

## Notice

### Copyright in legislation and other material

*Published in Gazette No 110 of 27 September 1996 and varied in Gazette No 20 of 19 January 2001*

Whereas:

- (1) it is recognised that the Crown has copyright in the legislation of New South Wales and in certain other material, including but not limited to prerogative rights and privileges of the Crown in the nature of copyright, and that it is desirable in the interests of the people of New South Wales that access to such legislation and material should not be impeded except in limited special circumstances, and
- (2) a notice relating to such copyright was published in Government Gazette No 94 of 27 August 1993, and
- (3) it is expedient to extend the authorisation to publish and otherwise deal with such legislation and material, as provided for in that notice:

I, The Honourable J W Shaw QC, MLC, Attorney General for the State of New South Wales, make and publish this instrument on behalf of the State of New South Wales.

#### 1 Definitions

In this instrument:

**authorisation** means the authorisation granted by this instrument.

**copyright** includes any prerogative right or privilege of the Crown in the nature of copyright.

**legislative material** means:

- (a) Acts of the Parliament of New South Wales, and Bills introduced into the Parliament of New South Wales, and
- (b) statutory rules within the meaning of the *Interpretation Act 1987*, and
- (c) environmental planning instruments within the meaning of the *Environmental Planning and Assessment Act 1979*, and
- (d) proclamations or orders made under an Act of the Parliament of New South Wales and published in the Government Gazette, and
- (e) admission rules made under the *Legal Profession Act 1987* and rules made by the costs assessors' rules committee under section 208R of that Act, and
- (f) any other instruments that are required under any law to be made, approved or confirmed by the Governor or a Minister of State for New South Wales and that are published in the Government Gazette, and
- (g) provisions applying as a law of New South Wales, by virtue of an Act of the Parliament of New South Wales, and
- (h) any of the above in the form in which they are officially printed or reprinted, and with or without the inclusion of further amendments duly made, and
- (i) official explanatory notes and memoranda published in connection with any of the above, and
- (j) tables of provisions, indexes or notes published with any of the above.

**State** means the State of New South Wales, and includes the Crown in right of the State of New South Wales.

## **2 Authorisation**

Any publisher is by this instrument authorised to publish and otherwise deal with any legislative material, subject to the following conditions:

- (a) copyright in the legislative material continues to reside in the State,
- (b) State reserves the right at any time to revoke, vary or withdraw the authorisation if the conditions of its grant are breached and otherwise on reasonable notice,
- (c) any publication of material pursuant to the authorisation must not indicate directly or indirectly that it is an official version of the material,
- (d) the arms of the State must not be used in connection with the publication of material pursuant to the authorisation, except with the further authority of the Governor (acting with the advice of the Executive Council) or of the Attorney General,
- (e) any publication of material pursuant to the authorisation is required to be accurately reproduced in proper context and to be of an appropriate standard.

## **3 Non-enforcement of copyright**

The State will not enforce copyright in legislative material to the extent that it is published or otherwise dealt with in accordance with the authorisation. For this purpose, the authorisation has effect as a licence binding on the State.

## **4 Revocation, variation or withdrawal of authorisation**

Any revocation, variation or withdrawal of the authorisation may be effected generally or in relation to specified publishers or specified classes of publishers. The authorisation may also be revoked, varied or withdrawn in relation to specified legislative material or specified classes of legislative material. Any such revocation, variation or withdrawal may be by notice in the Government Gazette, or by notice to any particular publisher, or in any other way as determined from time to time by the Attorney General.

## **5 Unauthorised Documents Act 1922**

Attention is drawn to the *Unauthorised Documents Act 1922*, which restricts use of the State coat of arms.

### **Editorial note.**

The relevant provision of the *Unauthorised Documents Act 1922* was repealed and replaced by the *State Arms, Symbols and Emblems Act 2004* on 2.3.2004, which restricts use of the State coat of arms.

## **6 Copyright Act 1968 of the Commonwealth**

Nothing in this instrument affects the rights of any person (other than the State) under the *Copyright Act 1968* of the Commonwealth.

## **7 Previous instrument**

This instrument is intended to replace the instrument published in Government Gazette No 94 of 27 August 1993 in relation to copyright, and accordingly the authorisation granted by the previous instrument is subsumed by the authorisation granted by this instrument. However, this instrument does not affect any rights or liabilities accrued or accruing under the previous instrument.