

Legal Deposit

WHAT IS LEGAL DEPOSIT?

Legal deposit is a statutory provision which obliges publishers to deposit copies of their publications in libraries in the region in which they are published. Under the *Copyright Act 1968* and various state Acts, a copy of any work published in Australia must be deposited with the National Library of Australia and the deposit libraries in your home state or territory. In New South Wales, Queensland and South Australia, legislation also applies to certain other libraries and a copy must also be deposited with these libraries. Legal deposit of the material is the sole responsibility of the publisher. Legal deposit extends not only to commercial publishers but also to private individuals, clubs, churches, associations, societies and organisations.

WHAT ARE THE REQUIREMENTS OF LEGAL DEPOSIT?

The Acts requiring deposit have a number of common features:

Definition of a work

A work can be a book or a periodical and includes newsletters, annual reports, sheet music, maps, plans, charts, tables, programs, catalogues, brochures and pamphlets. In some states, it also includes material published in electronic format, such as computer disks, CDs and DVDs.

Definition of publication

A work is deemed to have been published if reproductions of the work or edition have been made available, whether by sale or otherwise, to the public.

Best copy

The deposit copy must be the best complete copy of a work as published. For example, if both a hardback and paperback edition is published, one copy of the hardback edition must be deposited.

Second and subsequent editions

A copy of a second or later edition must be deposited if there are changes or additions to the preceding edition, such as to the text or to illustrations. If a book is reprinted with a change to the title or to any part of the content, or it has a different publisher, it is considered to be a new edition.

Legal deposit claims

Publishers should deposit routinely on publication. To ensure the collection of published Australiana is as complete as possible, a deposit library may claim, from the publisher, publications not held in their collection. This is to remind publishers of the requirements of legal deposit under the *Copyright Act 1968* and other relevant legislations.

WHAT ARE THE BENEFITS OF LEGAL DEPOSIT?

The National Library of Australia and other deposit libraries have an obligation to preserve all material lodged with them. Legal deposit ensures that:

- the works of authors and publishers survive for the use of future generations
- records for legal deposit publications are available through Trove, a shared online national bibliographic database at www.trove.nla.gov.au
- commercial and self-published works receive wide exposure
- libraries can access and order bibliographic records for published works
- selected titles are included in online indexing databases, such as APAIS (Australian Public Affairs Information Service).

The National Library of Australia's catalogue and Trove are available on the Internet at www.nla.gov.au. Further information about Legal Deposit can be found on the Library's website at <http://www.nla.gov.au/services/ldeposit.html>

The National Library of Australia provides the **Cataloguing-in-Publication service (CiP)** free of charge to publishers to provide a catalogue record for a book before it is published. Contact:

Cataloguing in Publication
National Library of Australia
Canberra ACT 2600
T: (02) 6262 1458
F: (02) 6273 4492
www.nla.gov.au/services/CIP.html

WHAT IS THE RELATIONSHIP BETWEEN LEGAL DEPOSIT AND COPYRIGHT?

Under the *Copyright Act 1968*, copyright protection is granted automatically in Australia from the moment of creating a work. Publication is unnecessary for copyright to subsist in a work, except in the case of sound and television broadcasts and publishers' copyright in editions of works. However, library records and the legal deposit receipt issued to the publisher by some legal deposit libraries may be used as evidence of date of issue.

The Australian Copyright Council is an independent, non-profit organisation that provides information, advice and training on copyright in Australia to authors and publishers. Contact:

Australian Copyright Council
245 Chalmers Street
Redfern NSW 2016
T: (02) 8815 9777
F: (02) 8815 9799
E: info@copyright.org.au
www.copyright.org.au

IS AN ISBN REQUIRED FOR LEGAL DEPOSIT?

There is no need for a publication to have an identifier, like the International Standard Book Number (ISBN), for legal deposit purposes. ISBNs are very important for the retail book trade but are not essential for legal deposit. Publishers who wish to apply for an ISBN should contact ISBN Agency Australia:

ISBN Agency
Thorpe-Bowker
Level 1, 607 St Kilda Road
Melbourne Vic. 3004
PO Box 6509
St Kilda Road
Central Vic. 8008
T: (03) 8517 8349
F: (03) 8517 8368
E: isbn@thorpe.com.au
www.thorpe.com.au/isbn

REQUIREMENTS OF EACH DEPOSIT LIBRARY

Australia wide: National Library of Australia

Legal deposit with the National Library of Australia is required under the *Copyright Act 1968, s201*. The Act requires all Australian publishers to deliver a copy of 'library material' to the National Library of Australia within one month of publication.

'Library material' means a book, periodical (such as a newsletter, magazine and annual report), newspaper, pamphlet, sheet of letterpress, sheet music, map, plan, chart or table. When sending legal deposit materials to the National Library of Australia, ensure that there is a name and address attached so that a legal deposit receipt can be sent. No other documentation is required.

Legal Deposit Unit
National Library of Australia
Canberra ACT 2600
T: (02) 6262 1312
F: (02) 6273 4492
E: legaldep@nla.gov.au
www.nla.gov.au/services/ldeposit.html

Australian Capital Territory

The Australian Capital Territory does not have legal deposit legislation. Publishers are encouraged to lodge a copy of their publications with the ACT Heritage Library for ongoing preservation and access:

ACT Heritage Library
PO Box 158
Canberra City ACT 2601
T: (02) 6207 5163
F: (02) 6207 5835
E: act.heritage.library@act.gov.au
www.library.act.gov.au

New South Wales

Legal deposit is required under the New South Wales *Copyright Act 1879-1952, ss5-7*. The Act requires that a copy of every 'book' first published in New South Wales be lodged within two months of publication.

'Book' is defined in the Act as any book, newspaper, periodical, pamphlet, leaflet, music, map, chart or plan separately published and 'bound, sewed or stitched together'.

Legal Deposit
State Library of New South Wales
Macquarie Street
Sydney NSW 2000
T: (02) 9273 1489
E: orders@sl.nsw.gov.au

Legal Deposit Officer
NSW Parliamentary Library
Parliament House
Macquarie Street
Sydney NSW 2000
T: (02) 9230 2384
F: (02) 9230 2640
E: Info.Resources@parliament.nsw.gov.au

Gift, Legal Deposit and Exchange Officer

University of Sydney Library
University of Sydney NSW 2006
T: (02) 9351 2174
F: (02) 9036 6460
E: library.geld@sydney.edu.au

Northern Territory

Legal deposit is required under the *Publications (Legal Deposit) Act 2004*. A copy of a 'document' published in the Northern Territory must be deposited within two months of publication.

'Document' means any document available to the public, including books, newspapers, magazines, periodicals, reports, newsletters, calendars, directories, handbooks, guides, sheet music, maps, pamphlets, audiocassettes, videocassettes, films, multimedia kits, computer magnetic tapes, computer optical disks, floppy disks, CDs, CD-ROMs and DVDs. The Act also includes Internet publications, including websites and PDF files.

Legal Deposit Officer
Northern Territory Library
GPO Box 42
Darwin NT 0801
T: (08) 8999 3929
F: (08) 8999 6920
E: NTL.Deposit@nt.gov.au
www.ntl.nt.gov.au/about_us/policies_and_legislation/publications_legal_deposit

Queensland

Legal deposit is required under the *Queensland Libraries Act 1988, part 8, s68*. The Act requires that a copy of 'material' published in Queensland is deposited within one month of publication with the state and parliamentary libraries.

'Material' is defined as every part or division of a book or periodical; a piece of sheet music, a map or chart and non-print material on audiotape, film, video recording, disk, microfilm or microfiche. Material is considered to have been published if reproductions of the material or edition have been supplied (whether by sale or otherwise).

Legal Deposit (Queensland)
Resource Discovery Unit
State Library of Queensland
PO Box 3488
South Brisbane Qld 4101
T: (07) 3840 7880
F: (07) 3846 1926
E: heritage@slq.qld.gov.au
www.slq.qld.gov.au/info/pw/legdep

Parliamentary Librarian
Parliamentary Library
Parliament House
George Street
Brisbane Qld 4001
T: (07) 3406 7199
F: (07) 3210 0172
E: QPL.Acquisitions@parliament.qld.gov.au

South Australia

Legal deposit is required under the *South Australian Libraries Act 1982, s35* and *Libraries Act Amendment Act 1989*. The Acts require that 'material' published in South Australia be deposited within one month of publication.

'Material' includes a book, or a part or division of a book; a newspaper, magazine, journal, pamphlet, map, plan, chart, table, printed music, record, cassette, film, video, audiotape, disk and other electronic item made available to the public and designed to store and facilitate the reproduction of visual images, sound or information.

Legal Deposit
State Library of South Australia
GPO Box 419
Adelaide SA 5001
T: (08) 8207 7281
F: (08) 8207 7247
E: LegalDeposit.SLSA@slsa.sa.gov.au

Parliamentary Librarian
South Australian Parliament
Research Library
GPO Box 572
Adelaide SA 5001
T: (08) 8237 9428
F: (08) 8212 1797
E: ILL@parliament.sa.gov.au

Tasmania

Legal deposit is required under the *Tasmanian Libraries Act 1984, s22*. The Act requires that a book published in Tasmania be deposited within one month of publication.

'Book' means any book, periodical, newspaper, printed matter, map, plan, music, manuscript, picture, print, motion picture, sound recording, photographic negative or print, microphotography, video recording and any other matter or thing whereby words, sounds or images are recorded or reproduced.

Legal Deposit Officer
State Library of Tasmania
Community Knowledge Network
91 Murray Street
Hobart Tas. 7000
T: (03) 6233 7502
F: (03) 6233 7506
E: legaldeposit@education.tas.gov.au
www.linc.tas.gov.au

Victoria

Legal deposit is required under the *Libraries Act 1988, s49*. The Act requires the deposit within two months of every new 'publication' published in Victoria.

Publication includes every book, periodical, newspaper, musical score, map, chart, plan, picture, photograph, print and any other printed matter, any microfiche or microfilm and a range of other types of publication.

Legal Deposit Officer
State Library of Victoria
328 Swanston Street
Melbourne Vic. 3000
T: (03) 8664 7141 (books)
T: (03) 8664 7138 (periodicals)
F: (03) 9663 1480
E: legaldeposit@slv.vic.gov.au
www.slv.vic.gov.au

Western Australia

In 1994, the *Western Australian Copyright Act 1895, ss4, 7-9*, was repealed. The Act had required that a book published in Western Australia be deposited within two months of publication. Until legal deposit legislation is reinstated in Western Australia, the State Library of Western Australia hopes that publishers will abide by the spirit of legal deposit.

Collection Development
State Library of Western Australia
Perth Cultural Centre
25 Francis Street
Perth WA 6000
T: (08) 9427 3348
F: (08) 9427 3256
E: collection.development@slwa.wa.gov.au



in cooperation with Australian Legal Deposit Libraries

Legal Deposit IN AUSTRALIA

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NATIONAL LIBRARY OF AUSTRALIA

www.nla.gov.au/services/lddeposit.html