

1993—No. 446A

**NOTICE
COPYRIGHT IN LEGISLATION**

NEW SOUTH WALES



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Recognising 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 should not be impeded except in limited special circumstances:

I, The Honourable John Planta Hannaford MLC, Attorney General for the State of New South Wales, make and publish this instrument on behalf of the State of New South Wales.

Definitions

1. 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;

“**legislation of New South Wales**” means:

- (a) Acts of the Parliament of New South Wales; and
- (b) regulations, rules, by-laws and ordinances made under an Act of New South Wales and made, approved or confirmed by the Governor acting with the advice of the Executive Council; and
- (c) any such Acts, regulations, rules, by-laws and ordinances in the form in which they are officially printed or reprinted, with or without the inclusion of amendments; and
- (d) provisions applying to a law of New South Wales, by virtue of an Act of the Parliament of New South Wales; and
- (e) official Explanatory Notes published in connection with any such legislation;

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

Authorisation

2. Any publisher is by this instrument authorised to publish and otherwise deal with any legislation of New South Wales, subject to the following conditions:

- (a) copyright in the legislation of New South Wales continues to reside in the State;
- (b) the 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.

Non-enforcement of copyright

3. The State will not enforce copyright in legislation of New South Wales 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.

Revocation, variation or withdrawal or authorisation

4. 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 legislation of New South Wales or specified classes of such legislation. 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.

Unauthorised Documents Act 1922

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

Copyright Act 1968 of the Commonwealth

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

Interim arrangements

7. The authorisation does not apply to the publication of legislation of New South Wales in electronic form (including by way of disk, tape or on-line access) during the period of six months commencing on the date of publication of this instrument in the Government Gazette, except with the further approval of the Attorney General.

Dated at Sydney this 27th day of August, 1993.

The Hon John Hannaford MLC
Attorney General
