



NSW Premier's Department

Access to published information - laws, policy and guidelines

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Business enquiries should be directed to the contact numbers above.

Premier's foreword

Information is the world's most rapidly appreciating resource. During the last ten years new means of disseminating information have emerged such as publishing on disk and on-line, including the Internet. These have grown in importance, and may come to dominate the way we send and receive information.

Governments are major creators, preservers and providers of information. In New South Wales, successive governments have sought to enrich the community through access to information. One important channel to the community is the State's public libraries.

Your Government is committed to maintaining this increasingly valuable public resource. This booklet updates and builds on efforts of previous governments to ensure that the people of this and other states and countries have access to NSW Government information regardless of the format in which it is published.

The Commonwealth and State laws relating to publications vary in their applicability to classes of agencies and in their requirements for types of publications, creating a confusing environment. This booklet clarifies the legal environment and sets out policy requirements. All NSW Government departments and authorities are bound by the deposit requirements set out in this policy.

I commend this booklet: *Access to Published Information – Laws, Policy and Guidelines*, to all State agencies and State-owned corporations.

(SIGNED)
Bob Carr
Premier

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Part 1 – Policy

Government agencies create, collect and manage valuable information on behalf of the community. The public has the right to readily access Government information, other than that intended for internal agency use, which may be accessed by other means.

(Note that the State Records Act 1998 and the Freedom of Information Act 1989 establish specific rights of access to Government information including internal documents).

Publishing and communication technology is changing so rapidly that publishers will need to take into account the Government's aims to facilitate access, and apply this policy to any new developments in publishing. It is essential that the public can access government publications regardless of the format in which they are produced. The library network is currently an effective way of facilitating such access.

For some decades NSW Government policy has required Government publications to be deposited with a range of libraries to ensure that Government information is available, accessible and preserved for future generations of researchers.

PUBLISH and **PUBLICATION** have been defined for the purpose of this document in Part 4.

Access to Government publications through libraries

The Government's responsibility to provide access to the publications it generates is met through three sectors of the nation's library network:

National and State institutions

- The state, parliamentary and national (Commonwealth) libraries and public libraries operated by local government.
- Academic and research libraries.
- Government agency libraries.

The Australian library network is part of the global information network. This network places the information resources of the world in the hands of our researchers, and in turn, makes local information available to the world.

The State Library of New South Wales, in addition to serving clients who visit it, supports the State's public library network with loans of publications and supply of documents by electronic transfer, facsimile, or mail.

The State Library has two main roles in respect of this deposit policy:

- a) to give access to the public to any current government publication; and
- b) to preserve publications for future researchers.

The State's university libraries have agreed that the University of Western Sydney Library will receive and manage State Government publications to serve all universities.

Relevant legislation and directions

Legal deposit is one method of ensuring the public can access Government publications. NSW and Commonwealth deposit laws have varying requirements of government agencies.

Laws and directions governing library deposit

- Copyright Act 1879 (New South Wales).
- NSW Government policy (as set out in the accompanying Premier's Memorandum, and in this booklet).
- Copyright Act 1968 (Commonwealth).

Other laws governing access to publications

- Annual Reports (Departments) Act 1985 and Regulation.
- Annual Reports (Statutory Bodies) Act 1984 and Regulation.
- Freedom of Information Act 1989.
- State Records Act 1998.

Applicability

The *NSW Copyright Act 1879* obliges all State-owned company and statutory corporations to deposit copies of printed publications with the **State, Parliamentary** and **University of Sydney Libraries**.

The **NSW Copyright Act 1879** does not bind the Crown in NSW, however all NSW Government departments and authorities are bound by the deposit requirements set out in the Premier's Memorandum and this booklet. They are commended for adoption by State-owned Corporations.

The **Commonwealth Copyright Act 1968** binds all publishers in Australia including State departments, public authorities and corporations, and requires them to deposit copies of printed publications with the **National Library of Australia**.

Both the Commonwealth and the NSW Acts carry monetary penalties for non-compliance.

Responsibilities and accountabilities

Chief Executives are responsible for ensuring that their agencies deposit all of their publications promptly in compliance with Government policy, State and Commonwealth laws.

Joint responsibility

In cases where the information is published jointly or collaboratively by more than one government agency, the government agency that manages the production of the publication is responsible for compliance with deposit policy.

When the publishing collaboration is between an agency and a non-Government organisation or firm, the Government agency is responsible for ensuring compliance with depository requirements as specified for Government departments and public authorities.

Part 2 – Obligations of agencies and authorities

Government departments and public authorities

This section applies to all agencies listed in Schedules 1 or 3 of the Public Sector Management Act 1988 or Schedules 2 and 3 of the Public Finance and Audit Act 1983, except university councils and senates.

PUBLICATION, for the purposes of this document, is defined in Part 4.

State Library of New South Wales

Agencies must, at their own expense, deliver to the State Library two copies of all publications, in each format published, except networked electronic publications (see below).

One copy is made accessible to clients in the State Library and is available for loan to public libraries. The other copy is preserved by the Library as part of the documentary heritage of New South Wales.

The location of new networked electronic publications (defined in Part 4) such as those publicly accessible on Web sites, must be notified to the State Library. This includes new versions or releases. The State Library will assist clients to access these publications.

Parliamentary Library of NSW

Agencies must, at their own expense, deliver to the Parliamentary Library one copy of all publications, in each format published, except networked electronic publications.

The location of new networked electronic publications (defined in Part 4) such as those publicly accessible on Web sites, must be notified to the Parliamentary Library. This includes new versions or releases. The Parliamentary Library will create a database of those electronic publications which it considers essential to have accessible by Members indefinitely.

NSW universities

Agencies must, at their own expense, deliver one copy of all publications, other than networked electronic publications, to the University of Western Sydney Library.

By arrangement with the 11 universities in New South Wales, these copies are maintained and circulated for the use of university teachers, researchers and students throughout the State.

Agencies must notify the UWS Library of the location of any new networked electronic publications, including new versions or releases.

National Library of Australia

The *Commonwealth Copyright Act 1968* requires agencies, at their own expense, to deposit one whole and best copy of each item with the National Library of Australia within one month of publication.

At the date of publication, the law requires deposit of:

every book, periodical, newspaper, pamphlet, sheet of letterpress, sheet of music, map, plan, chart or table, being a literary, dramatic musical or artistic work, or an edition of such a work.

And it includes

all associated illustrations, drawings, engravings and photographs.

The *Commonwealth Copyright Act 1968* is under review with the aim to cover publications in all formats including networked electronic publications. The Government believes it is in the public interest for agencies to comply with the National Library's request that publishers forward these publications on a voluntary basis. Only the locations of new publicly networked electronic publications (including periodicals) which are not available in hard copy need to be forwarded.

Your agency library

Agencies must lodge copies of all their publications with their own library and notify their agency librarian, information or research manager of publications accessible on the Internet and other publicly accessible networks.

State Records

General Disposal Authority 2 – Administrative Records issued under the State Records Act 1998, provides that agencies must transfer one copy of each of their primary publications to State Records on publication or when reference ceases (ie action is completed), for preservation as part of the State's archives.

A primary publication is one which contains substantial detailed information about the agency and/or its functions and activities (such as an annual report, rather than ephemeral material or general information brochures). Note that the requirements also apply to electronic publications.

More information can be obtained by contacting State Records. Contact details can be found at Appendix 1.

See also **What should not be deposited** on page 6.

Part 3 – Obligations of State-owned corporations

This section applies to both company and statutory bodies incorporated under the State Owned Corporations Act 1989.

National, State, Parliament and Sydney University Libraries

The NSW Copyright Act 1879 binds State-owned corporations to deposit one whole and best copy of each book first published in New South Wales with the

State Library, the Library of the NSW Parliament, and the Library of the University of Sydney.

The Act defines Book to include:

any volume, part, or division of a volume, a newspaper, pamphlet, libretto, sheet of letterpress, sheet of music, map, chart, or plan, along with any associated engraving or lithograph.

In the public interest it is recommended that corporations deposit publications in all formats with the libraries designated in Part 2, rather than only those formats currently specified by law. Libraries request to be notified of the location of publicly networked electronic publications in lieu of deposit.

State Records

State-owned corporations are bound by the State Records Act, 1998 and are required to transfer one copy of each of their primary publications to State Records in accordance with General Disposal Authority 2 (see previous section for details).

Part 4 – What must be deposited?

This policy requires that every new publication be deposited. If an item is published in more than one format, copies in every format must be deposited. In the case of a new publicly networked electronic publication, the location must be notified to deposit libraries in lieu of deposit. Agencies must assist libraries to access and collect these networked electronic publications, if requested.

To **PUBLISH** means to make an item available to some or all members of the public. It does not apply to documents intended solely for internal use. An item is published if it is:

- placed on sale, distributed or otherwise made available to the public
- tabled in either House of Parliament
- issued by unaddressed mail, handed out or left where it can be picked up
- linked to an Internet site such as the World Wide Web or a Telnet or FTP server, or
- made publicly accessible by any other means.

What is a publication?

For the purposes of this policy a **PUBLICATION** means any form of information which is published, intended to be made available to the public, or able to be accessed by the public, whether or not it has actually been distributed.

Publications encompass a wide range of formats including: book, report, periodical, newspaper, microfilm, microfiche, pamphlet, leaflet, film, video recording, sound recording, CD-ROM, computer file, database, publicly networked electronic document, musical score, map, chart, plan, picture, photograph, print.

"Networked electronic document" means a document accessible on the World Wide Web, downloadable from a file transfer Internet site, or accessible through a commercial subscriber network.

Publications may include such items as annual reports, government reports, directories, catalogues, guides, handbooks, reference material, tender documents and general publications.

What should not be deposited?

Documents released on application under Freedom of Information are not publications and should not be deposited. Do not deposit office papers, correspondence, draft documents, internal procedure manuals or other documents intended for circulation within the agency or between agencies. Agencies' responsibility regarding these items is set out in the State Records Act 1998 and the Government Record-keeping Manual which is available from State Records and at <http://www.records.nsw.gov.au>

Part 5 – Time and conditions for delivery

Delivery to specified libraries

Except for publications tabled in Parliament – discussed under the next heading – publications are required to be deposited within one month of publication. Networked electronic publications should be notified on publication.

Publications tabled in Parliament

A document is considered to be published by being tabled in either chamber of the Parliament. This generates enquiries by bringing its existence to the attention of Members, staff, the media, and anyone who logs in to the Parliamentary order papers on the Internet.

To assist the public – as well as library and information staff answering enquiries – you should arrange for copies of the publication to be deposited in the libraries as prescribed in Part 2 at the same time as copies are tabled (but not before they are tabled).

If for any reason you cannot do this, you should telephone the deposit bodies with details of the publication and its availability. Copies should then be deposited as soon as practicable.

Unreasonable hardship

When compliance with the requirements of this policy would cause unreasonable hardship to the issuing agency owing to an unusually high marginal cost of individual items, the Chief Executive or an appropriate delegate may make a submission to the State Librarian, State Library of NSW requesting a reduction in deposit copies. The agency may also approach any of the other deposit libraries with specific reference to the copy for that institution.

Authors' and publishers' rights

Deposit libraries are sensitive to the concerns of authors and publishers that the availability of works in libraries may depress publication sales and subscriptions. They will always try to balance these concerns with the public's

right to access information and the Government's responsibility to provide access.

If requested, the State Librarian, State Library of New South Wales will consider submissions for special access conditions to apply to specific publications.

Part 6 – Further information and feedback

Appendix 1 lists contact information for deposit libraries, the Government Information Service and State Records.

Feedback

The Premier's Department welcomes your questions, corrections, advice and comment on this document.

Additional copies

You can obtain additional copies of this document by downloading from the Premier's Department website at: <http://www.premiers.nsw.gov.au>

or by contacting:

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Premier's Department
Level 15 Bligh House
4-6 Bligh Street
SYDNEY NSW 2000.

GPO Box 5341
SYDNEY NSW 2001

Telephone: 9228 5559

Facsimile: 9228 3121

e-mail: peo@premiers.nsw.gov.au

Appendix 1 - Addresses and contact details for deposit

(See Part 2 for deposit obligations)

NOTE: All material deposited, whether in physical or electronic formats, should record the name of the publishing agency and the details of an appropriate agency contact.

Agencies must deliver publications and notify networked electronic publications to:

State Library of New South Wales

Government Publications Librarian
State Library of New South Wales
Macquarie Street
SYDNEY NSW 2000
telephone: 9273 1421
facsimile: 9273 1286
e-mail: govdep@slnsw.gov.au

New South Wales Parliamentary Library

Government Publications Officer
Library
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000
telephone: 9230 2349
facsimile: 9231 1932
e-mail: libreq@parliament.nsw.gov.au

Universities in New South Wales

Government Publications
University of Western Sydney- Ward Library
Locked Bag 1797
Penrith South DC 1797
Telephone : 02 9852 5884
Fax : 02 9852 5940
e-mail: nswgovpubs@uws.edu.au

University of Sydney

Fisher Library
University of Sydney
NSW 2006
telephone: 9351 7268
facsimile: 9351 7305
e-mail: elecdeposit@library.usyd.edu.au

National Library of Australia

Legal Deposit Unit
National Library of Australia
CANBERRA ACT 2600
telephone: 6262 1312
facsimile: 6273 4492
e-mail: legaldep@nla.gov.au

Agency library

As advised by your librarian or information services manager.

State Records

Enquiries about transfer of publications as State archives should be directed to:-

Senior Archivist, Archives Control
State Records
143 O'Connell Street
KINGSWOOD NSW 2747
telephone: 9673 1788
facsimile: 9637 3977
e-mail: transfer@records.nsw.gov.au

Appendix 2 – Best practice guidelines for publishers

Facilitating Access

A number of systems exist which allow a publication to be readily located.

National Bibliographic Database

The State Library of NSW catalogues publications for State Government departments on the National Bibliographic Database within two weeks of receiving them as deposit publications. This is a free, priority service undertaken in the public interest by the State Library of NSW for the State Government.

Cataloguing-in- Publication

For major publications, the National Library of Australia offers cataloguing-in-publication (CiP) as a free service. The Library prepares the catalogue entry before publication so that the information can be included in the printed document on the reverse of the title page (as with this booklet). CiP entries are listed on the National Bibliographic database which is used extensively by Australian and overseas libraries.

CiP is strongly recommended for publications that are intended for commercial release. CiP is usually not appropriate for magazines, periodicals or other serials, books with less than 75 per cent information content, article reprints, teaching kits, sound or picture recordings, charts or music, fill-in books.

Note that it takes about 10 working days to obtain a CiP record.

Cataloguing-in-publication advice and services are available from the -

Cataloguing-in-Publication Unit
National Library of Australia
CANBERRA ACT 2600
telephone: 6262 1458
facsimile: 6273 4492
e-mail: cip@nla.gov.au

or use the online application form available from the National Library's CiP Web site at: <http://www.nla.gov.au/services/CIP.html>

International Standard Numbers

International Standard Book Numbers (**ISBN**) and International Standard Serial Numbers (**ISSN**) form a world wide system of unique identification codes.

An **ISBN** should be obtained for printed books and pamphlets, microforms, computer software and multimedia items containing printed material. A new edition is given a new number. They are not appropriate for music, prints and folders without a title page, nor for time-limited items such as posters, diaries, calendars, programs, advertising matter and prospectuses.

ISBNs are included in cataloguing data and ensure inclusion of the publication in Australian Books in Print and the National Bibliographic database.

Serials, whether in print or on film, fiche, disk or online are eligible for **ISSNs**.

Thorpe Bibliographic Services manages the Australian ISBN Agency and the National Library of Australia manages the Australian ISSN Agency.

ISBN Agency

The **ISBN** Agency can be contacted as follows:–

ISBN Agency
Thorpe Bibliographic Services
Private Bag 20
PORT MELBOURNE VIC 3207
telephone 03 9245 7385
facsimile 03 9245 7395
e-mail isbn.agency@thorpe.com.au

www: http://www.thorpe.com.au/ISSN_Agency

The **ISSN** Agency can be contacted as follows:–

Australian ISSN Agency
National Library of Australia
CANBERRA ACT 2600
telephone: 6262 1213
facsimile: 6273 4492
e-mail: issn@nla.gov.au

www: <http://www.nla.gov.au/1/services/issn.html>

Note Some agency libraries obtain bulk ISBNs and ISSNs for use by their internal clients. Check with your own librarian or information services manager.

Crown copyright

For publications with potential commercial value, it is especially important to assert Crown copyright on the title page or verso.

Identity and date

Publications, whether or not they are catalogued-in-publication, should always carry the publication date. Electronic publications should identify their version and release number.

All publications should prominently declare the identity of the originating agency (with or without their corporate logotype). They should also have a recognisable NSW Government identity, conveyed by the State crest.

Electronic Publishing

Agencies planning to publish documents on-line should be familiar with the Premier's Memorandum 97-11, *Provision of Information and Services using the Internet* and the Department of Information Technology and Management's similarly titled Guideline (currently being revised). These documents and other

relevant guidelines can be read or downloaded from the "Policy Framework" option on the Department of Information Technology and Management's World Wide Web site at:

<http://www.oit.nsw.gov.au/>

The document: *Guidelines for Commonwealth Information Published in Electronic Formats* published by the Department of Finance and Administration, Canberra, also provides a useful guide.

Agencies should seek advice from State Records about the record keeping requirements associated with electronic publishing. A good start is the electronic record keeping page at:

<http://www.records.nsw.gov.au/publicsector/erk/electronic.htm>

AGLS metadata

Agencies should also be aware that all Australian governments – federal, state, territory and local – have agreed to adopt a uniform standard – the Australian Government Locator Service (AGLS) metadata standard – for identifying Internet home pages, Web sites, electronic publications, documents, collections and databases. The National Archives of Australia is the lead agency for the development and implementation of this standard, which is a cooperative venture of the Office for Government Online (OGO) and the Online Council. More information about the AGLS can be found on the National Archives' Web site at:

http://www.naa.gov.au/GOVSERV/AGLS/user_manual.htm

An implementation plan and user manual can also be viewed or downloaded from the OGO page in HTML or PDF formats at:

<http://www.ogo.gov.au/aglsindex.html>