

1995—No. 105

NOTICE

COPYRIGHT IN JUDICIAL DECISIONS

NEW SOUTH WALES



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Recognising that the Crown has copyright in decisions of the courts and tribunals of New South Wales, 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 decisions should not be impeded except in limited special circumstances:

I, The Honourable John Hannaford, 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;

“Council” means the Council of Law Reporting established by the Council of Law Reporting Act 1969 of New South Wales;

“judicial decision” means:

(a) a judgment, order or award of a State court; or

(b) the reasons for any such judgment, order or award given by the State court or a member of the State court,

that has or have been publicly delivered, made or given;

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

“State court” means:

(a) any court constituted or continued by or under a law of New South Wales; or

(b) any tribunal or other body constituted or continued by or under a law of New South Wales and exercising judicial or industrial arbitration functions.

Authorisation

2. Any publisher is by this instrument authorised to publish and otherwise deal with any judicial decision, subject to the following conditions:

- (a) copyright in judicial decisions 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 or that it is a version of the material published by or for the Council or any other law reporting agency of the State;
- (d) any publication of material pursuant to the authorisation must not:
 - include any headnote or other summary of a judicial decision (or any summary of submissions) prepared by or for the Council or other law report agency, except with the further authority of the Council or agency; or
 - reproduce any footnotes, comments, case lists, cross-references or other editorial material in any report of a judicial decision prepared by or for the Council or agency, except with the further authority of the Council or agency;
- (e) 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;
- (f) 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 any judicial decision 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 of 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 judicial decisions or specified classes of judicial decisions. Any such revocation, variation or withdrawal may be by notice in the New South Wales 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 of New South Wales, which restricts the use of the State coat of arms.

Copyright Act 1968 of the Commonwealth

6. Nothing in this instrument affects the right of any person (other than the State) under the Copyright Act 1968 of the Commonwealth. In particular, attention is drawn to section 182A of that Act, which gives any person the right to make one copy, by reprographic reproduction, of a judicial decision.

Dated at Sydney this 28th day of February, 1995.

The Hon John Hannaford
Attorney General
