

LEGAL DEPOSIT CODE OF PRACTICE



CONTENTS

Introduction	4
About Us	5
Purpose of this Code of Practice	5
Our Goal	5
The National Library's Responsibilities	6
Definitions	7
What Does Legal Deposit Cover?	7
Publishers' Legal Obligations	9
Copyright	9
How to Deposit Your Publication	10
Appendices	
Examples of Public Documents	11
Glossary of Terms	12
Legal Deposit Form	14
National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, Part 4	15
National Library Requirement (Books and Periodicals) Notice 2004	23
National Library Requirement (Electronic Documents) Notice 2006	27

INTRODUCTION

The purpose of the National Library of New Zealand Te Puna Mātauranga o Aotearoa is to enrich the cultural and economic life of New Zealand and its interchanges with other nations, as appropriate, by collecting, preserving and protecting documents, particularly those relating to New Zealand, and making them accessible for all the people of New Zealand, in a manner consistent with their status as documentary heritage and taonga.

The National Library has a responsibility to reflect the published heritage of New Zealand through its collections, and this is achieved through its relationships with publishers, donors and vendors.

A principal method of acquiring material for the collections is through the statutory obligation of New Zealand's publishers to provide copies of their publications to the National Librarian.

This method, usually referred to as Legal Deposit, has been in existence in New Zealand since 1903. Legal Deposit is common in many countries around the world and allows them to gather and develop national collections as a record of a nation's published heritage.

The National Library values and respects the connections we have developed with publishers, and always endeavours to treat their publications with care.

This Code of Practice will serve as a guide for both the National Library and New Zealand publishers for the fulfilment of their responsibilities with regard to the legal deposit of publications.

ABOUT US

The National Library of New Zealand Te Puna Mātauranga o Aotearoa has a unique role as guardian of the images, recordings and writings of and about New Zealanders. The National Library collects, preserves and provides access to these materials as part of New Zealand's documentary heritage. The National Library also supports libraries and schools in New Zealand and provides policy advice to government.

The Alexander Turnbull Library that is housed in the National Library contains a comprehensive collection of documents in many formats that relate to New Zealand and the people of New Zealand. Established by Alexander Horsburgh Turnbull and bequeathed to the nation, the collections have been maintained and developed so that they provide for research into every period and aspect of our history.

The government of New Zealand has entrusted the National Library to preserve, protect, develop and make these collections accessible, as appropriate, for the benefit of current and future generations of New Zealanders.

The National Library is part way through a four year project (due for completion in June 2008) to establish the National Digital Heritage Archive, to enable the Library to meet its mandate to collect, preserve and make accessible (as appropriate) New Zealand's digital heritage.

The National Library is supported in this role through the provisions of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003.

PURPOSE OF THIS CODE OF PRACTICE

To inform both the National Library and New Zealand's publishers of the role of Legal Deposit and their responsibilities and obligations in this vital aspect of building the national collections.

OUR GOAL

The National Library recognises that New Zealanders and their communities need access to a range of resources important to their lives and is dedicated to providing quality services and programmes that will connect people with New Zealand's documentary heritage. The Legal Deposit process plays a major part in ensuring the National Library is able to deliver these services.

THE NATIONAL LIBRARY'S RESPONSIBILITIES

The National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, is the overarching framework under which the Library operates. Part 4 of the Act, Provision of copies of public documents to National Library, sets out the National Library's mandate with regard to Legal Deposit.¹ Under these statutory responsibilities the National Library undertakes to:

- Collect and preserve New Zealand's documentary heritage so that it is available, subject to any applicable terms and conditions, for the benefit of New Zealanders.
- Comply with any Notices of Requirement signed by the Minister for the National Library.

The Act is currently supported by two Notices of Requirement; the National Library Requirement (Books and Periodicals) Notice 2004, effective from 1 July 2004, and the National Library Requirement (Electronic Documents) Notice 2006, effective from 12 August 2006.²

- Balance the interests of publishers with those of its users. The Library does not intend that publishers incur commercial disadvantage through the legal deposit process and is only able to provide limited access to deposited materials (see no. 2 below).
- Comply with the Copyright Act 1994, except as provided in section 34 (2) to (4) of the Act where there are provisions that allow the Library to:
 1. Copy, store in electronic form and use any copy of a deposited document for the purposes of carrying out its work, e.g. copying may be necessary because of deterioration, format or software changes over time.
 2. Make up to three copies of a deposited document available for use by members of the public at the Library's premises, or elsewhere. However, the National Library must not make a document available on the Internet unless the publisher of that document has made it available on the Internet, without any restriction on its access by members of the public.
- Permanently store publications received through the legal deposit process in secure conditions that are suitable for their formats.
- Create an entry for publications in the New Zealand National Bibliography (NZNB).

¹ See Appendix 4.

² See Appendices 5 and 6.

DEFINITIONS ³

What is a Public document?

A document of which one or more copies (whether or not there is any restriction on members of the public acquiring or accessing the document) are issued to the public, or available to the public on request, or available to the public on the Internet.

What is an Internet document?

A public document published on the Internet, whether or not there is any restriction on access to the document. This definition includes the whole or part of a website.

What is an Off-line document?

An electronic document that is not an internet document, and includes an electronic document that is stored or used by means such as magnetic media (e.g. floppy disk, hard drive, audiotape, videotape), optical media (e.g. CD, DVD) or an electronic storage device (e.g. universal serial bus (USB) device or memory card).

WHAT DOES LEGAL DEPOSIT COVER?

Printed publications covered by Legal Deposit include:

- almanacs, calendars and diaries that have text, not just dates
- annual reports
- books and booklets
- brochures, pamphlets and leaflets
- calendars of tertiary institutions
- company profiles
- conference papers and proceedings
- directories
- discussion documents
- guidebooks
- histories of families, groups, districts and organisations
- kits containing printed text
- loose-leaf publications and all updates
- magazines, journals and ongoing publications (serials)
- maps, charts, plans and tables
- microfiche and microfilm
- newsletters of all kinds

³ See Appendix 2 for the definitions of further terms.

- newspapers
- prospectuses
- reports
- sheet music
- supplements
- working papers
- yearbooks.

Electronic documents covered by Legal Deposit include:

- any off-line or Internet equivalent of any document covered by Legal Deposit for printed materials
- any off-line or Internet version of any document covered by Legal Deposit for printed materials
- multi-media CD ROMS
- resources on CD/DVD
- navigational maps
- music sound recordings
- talking books
- documentaries, television series and animated features.

Printed and electronic documents not covered by Legal Deposit include:

- blank forms or labels, programmes and timetables
- in-house material such as training manuals, teaching or course notes, minutes of meetings
- offprints such as excerpts from publications, separately printed
- press releases
- reprinted or reissued publications with no alterations to text or illustrations
- trade advertising.

PUBLISHERS' LEGAL OBLIGATIONS ⁴

Publishers of print and off-line documents are legally required to:

- supply two copies of a published work to the National Librarian at the Legal Deposit Office, at your expense, including postage
- provide copies within 20 working days from the date of first publication
- supply copies of only the hardback form if your printed work is published in both hardback and paperback
- supply two copies of every second or subsequent edition, including:
 - revised, corrected, enlarged or abridged editions
 - editions where the name of the publisher has changed, even if the text has not been altered
- supply two copies of versions in different languages.

However,

- if the price of one copy of a published work exceeds \$1000, only one copy needs to be supplied
- if the price of an annual subscription of a periodical exceeds \$3000, only one copy of each issue needs to be supplied
- in the case of printed publications, if the number of copies published is less than 100, only one copy needs to be supplied.

Publishers of internet documents are legally required to:

- Assist the National Library to make a copy of their internet document upon request.

COPYRIGHT

Copyright is a protection granted automatically in New Zealand from the time a work is created. It is separate from Legal Deposit. Information about copyright is available from the Ministry of Economic Development website:

www.med.govt.nz .

⁴ The information in these sections emanates from the National Library Requirement (Books and Periodicals) Notice 2004 (2004/129) and the National Library Requirement (Electronic Documents) Notice 2006 (2006/118).

HOW TO DEPOSIT YOUR PUBLICATION

Printed and Off-line documents

Complete a 'Publication for Legal Deposit' form and return it, with two copies of the published work, to the Legal Deposit Office. The form can be found online at www.natlib.govt.nz/files/Printed_publications_for_Legal_Deposit.pdf, or on the Legal Deposit factsheet.⁵

Internet documents

The National Library encourages publishers to submit internet documents for preservation in the National Library's digital archive and an entry in the New Zealand National Bibliography in one of the following ways:

- using the National Library's online submission tool at <http://www.natlib.govt.nz/onlinedeposit>
- emailing documents to electronic-legal-deposit@natlib.govt.nz
- adding electronic-legal-deposit@natlib.govt.nz to electronic mailing lists for newsletters and other publications published and distributed in this way
- alerting us to the existence of a new publication by emailing electronic-legal-deposit@natlib.govt.nz with notification.

For any other information you may require about what should be legally deposited, or if you are unsure if your work is required to be legally deposited, please contact us (see back cover for contact details).

⁵ See Appendix 3 for a sample form.

APPENDIX 1: EXAMPLES OF PUBLIC DOCUMENTS ⁶

Printed documents:

A tapestry through time: Queen's High School 50th jubilee publication 1955-2005 / co-ordinated and edited by Cathy Timperley Published by Ex-Girls and Friends of Queen's Association, 2005.

Barriers to adult literacy: a discussion paper / by Frank Sligo ... [et al.].
Publisher: Dept. of Communication and Journalism, Massey University, 2005.

Ministry of Foreign Affairs and Trade: post-election brief, September 2005.

Tautai Contemporary Pacific Arts Trust newsletter.

The Aucklander: the New Zealand Herald community publication.

Off-line documents:

Vaimutu party time. Vol. 4 by Tiaki & the Boys [sound cassette]. Publisher: Vaimutu Records, 2005.

Mudstone database, eastern margin, Taranaki Basin / by K.E. Higgs, G.H. Browne, R. Pollock. [CD-ROM]. Publisher: Institute of Geological & Nuclear Sciences, 2005.

Tau te mauri (breath of peace) / writer, director & producer, Kathleen Gallagher. [Videorecording] Publisher: WickCandle Film, c2005.

Live at the Dogs Bollix / by Runninghouse. [Videorecording : DVD]. Publisher: Halogen Productions, 2005.

Internet documents:

Smartshares annual report. Publisher: NZX Funds Management, 2005.

Training, recruitment and retention strategies for psychologists in child and adolescent mental health services: a Māori perspective / Hilda Hemopo. Publisher: Werry Centre for Child and Adolescent Mental Health, 2004.

Draft district strategic plan. Publisher: Otago District Health Board, 2005.

Scuttlebutt: the newsletter. Publisher: Queenstown Lakes District Council.

Trust us, we're socially responsible: the truth behind British American Tobacco NZ's corporate social responsibility reports / by George Thomson. Publisher: ASH New Zealand, 2005.

New Zealand Rugby Museum [website: viewed July 30, 2004]. Publisher: Rugby Museum Society of New Zealand. Link to resource: www.rugbymuseum.co.nz.⁷

⁶ Taken from the New Zealand National Bibliography, October 2005.

⁷ Taken from the New Zealand National Bibliography, August 2004.

APPENDIX 2: LEGAL DEPOSIT GLOSSARY OF TERMS

Act

National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

Commercial publisher

A publisher whose primary business is publishing

Document

From the National Library Act (2003) Part 1, “document” means a document in any form; and includes—any writing on any material; and information recorded or stored by means of any recording device, computer, or other electronic device, or any other device, and material subsequently derived from information so recorded or stored; and a book, manuscript, newspaper, periodical, pamphlet, magazine, sheet of letterpress, sheet of music, map, plan, chart, painting, picture, etching, print, table, graph, or drawing; and a photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of equipment) of being reproduced; and a second or subsequent edition of any of the above

Deposited document

A public document of which 1 or more copies have been given to, or copied by, the National Librarian under a Requirement

Electronic document

From the National Library Act (2003) “electronic” includes electrical, digital, magnetic, optical, electromagnetic, biometric, and phototonic

Information

From the National Library Act (2003) Part 1, “information” includes information in the form of a document, data, text, images, sound, or speech

Legal deposit

The common term that refers to the provision in New Zealand law requiring publishers to provide copies of their publications to the National Librarian

New Zealand National Bibliography (NZNB)

Lists items the National Library has acquired through legal deposit, donation or purchase that are from or about New Zealand. It is a record of New Zealand’s publishing activities

Non-commercial publisher

An organisation that publishes although the organisation’s primary purpose is not publishing

Optical media

Optical media includes a compact disc (CD) and variants of a CD; and a digital video disc (DVD) and variants of a DVD

Publish

In the case of printed and off-line documents, “publish” means making the document publicly available by issuing copies of the public document to, or making copies of the public document available on request by, a member of the public, whether or not there is any restriction on the acquisition of the document by members of the public (as by payment of a price or fee)

In the case of an internet document, “publish” means making the document publicly available on the Internet, whether or not there is any restriction on access to the document

Publisher

A publisher can be any company, organisation, group or individual who produces a public document and either issues it to the public or makes it available to the public

Submission tool

Software that supports the transfer of a copy of an internet document from the publisher to the National Library

Voluntary submission

The National Library encourages publishers who want to submit their internet documents to use the online submission tool, available at <http://www.natlib.govt.nz/onlinedeposit>

Web harvesting

Using webcrawling software to automatically copy and collect Internet content such as website pages

APPENDIX 3: LEGAL DEPOSIT FORM

Publication for Legal Deposit

Title of publication:.....

..... Year published:

Author's full name:..... Year of birth:

Format/s available, e.g. print, CD, DVD, CD-ROM, video, etc.)

URL of Internet version (if applicable):

Publisher's name & address:

.....

Phone no.: Email:

ISBN/s or ISSN/s (if applicable):

Please state the publication's price or value: \$..... Subscription: \$.....

Frequency (if applicable):

Is this publication for sale? Or is it free?

Is availability limited? Yes No

If yes, please provide details:

.....

.....

Where can copies be obtained?.....

.....

Dates/titles of earlier editions:

.....

Please complete and return this form with two copies of your publication to:

Legal Deposit Office
National Library of New Zealand
PO Box 12-340
Wellington 6144

Enquiries: Phone: 64-4-474-3104
Email: legaldeposit@natlib.govt.nz
Street address:
58-78 Molesworth Street, Wellington 6011

The information you supply will be used to compile an entry for your publication in the *New Zealand National Bibliography*. As a result you may receive orders from libraries and booksellers. Please advise if you do not want any personal or contact details to be included in the *New Zealand National Bibliography* entry.

Legal Deposit is the provision in law that enables the National Library of New Zealand to collect and preserve New Zealand's documentary heritage for all New Zealanders. The National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, Section 31, requires publishers to deposit two copies of print and other publications published a physical format in New Zealand with the National Librarian, Legal Deposit Office, National Library of New Zealand. Further information is available at: www.natlib.govt.nz

APPENDIX 4: NATIONAL LIBRARY OF NEW ZEALAND (TE PUNA MĀTAURANGA O AOTEAROA) ACT 2003, PART 4

National Library of New Zealand
(Te Puna Mātauranga o
Aotearoa) Act 2003

Part 3 s 26

2003 No 19

26 Reports

The Commission, and any advisory body established under section 25, must report to the Minister each year on the performance of their functions during the preceding year.

27 Fees and allowances

The members of the Commission, and the members of any advisory body established under section 25, are entitled to be paid, out of money appropriated by Parliament for the purpose,—

- (a) fees determined by the Minister in accordance with Government policy; and
- (b) reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the Commission or advisory body, as the case may be.

28 Administration

The National Library must provide administrative services for the Commission and any advisory body established under section 25.

Part 4 Provision of copies of public documents to National Library

29 Interpretation relating to this Part

- (1) In this Part, unless the context otherwise requires,—

authorisation, in relation to an internet document, means an authorisation notified under section 31(3)

electronic document means a public document in which information is stored or displayed by means of an electronic recording device, computer, or other electronic medium, and includes an internet document

internet document means a public document that is published on the Internet, whether or not there is any restriction on access to the document; and includes the whole or part of a website

make a copy, in relation to an internet document, means to make a copy of the document for the purpose of storing and

using it in accordance with this Part; and includes circumventing any technological protection measures which otherwise would prevent or hinder the copying, storage, or use of the document

printer, in relation to any printed public document, means the owner of the undertaking by which the document is printed or otherwise produced

public document means a document—

- (a) of which 1 or more copies (whether or not there is any restriction on members of the public acquiring or accessing the document) are—
 - (i) issued to the public; or
 - (ii) available to the public upon request; or
 - (iii) available to the public on the Internet; and
- (b) that is printed or produced by any other means in New Zealand, or is commissioned to be printed or otherwise produced outside New Zealand by a person who is resident in New Zealand or whose principal place of business is in New Zealand; and
- (c) in which copyright exists under the Copyright Act 1994 or that is a document of a kind referred to in section 27(1) of that Act; but
- (d) does not include—
 - (i) a public record within the meaning of section 2 of the Archives Act 1957, except public records made available to the public (for example, public records that have an ISBN or ISSN number); or
 - (ii) a reprint of a document whose content and form are identical to the content and form of a document already given to the National Librarian under this Act or any previous Act

publication means making publicly available in the manner specified in a requirement, whether or not there is any restriction on the acquisition or use of the document by members of the public

publisher means,—

- (a) in relation to a printed public document, the publisher of that document; and
- (b) in relation to any other public document other than an internet document, the person who produced in New

* Please note that the Archives Act 1957 referred to in Part 4 Section 29 above has been superseded by the Public Records Act 2005.

Zealand, or commissioned the production outside New Zealand of, the copies of the document issued to, or available on request by, the public; and

- (c) in relation to an internet document, the person who has control over the content of the website, or part of the website, on which the document is located

requirement means a requirement notified by the Minister under section 31(1); and includes—

- (a) an authorisation notified under section 31(3); and
- (b) an amendment notified under section 31(4)

restriction, in relation to the acquisition, use, or availability of, or access to, a public document of any kind,—

- (a) means a physical, technical, or mechanical restriction such as a requirement to pay a fee or price, or to use a password or other requirement that prevents or restricts free public access to the document; but
 - (b) does not mean any legal restriction recorded in or claimed for the public document.
- (2) For the avoidance of doubt, a public document that has been made available on the Internet is the document at a particular time and, if that document is changed in any respect, it becomes a different public document for the purposes of this Part.

30 Purpose of this Part

The purpose of this Part is to assist in preserving New Zealand's documentary heritage so that it is available, subject to any applicable terms or conditions, for the benefit of New Zealanders.

31 Notice of requirement for public documents

- (1) The Minister may, by notice in the *Gazette*, require a publisher of a public document (other than an internet document) to give to the National Librarian, at the publisher's own expense, a specified number of copies (not exceeding 3) of—
 - (a) the public document in printed form; and
 - (b) if the document is an electronic document, the medium that contains the document.

- (2) The copies of the public document referred to in subsection (1) must be provided—
 - (a) within 20 working days from the date of first publication of the document (or a longer period, if any, that is specified in the notice); and
 - (b) on, or in accordance with, any terms and conditions as to format, public access, or other matters that are specified in the notice.
- (3) The Minister may, by notice in the *Gazette*, authorise the National Librarian to make a copy, at any time or times and at his or her discretion, of public documents that are internet documents in accordance with any terms and conditions as to format, public access, or other matters that are specified in the notice.
- (4) The Minister may, by notice in the *Gazette*, amend or revoke a requirement notified under subsection (1) or subsection (3).

32 Contents of requirement

- (1) A requirement must specify—
 - (a) the date on which it comes into force, which, subject to subsection (2), must be at least 3 months after the date on which the notice is published in the *Gazette*; and
 - (b) whether it applies to all classes of public documents or only to a specified class or classes of public documents; and
 - (c) in the case of a requirement notified under section 31(1), whether it applies to all publishers of those public documents or only to a specified class or classes of publishers of those documents.
- (2) Despite subsection (1)(a), a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act is not subject to the minimum period of 3 months specified in subsection (1)(a).

33 Publishers to assist National Librarian to store and use documents

- (1) If, at any time, the National Librarian makes a written request for assistance, a publisher of an electronic document to which a requirement relates must, at the publisher's own expense,

provide reasonable assistance within 20 working days of receiving the request to enable the National Librarian to store and use an identical copy of the document.

- (2) A written request under subsection (1) may relate to—
- (a) 1 or more electronic documents; or
 - (b) 1 or more classes of electronic documents.

34 Use of public documents in National Library

- (1) In this section, **deposited document** means a public document of which 1 or more copies have been given to, or made by, the National Librarian under a requirement.
- (2) For the purposes of carrying out his or her duties, the National Librarian and any employee, contractor, or agent of the National Library may possess, copy, store in electronic form (whether off-line or on-line), and use any copy of a deposited document.
- (3) The National Librarian may provide not more than 3 copies of a deposited document for use by members of the public (whether at the premises of the National Library or elsewhere) but, except as provided in subsection (4) or with the publisher's agreement, must not make the document available on the Internet.
- (4) If a deposited document is made publicly available on the Internet by the publisher without restriction on its access or use by members of the public, the National Librarian may make the document available for access and use by members of the public on the Internet (as well as in the manner permitted by subsection (3)).
- (5) Except as provided in subsections (2) to (4), the law relating to copyright applies to every deposited document.

35 Status of requirement as regulation

A requirement is a regulation for the purposes of the Regulations (Disallowance) Act 1989.

36 Consultation

- (1) Before the Minister notifies a requirement, the Minister must consult the publishers or representatives of the publishers

likely to be affected by the proposed requirement about the terms and conditions referred to in section 31(2)(b) or (3).

- (2) Subsection (1) does not apply in respect of a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act.

37 Copies of document

Except as otherwise expressly provided in a requirement, copies of a public document given to the National Librarian in accordance with a requirement notified under section 31(1) must be—

- (a) identical copies of the document; and
- (b) of the same standard as the best copy of the document that has been published in New Zealand.

38 Exemption from requirement

- (1) A requirement may authorise the Minister to exempt, by notice in the *Gazette*, a public document or class of public documents from the requirement on the basis of criteria set out in the requirement.
- (2) The Minister may, by notice in the *Gazette*, exempt a public document or class of public documents from a requirement if—
- (a) the requirement authorises the Minister to grant exemptions from it; and
 - (b) a written application for the exemption has been made to the Minister; and
 - (c) the Minister is satisfied that the criteria for exemptions set out in the requirement are met and that it is appropriate to grant the exemption in the circumstances.
- (3) An exemption may be granted on the terms and conditions that the Minister thinks fit.
- (4) An exemption takes effect on the date, and on the terms and conditions, specified in the notice.

39 Obligations to comply with requirement

- (1) A publisher to whom a requirement applies must comply with

- (2) A publisher to whom a requirement notified under section 31(3) applies must permit the National Librarian to make a copy of that document in accordance with that requirement.
- (3) If the name of the publisher does not appear on a printed public document and the printer of that document is resident in New Zealand or has its principal place of business in New Zealand,—
 - (a) the printer is under the same duty to comply with a requirement as the publisher; and
 - (b) if the printer complies with a requirement, the printer is entitled to recover the cost of doing so from the publisher.

40 Offence and penalty

A publisher or printer who, without reasonable excuse, fails to comply with section 39 commits an offence and, on summary conviction, is liable to a fine not exceeding \$5,000.

41 Savings

- (1) Despite section 46(1), section 30A of the National Library Act 1965 continues to apply in relation to a book if its date of publication (as defined in section 30A of that Act) is a date before the commencement of this Act.
- (2) Subsection (1) applies in relation to a book whether the 30-day period referred to in section 30A of the National Library Act 1965 expires before, on, or after the commencement of this Act.

42 Transitional provision

Despite section 46(1), section 30A of the National Library Act 1965 applies in relation to a book if—

- (a) its date of publication (as defined in section 30A of that Act) is a date on or after the commencement of this Act; and
- (b) no requirement is in force in relation to the book.

- 43 National Librarian's other powers and rights not limited**
This Part does not limit any power or right that the National Librarian has in relation to a public document, other than under this Part.

Part 5

Dissolution of Trustees of National Library and miscellaneous provisions

Dissolution of Trustees of National Library

44 Dissolution of Trustees

- (1) The body known as the Trustees of the National Library established by section 8 of the National Library Act 1965 (in this section called the **Trustees**) is dissolved.
- (2) Except as provided in subsection (3), all assets (including entitlements and rights) and liabilities of the Trustees vest in the Crown (acting through the National Library) on the commencement of this Act.
- (3) If—
 - (a) the Trustees are appointed as an executor or trustee of a will or trust (whether before or after the dissolution of the Trustees), then, unless the will or trust deed concerned expressly provides otherwise, on and from the dissolution of the Trustees, the National Librarian (acting on behalf of the Crown) takes the place of the Trustees as executor or trustee of the will or trust; and
 - (b) the Trustees are a beneficiary under a will or trust (whether executed or created before or after the dissolution of the Trustees), then, unless the will or trust deed concerned expressly provides otherwise, on and from the dissolution of the Trustees, the Crown (acting through the National Library) takes the place of the Trustees as beneficiary under the will or trust.
- (4) The National Librarian must, as soon as practicable after the commencement of this Act, provide to the Minister a report on the operations of the Trustees during the period from the end of the last year for which such a report has been provided to the Minister to the commencement of this Act.

2004/129



National Library Requirement (Books and Periodicals) Notice 2004

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister Responsible for the National Library of New Zealand Te Puna Mātauranga o Aotearoa gives the following notice.

Contents

1	Title	6	Requirement to provide copies of
2	Commencement		periodicals
3	Interpretation	7	Conditions applying to requirements
4	Application of this notice	8	Delivery of copies required under
5	Requirement to provide copies of		this notice
	books		

Notice

1 Title

This notice is the National Library Requirement (Books and Periodicals) Notice 2004.

2 Commencement

This notice comes into force on 1 July 2004.

3 Interpretation

In this notice, unless the context otherwise requires,—

Act means the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

book means a public document that—

- (a) consists of a collection of printed sheets of paper or other substance; and
- (b) includes—

- (i) every part or division of a book and every pamphlet, sheet of letterpress, sheet of music, map, plan, chart, or table separately published; and
- (ii) every second or subsequent edition of a book, other than an edition that is identical in every respect (including the name of the publisher but not the date of publication) of which copies have been given to the National Librarian; but
- (c) does not include—
 - (i) a blank form or label;
 - (ii) “in-house material”, such as a training manual, teaching or course notes, or minutes of meetings;
 - (iii) an off-print;
 - (iv) a press release;
 - (v) trade advertising

periodical means a public document that is—

- (a) a newspaper, review, magazine, trade or professional journal, or other serial publication issued in successive parts; and includes
- (b) every second or subsequent edition of an issue of a periodical

publish, in relation to a book or periodical, means making publicly available by issuing copies of a book or of an issue of a periodical to, or making copies of a book or of an issue of a periodical available on request by, the public,—

- (a) whether or not there is any restriction on the acquisition of the book or issue of the periodical by members of the public (such as by payment of a price, fee, or subscription); and
- (b) whatever the means of printing or production of the copies, for instance—
 - (i) including a duplicating process such as letterpress, lithograph, photography, stencil, xerograph, or otherwise; but
 - (ii) not including typewriting.

4 Application of this notice

This notice applies to—

- (a) every class of book and every issue of every class of periodical first published on or after the date on which this notice comes into force; and

- (b) every publisher of such books and periodicals.

5 Requirement to provide copies of books

Every publisher of a book must, at the publisher's own expense, give to the National Librarian, within 20 working days after the date when the book is first published, copies of the book as follows:

- (a) if the price of 1 copy of the book exceeds \$1,000, 1 copy; or
- (b) in any other case—
- (i) if 100 or more copies of the book are published, 2 copies; or
- (ii) if fewer than 100 copies of a book are published, 1 copy.

6 Requirement to provide copies of periodicals

Every publisher of a periodical must, at the publisher's own expense, give to the National Librarian, within 20 working days from the date when each issue of the periodical is first published, copies of each issue of the periodical as follows:

- (a) if the annual subscription for 1 copy of the periodical exceeds \$3,000, 1 copy; or
- (b) in any other case,—
- (i) if 100 or more copies of an issue of the periodical are published, 2 copies; or
- (ii) if fewer than 100 copies of an issue of the periodical are published, 1 copy.

7 Conditions applying to requirements

- (1) If a book is published in both hardback and paperback form, but in all other respects the 2 forms are identical, copies of only the hardback form need be given to the National Librarian under clause 5.
- (2) If a book or an issue of a periodical is published in more than 1 language, the number of copies required under clause 5 or clause 6 must be given to the National Librarian in each language version.
- (3) The required number of copies of every issue that is published of a periodical must be given to the National Librarian under clause 6.

8 Delivery of copies required under this notice

The copies of a book required by clause 5 or of a periodical required by clause 6 must be delivered by the publisher, at the publisher's own expense, to the National Librarian at the Legal Deposit Office, National Library of New Zealand Te Puna Mātauranga o Aotearoa, PO Box 12 340, Wellington.

Dated at Wellington this 18th day of May 2004.

Marian Hobbs,
Minister Responsible for the National Library.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force on 1 July 2004. Section 42 of the National Library (Te Puna Mātauranga o Aotearoa) Act 2003 provides that the legal deposit requirements of section 30A of the National Library Act 1965 continue to apply until this notice is in force, as if that Act had not been repealed.

The notice relates to **books and periodicals**, as defined, first published on or after the date when this notice comes into force.

The notice requires publishers of books and periodicals to provide to the National Librarian 1 or 2 copies of books and periodicals, depending on the cost of the book or subscription to the periodical and the number of copies published. If a book is published in both hardback and paperback form, only the hardback form need be provided. In the case of a book published in more than 1 language, the required number of copies of each language version of the book must be provided. In the case of periodicals, the required number of copies of every issue of the periodical must be provided.

The obligation is on the publisher to deliver to the National Librarian, at the publisher's own expense, the required number of copies of books and issues of periodicals to which the notice applies.



National Library Requirement (Electronic Documents) Notice 2006

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister Responsible for the National Library gives the following notice.

Contents

	Page
1 Title	1
2 Commencement	1
3 Interpretation	1
4 Application of this notice	2
5 Requirement to provide copies of off-line documents	2
6 Condition applying to requirement	3
7 Delivery of copies	3
8 Authorisation to make copy of internet document	3
9 Exemptions	3

Notice

- 1 Title**

This notice is the National Library Requirement (Electronic Documents) Notice 2006.
- 2 Commencement**

This notice comes into force on the day that is 3 months after the date of its notification in the *Gazette*.
- 3 Interpretation**

In this notice, unless the context otherwise requires,—
Act means the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

off-line document means an electronic document that is not an internet document, and includes an electronic document that is stored or used by means such as—

- (a) magnetic media (for example, a floppy disk, hard drive, an audiotape, or a videotape);
- (b) optical media;
- (c) an electronic storage device (for example, a universal serial bus device (**USB**) or memory card)

optical media includes—

- (a) a compact disc (**CD**) and variants of a CD; and
- (b) a digital versatile disc (**DVD**) and variants of a DVD

publish means,—

- (a) in the case of an off-line document, making the document publicly available by issuing copies of the public document to, or making copies of the public document available on request by, a member of the public, whether or not there is any restriction on the acquisition of the document by members of the public (as by payment of a price or fee); and
- (b) in the case of an internet document, making the document publicly available on the Internet, whether or not there is any restriction on access to the document.

4 Application of this notice

This notice applies to all classes of electronic documents in existence on, or coming into existence after, the date on which this notice comes into force and all publishers of those electronic documents.

5 Requirement to provide copies of off-line documents

Every publisher of an off-line document must, at the publisher's own expense, give to the National Librarian, within 20 working days after the date when the document is first published, 1 or more copies of the document as follows:

- (a) 2 copies of the medium or device that contains the document; or
- (b) 1 copy of the medium or device that contains the document, if—
 - (i) the document is a single discrete item the price of which exceeds \$1,000; or

- (ii) the document is available for an annual subscription that exceeds \$3,000.

6 Condition applying to requirement

If an off-line document is published in more than 1 language, the number of copies required by clause 5 must be given to the National Librarian in each language version.

7 Delivery of copies

The copies of documents required by clause 5 must be delivered by the publisher, at the publisher's own expense, to the National Librarian at the Legal Deposit Office, National Library of New Zealand Te Puna Mātauranga o Aotearoa, PO Box 12 340, Wellington.

8 Authorisation to make copy of internet document

The National Librarian is authorised to copy any internet document.

9 Exemptions

- (1) The Minister may, by notice in the *Gazette*, exempt an electronic document or a class of electronic documents from the provisions of this notice.
- (2) An exemption may only be granted if at least 1 of the following criteria is satisfied:
 - (a) the document has been created by an agent of the Government as a source of information for the purpose of transacting the business of Government; or
 - (b) the document is deposited in an archive established for the purpose of the long-term preservation of, and access to, public documents or a class of public documents.

Dated at Wellington this 2nd day of May 2006.

Judith Tizard,
Minister Responsible for the National Library.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force on the day that is 3 months after the date of its notification in the *Gazette*, after a consultation period that took place with publishers between 16 August and 18 October 2004 and between 28 November and 24 December 2005.

The notice defines the key terms **off-line document** and **publish**.

Clause 4 provides that the notice applies to all classes of electronic documents published on or after the date when this notice comes into force, and to all publishers of those electronic documents.

Clause 5 requires publishers of all off-line documents to provide to the National Librarian, within 20 working days after the date when the document is first published, copies of the documents as follows:

- 2 copies of the medium or device containing the document;
- 1 copy of the medium or device containing the document, if the document is a single discrete item that costs more than \$1,000 or is available by annual subscription costing more than \$3,000.

If an off-line document is published in more than 1 language, the publisher must supply the required copies in each language version (*clause 6*).

Clause 7 sets out the requirements as to delivery of copies of off-line documents to the National Librarian.

Clause 8 authorises the National Librarian to copy internet documents.

Clause 9 empowers the Minister, by notice in the *Gazette*, to exempt an electronic document or a class of electronic documents from this notice on the basis of the criteria stated.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 May 2006.

This notice is administered by the National Library of New Zealand Te Puna Mātauranga o Aotearoa.

BUSINESS HOURS

Monday – Friday 9am to 5pm

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