular artists or TV shows are often licensed by a commercial licensing organisation.

Copyright clearance services – CAL (Copyright Agency Limited) offers a copyright clearance service for literary work.

Orphan work – you may still infringe even if you cannot find contact details of the copyright owner or otherwise cannot obtain permission.

Special Exemptions

The Copyright Act contains many special exemptions that allow use of copyright material without permission for specific purposes.

Fair Dealing – a certain amount of copying is permissible under the fair dealing provisions of the legislation – covers (i) research or study (ii) criticism or review (iii) parody or satire or (iv) reporting news if the use is “fair” – the Act sets out some factors to consider what is fair in the circumstances (where it doesn't interfere with the legitimate market for the item – for e.g. in the case of research or study 10% or 1 chapter of work or an article). “Sufficient acknowledgement” of each work should also be given.

Permission is not required by Educational Institutions if “reasonable portion” used for educational purposes. Schools, universities and colleges obtain “statutory licenses” and

undertake to pay fees – other organisations that provide training may be covered but need to follow procedures as required by Copyright Agency Limited and Screenrights – fees and conditions apply.

There are no provisions that allow use of copyright material solely because the use is for non-commercial or personal use.

Private Use provisions (added in 2006) – can copy certain work for private and domestic purposes (mainly to allow use/viewing of publicly available work (or work you have legitimately paid for) at a later ‘more convenient’ time) – no commercial or public use or other distribution to a third party is permitted.

Other special provisions exist for maintaining an operating library.

Licences from CAL – can obtain special licenses allowing copying for the purpose of the organisation (rather than specific purposes set out in the Act) – conditions and fees apply.

Government use – entitled to rely on wide-ranging exceptions to copyright infringement (does not apply to local authorities).

Moral Rights

Individual creators have “moral rights” in what they create, whether or not they own the copyright. These rights generally oblige you to attribute the creator of the work and respect the integrity of their work (by not using it to damage their reputation).

You do not need to attribute the creator if the creator has consented not be identified or it is reasonable in the circumstances not to identify the author.



Special Examples

Internet

Material may be protected by copyright whether it is in hard copy form or in digital form, such as on the internet (or in emails).

Copyright can be infringed by copying, printing, downloading, saving or communicating (sending) material from a web site, without express or implied permission from the copyright owner.

You may have express permission from a statement on the web site (which may include some conditions – for e.g. some material is made freely available on the internet by use of Creative Commons licenses).

Permission can sometimes be implied - for e.g. by having a button which says “print friendly version” or “email to a friend” (no commercial purpose permitted generally without express permission).

Creative Commons

Initially developed in the US in 2003 by a not-for-profit organisation – versions have developed since in Australia (www.creativecommons.org.au).

CC licenses are standard types of licenses (terms and conditions) offered for non-commercial use of various types of copyright material - non-revocable.

There are 6 Australian CC licenses and each contains a combination of 4 licence conditions:

- ♦ “Attribution” – requiring attribution of creator of work
- ♦ “Non-Commercial” – restricts commercial use
- ♦ “Share Alike” – allowing amendments and improvements provided the new work is offered to others under a similar licence
- ♦ “No Derivatives” – restricting “derivative” works or combining other works

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Acknowledgement

Speical thanks to David Richardson, Partner – Dibbs Barker for permitting reproduction of “Copyright in the Workplace” PowerPoint presentation in eNetwork.



Date Claimers

Special "Conference" Review

- 20th October (6.00pm)
- Teleconference
- National Council Delegates and interested members

Ballarat International Foto Biennale

- 4th September - 4th October

Queensland Local Group Meeting

- 26th October (6.00pm)
- Educational meeting: Qld Police Service Photographic Section
- AIMBI (Q) Members and invited guests

National Council Teleconference

- 10th November
- Teleconference
- National Council & R&E Board Delegates

Conference Review / Development Meeting

20th October - 6.00pm Teleconference
Discuss and develop future plans for AIMBI National Conference. Does AIMBI continue to link with PMA and PIEA on an annual basis for it's national conference? Do members want an exclusive AIMBI community conference? If so, on an annual or biennial basis?

All interested members welcome. Contact Vicki Adams (Vicki.Adams@mater.org.au) for dial-in instructions.

Queensland Local Group Educational Meeting

26th October - 6.00pm at Queensland Police Service Photographic Section.

"Infra-red photography of historic bruising"
presentation by Sergeant Ken Leitch

All AIMBI (Q) members and invited guests welcome.

National Council Teleconference

10th November - 6.00pm Teleconference.
Quarterly National Council management meeting. Vicki Adams will forward necessary minutes & dial-in instructions.

All National Council and R&E Board Delegates required.

Ballarat International Foto Biennale (4th September – 4th October 2009)

The BIFB'09 Core Program is the flagship of the Biennale, featuring a selection of some of the best contemporary photography from Australia and around the world. Most of the 20+ Core Program exhibitions will be staged at venues in and around the Ballarat Heritage + Arts precinct, with most no more than 5 minutes walking distance of each other. The BIFB'09 Fringe Program offers an eclectic mix of all things photographic. From cutting edge installation to open entry group shows, to exhibitions by community groups covering everything from fine art to science, from landscape to still life, from hard news to fantasy. Chances are you will find something in the Fringe to tickle your fancy. The Biennale is not just about looking. There will be an amazing lineup of workshops, seminars, lectures, artist floor talks and projections evenings featuring everything from analogue to ziatype. Participation in the education program at BIFB'09 will be both stimulating and affordable, so book your places early.

www.ballaratfoto.org



2009 - 2011 National Council and Registration & Education Board Delegates

Introducing your 2009-2011 National Council and Registration & Education Board delegates. Please contact your local group National Council delegates regarding any issue(s) you want AIMBI to address. Your local group's National Council Delegates will bring your ideas and issues to the National Council as well as provide you with information about the institute and national activities that you may be interested in. Your Registration & Education Board members can assist you with your higher certification applications.

National Council Delegates • 2009 - 2011

National President

♦ Amanda Rebbechi amanda.rebbechi@mh.org.au 03 9342 7233

National Secretary

♦ Vicki Adams Vicki.Adams@mater.org.au 07 3163 8504

National Treasurer

♦ Pam Dawes amanda.rebbechi@mh.org.au 03 9342 7233

Queensland

♦ Peter Merry merryp@ramsayhealth.com.au 07 3394 7672
♦ Mimi Kersting madeleiK@qimr.edu.au 07 3362 0165

New South Wales

♦ John Baird jbaird@nscchahs.health.nsw.gov.au 02 9926 4522
♦ Pam Dawes p-dawes@live.com.au 02 938 22800

Victoria

♦ Lisa Breayley lisa.breayley@eyeandear.org.au
♦ Richard Smallwood Richard.smallwood@eyeandear.org.au

South Australia

♦ Angela Chappell Angela.Chappell@flinders.edu.au
♦ Lynton Emerson Lynton.Emerson@fmc.sa.gov.au

Registration & Education Board Member • 2009-2011

Queensland

♦ Vicki Adams Vicki.Adams@mater.org.au 07 3163 8504

New South Wales

♦ Julie Murray jmurray@stvincents.com.au 02 838 22168

Victoria

♦ Susanne Williams susanne.williams@rch.org.au 03 93457074

South Australia

♦ Alan Hoare Alan.Hoare@health.sa.gov.au



2009 - 2010 Annual Subscription

Your annual subscription to AIMBI is now due. Payment of your subscription can be done by either EFT or cheque.

AIMBI National Council recognise that people are facing difficulties in the current economic times and would like to pass on some savings to the membership. Members are being offered a special **"one-off" reduction** in subscription fees for 2009-2010.

Subscription Fees:

| | | | | | |
|------------|--------------------|---------|-------------------|---------------------|----------|
| Practising | \$90.00 | \$70.00 | Non-participating | \$ 45.00 | \$ 35.00 |
| Student | \$45.00 | \$35.00 | Corporate | \$180.00 | \$160.00 |
| Remote | \$45.00 | \$35.00 | Affiliate | \$ 90.00 | \$ 70.00 |

Non-participating members are those, who while not remote from a local group, pay a reduced rate if they cannot, or do not wish to, participate in activities organised by a local group. If they do attend a local meeting they may be asked to pay an entrance fee.

If you have any questions pertaining to this matter you can contact a National Council Delegate, Vicki Adams (Vicki.Adams@mater.org.au), or Amanda Rebbechi (amanda.rebbechi@mh.org.au).

Got information to share with other members, developed a new methodology to make your working life easier? Perhaps you've got illustrations, design work or photographs that demonstrate exceptional skill – why not share them with AIMBI members in Australia and New Zealand.

Remember, AIMBI's success is seeded in the contribution of it's members.

Email articles for eNetwork to Vicki Adams:
Vicki.Adams@mater.org.au





National Council Teleconference – 11th August 2009 Minutes

Chair: Amanda Rebbechi
Minutes: Vicki Adams

Open/Welcome

6.10pm (Qld, NSW, VIC), 5.40pm (SA)

Attendance

Amanda Rebbechi (Chair), Vicki Adams (Qld), Peter Merry (Qld), Angela Chappell (SA), Paul De-Sensi (NSW), John Baird (NSW), Lisa Breayley (VIC), Richard Smallwood (VIC)

Apologies

Julie Murray (NSW), Lynton Emerson (SA), Pam Dawes (NSW)

Minutes from last meeting

Previous Minutes – 12th May 2009

Motion: The minutes be accepted as a true & accurate record of the meeting.

Moved: V. Adams Seconded: J. Baird

Accepted / Passed

Business arising from previous minutes

ASIC Research Update

- A. Rebbechi tried to contact G. Spring and was unable
- No report supplied
- A. Rebbechi to send out email regarding current status of ASIC application

Membership Database Online

- P. Merry spoke to A. Leadoux - 11th July 2009
- A. Leadoux very busy with work - suggested AIMBI source assistance from another source
- J. Baird to discuss with Royal North Shore contact

JBC Board Membership

- No report supplied

President's Report - Amanda Rebbechi

- Sent out Membership Subscriptions
- Has received ongoing business list from M. Shapter
- Has undertaken research regarding ASIC & Incorporation

Moved: A. Rebbechi Seconded: J. Baird

Treasurer's Report - Pam Dawes

- No Report Supplied due to current situation
- A. Rebbechi will carry this role for next couple of months

National Account \$6,980.83

Maxi Saving Account \$1,055.36

Does not include local group funds

Moved: A. Rebbechi Seconded: P. Merry



Website Report - Peter Merry (cont'd)

Need to review and update contact info on both the Meetings page and Contacts page.

Still no progress with online database Adam has advised me if with can find someone else it would be best as he has about 2 year work ahead.

Does National Council want P. Merry to take over control of Domain Admin & Hosting Admin from A. Leadoux?

- Yes

Moved: P. Merry Seconded: A. Chapell

Archivist Report – Paul DeSensi

- Continue work on scanning & preparing images
- No new information since AGM report

Incoming Correspondence

- Received email from V. Bentink regarding UNSW Faculty of Medicine & Teaching Hospital Medical Illustration Unit closure - 27th July 2009

Outgoing Correspondence

- All members emailed PMA Registration information - 13 & 18 May 2009
- All members emailed Notice of AGM & 2008 Minutes - 18 May 2009
- All members emailed President Dinner / PIEA Conference information - 26th May 2009
- All members emailed 2009 AIMBI Awards information - 2 June 2009
- All members emailed AIMBI Conference Report - 2 July 2009
- All National Council Delegates emailed letter of thanks for 2007-2009 Term - 10th July 2009
- All members emailed AIMBI eNetwork - 15 July 2009
- All members emailed 2009 AGM Minutes (in eNetwork) - 15th July 2009
- All members emailed Adobe August seminars - 15th July 2009
- National Council Delegates emailed Agenda & previous meeting minutes - 21st July 2009
- All members emailed 2009-2010 Subscription Fee forms and payment method instructions - 27th July 2009
- All members emailed UPDATED 2009-2010 Subscription Fee forms and payment method instructions - 27th July 2009
- National Council Delegates emailed reminder notice for 11 August 2009 Teleconference - 10th August 2009

Other business arising

Professional Registration for Clinical Photographers

- M. Shapter supplied information regarding IMI's submission
- L. Breayley (VIC), V. Adams (QLD), J. Baird (NSW) & C. Barry (WA) to acquire information regarding number of professionals practising and their duties
- A. Chappell to discuss with C. Emerson
- P. De Sensi reported that NSW Health are putting together "Best Practice" guidelines that include recommendations about clinical photography & informed consent. P. De Sensi will make these guidelines available to the group once finalised.
- V. Adams /A. Rebbechi to contact all interested members to participate & elect or reinstate a chairperson to facilitate the submission due July 2010.



Other business arising

Conference

- Guidelines for conference set-up/frequency to be developed
- Guidelines for exhibition / competitions to be developed
- Ideas to be brought to special National Council meeting - Tuesday 20th October

Titles for Local Group task holders

- Develop title for local group members who hold / undertake duties at local group levels
- "Local Group Executive Officer" is title to be put forward to all members via formal voting method.

Website - Historical Awards Listing

- Add page outlining historical AIMBI award winners
- eNetwork to include page outlining all National Council position holders & Local Group position holder

Archives

- Call for past digital files
- Copyright permission to be included as part of the competition entry form

Local Group AGMs

- Local Group AGMs to be held.
- Elect 2 National Council Delegates & 1 R&E Board from each local group
- Elect 1 Local Group Officer (optional)

Survival Guide

- Develop a survival guide for members to access if necessary
- Guide to provide useful information to assist members (and their departments) to stay relevant to their organisations

Constitution / Bi-Laws

- Further research/development of the constitution and bi-laws is still required
- More motions / amendments will be forthcoming

Mentoring

- Mentoring and development of future position holders to be actively fostered and undertaken

AIMBI Qld

- Discuss sharing information gathered from "The Dangers of Inappropriately Performed or Unauthorised Medical Photography" at Local Group AGM

Next Meeting

- Tuesday 20th October - Special "Conference Review / Development" meeting
- Tuesday 10th November 2009 - Ordinary National Council meeting

Meeting Close

7.29pm (Qld, NSW, VIC) 6.59pm (SA)



Actions

J. Murray

- Create RBI Certificate for Neil Fainges & mail to A. Rebbechi for signing
- Advise National Council if BCA still requires J. Murray as member on BCA editorial board.

A. Rebbechi

- Mail 2009 AIMBI Award winner certificates to V. Adams for distribution
- Sign RBI certificate and mail to V. Adams for distribution
- Email all National Council Delegates ASIC update report
- Discuss ASIC research progress with G. Spring
- Discuss frequency of joint participation with PIEA/PMA
- Develop motion for "Local Group Executive Officer" title
- Continue research/reading Constitution & Bi-Laws

A. Chappell

- Discuss gathering information regarding the number of practising medical illustrators (South Australia) with C. Emerson

V. Adams

- Distribute (via post) 2009 AIMBI Award winner certificates
- Deliver RBI certificate to N. Fainges
- Email all members "What's New on the Website" information
- Email "Employment Sub-committee" document to all Employment Subcommittee members.
- Gather information regarding the number of practising medical illustrators (Queensland)

J. Baird

- Discuss AIMBI membership data base (website) with Zoltan (Royal North Shore Contact)
- J. Baird to provide feedback to P. Merry and all National Council Delegates (via email)
- Gather information regarding the number of practising medical illustrators (New South Wales)

P. Merry

- View opsweb.org for membership details/information
- Create "Guidelines" for submitting articles & photographs for inclusion on website.

P. DeSensi

- Supply "Canberra Trip" story & photographs to P. Merry for inclusion on website

C. Barry

- Gather information regarding the number of practising medical illustrators (Western Australia)

L. Breayley

- Gather information regarding the number of practising medical illustrators (Victoria)