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LEGAL DEPOSIT ACT 2012



**LEGAL DEPOSIT
REGULATIONS 2013**

Western Australia

Legal Deposit Regulations 2013

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Legal Deposit Act 2012

Legal Deposit Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Legal Deposit Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which Part 2 of the Act comes into operation.

3. Certain documents not public documents

For the purposes of paragraph (b)(ii) of the definition of *public document* in section 4(1) of the Act, the following classes of document are not public documents —

- (a) stationery, blank books (for example, exercise books and notebooks), blank forms, labels, greeting cards and bookmarks;
- (b) almanacs, calendars and diaries that contain dates but no other text;
- (c) trade catalogues, advertisements, promotional or marketing material and price lists;
- (d) press releases and circulars;

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- (e) drawing books, colouring books, puzzle books, books of cut-outs for children and games;
- (f) timetables of transport services;
- (g) patterns, models and blueprints.

4. Number of copies of public document to be given

The prescribed number of copies of a public document to be given to the State Librarian under section 8 of the Act is one.

5. Period within which copy of public document to be given

A copy of a public document must be given to the State Librarian under section 8 of the Act within 30 days after the document is published.

6. Requirements relating to copy of public document

A copy of a public document given to the State Librarian under section 8 of the Act must be —

- (a) of the same standard as the best copy of the document that has been published in the State; and
- (b) free of any physical, technical or mechanical restriction that prevents or restricts the copying of the document in a different medium or format; and
- (c) accompanied by any container, wrapping material, notice, instructions, manual, computer software or other material that generally accompanies the document.

7. State Librarian to issue receipt

- (1) In this regulation —
serial publication means a public document published on a daily, weekly, monthly or other periodic basis (for example, a newspaper, magazine or journal).
- (2) If a copy of a public document has been given to the State Librarian under section 8 of the Act, the State Librarian must

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issue a receipt to the publisher of the document in accordance with this regulation.

- (3) A receipt for a copy of a public document that is not a serial publication must be issued within 30 days after the day on which the copy was given.
- (4) A receipt for a copy of a serial publication must be issued within —
 - (a) 12 months after the day on which the copy was given; or
 - (b) such other period as is agreed between the State Librarian and the publisher of the document.
- (5) A receipt may be in printed or electronic form.

8. Subsequent edition or reprint of public document

- (1) If a copy of a public document (the *deposited copy*) has been given to the State Librarian under section 8 of the Act, a copy of a subsequent edition or reprint of the public document does not have to be given to the State Librarian unless the subsequent edition or reprint differs from the deposited copy.
- (2) For the purposes of subregulation (1), a subsequent edition or reprint differs from the deposited copy if the content (other than the date of publication) or form of the public document has been altered in any way.

9. Public document published in different formats

If a public document is published in different formats, a copy of the document in each of those formats must be given to the State Librarian under section 8 of the Act.

10. Public document published in more than one medium

If a public document is published in more than one medium, each of those media is a different public document for the purposes of section 8 of the Act.

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11. State Librarian may impose limitations on access

- (1) The State Librarian may, in writing, impose limitations on access to a copy of a public document given under section 8 of the Act if the State Librarian is satisfied that —
 - (a) access to the document is likely to cause substantial commercial harm to the publisher of the document; or
 - (b) the document is culturally sensitive.
- (2) Without limiting subregulation (1), the State Librarian may under that subregulation do either or both of the following —
 - (a) limit the persons or classes of person allowed to access the copy of the public document;
 - (b) limit access to the copy of the public document —
 - (i) for a period that the State Librarian considers reasonable; or
 - (ii) in the case of a document referred to in subregulation (1)(b), indefinitely.
- (3) The State Librarian must ensure that limitations imposed under subregulation (1) are reviewed annually.
- (4) The State Librarian may, in writing, alter, remove or replace limitations imposed under subregulation (1).
- (5) Before taking action under subregulation (1) or (4), the State Librarian must, to the extent that it is practicable to do so, consult with the publisher of the public document concerned and any other person or body considered by the State Librarian to have a significant interest in the document.

G. MOORE, Clerk of the Executive Council.