



New South Wales

# Library Amendment Bill 2019

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to identify legal deposit libraries and specify additional functions of those libraries,
- (b) to authorise the head librarian of a legal deposit library to direct the publisher of library material to deliver a copy of the material in the library or to make the material available for copying,
- (c) to authorise the head librarian of a legal deposit library to collect free of charge relevant library material that is made freely available by the publisher of the material,
- (d) to provide for the service of documents under the *Library Act 1939* (the *principal Act*),
- (e) to repeal the *Copyright Act 1879* and to make savings and transitional arrangements consequent on that repeal,
- (f) to make other minor amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** repeals the *Copyright Act 1879*.

## Schedule 1 Amendment of Library Act 1939 No 40

**Schedule 1 [1]** inserts a standard definition of *Function* in the principal Act. **Schedule 1 [2]–[7]** make consequential amendments.

**Schedule 1 [9]** inserts proposed Part 3A (Legal deposit libraries) into the principal Act. That Part comprises proposed sections 14A–14E.

**Proposed section 14A** inserts a number of definitions used in the proposed Part including the definitions of *legal deposit library* which means the State Library, the Parliamentary Library of New South Wales and the Library of the University of Sydney and *relevant library material* being library material that is relevant to the collection of the library.

**Proposed section 14B** provides that a legal deposit library has the functions of identifying relevant library material, collecting relevant library material and maintaining relevant library material as part of the collection of the library.

**Proposed section 14C** authorises the head librarian of a legal deposit library to direct a person who publishes library material in New South Wales to deliver a copy of the material to the library or to make the material available for copying. The direction is to be given by order (a *legal deposit order*). A legal deposit order may apply to a class of library material (for example each edition of a newspaper) and may apply to library material not yet in existence at the time that the order is made. Failure to comply with a legal deposit order is an offence with a maximum penalty of \$1,100.

**Proposed section 14D** authorises the head librarian of a legal deposit library to collect free of charge relevant library material for inclusion in the collection of the library if the material has been made freely available to members of the public by the publisher of the material.

**Proposed section 14E** permits the head librarian of a legal deposit library to delegate the head librarian's functions under the proposed Part.

**Schedule 1 [8]** simplifies an existing delegation provision to make it consistent with proposed section 14E. The existing provision was inserted in the principal Act before the commencement of section 49 of the *Interpretation Act 1987* which makes much of the provision redundant.

**Schedule 1 [10]** provides for the service of documents under the principal Act.

**Schedule 1 [11]** inserts savings and transitional provisions into the principal Act that are consequential on the repeal of the *Copyright Act 1879*. The provisions of that Act requiring the legal deposit of library materials (other than section 6 which required the delivery to occur only at certain times and a written receipt to be issued) are kept in force in respect of certain library materials until a legal deposit order is made in respect of the materials.