**Version**
**as at 28 October 2021**

# National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003

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|---|---|
| Public Act | 2003 No 19 |
| Date of assent | 5 May 2003 |
| Commencement | see section 2 |

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Department of Internal Affairs.**

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### 1 Title

This Act is the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003; and may also be cited as either—

(a) the National Library of New Zealand Act 2003; or

(b) Te Puna Mātauranga o Aotearoa Act 2003.

## Part 1
## Preliminary provisions

### 2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

### 3 Purpose

The purpose of this Act is to provide for the preservation, protection, development, and accessibility, as appropriate, for all the people of New Zealand, of the collections of the National Library (which includes the Alexander Turnbull Library) in a manner consistent with their status as documentary heritage and taonga and, to this end, to—

(a) maintain and enhance the National Library; and

(b) maintain and enhance the Alexander Turnbull Library, as part of the National Library; and

(c) continue the mutually supportive roles of the National Librarian and the Chief Librarian; and

(d) establish an unincorporated body called the Guardians Kaitiaki of the Alexander Turnbull Library for the purpose, among other things, of providing assurance to the people of New Zealand that the collections of the Alexander Turnbull Library are held in perpetuity; and

(e) establish an unincorporated body called the Library and Information Advisory Commission Ngā Kaiwhakamārama i ngā Kohikohinga Kōrero for the purpose of providing advice to the Minister on library and information issues, including mātauranga Māori; and

(f) dissolve the incorporated body called the Trustees of the National Library, which was established by the National Library Act 1965; and

(g) enable the Minister to notify requirements that copies of public documents be provided to the National Library, for the purposes of assisting in preserving New Zealand's documentary heritage; and

(h) ensure that the power to require public documents referred to in paragraph (g) extends to Internet documents and authorises the National Librarian to copy such documents; and

(i) provide for other related matters.

Section 3(c): substituted, on 1 February 2011, by section 4 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## 4 Interpretation

In this Act, unless the context otherwise requires,—

**Alexander Turnbull Library** means the Alexander Turnbull Library continued by section 11

**chief executive** means the chief executive of the department

**Chief Librarian** means the Chief Librarian of the Alexander Turnbull Library referred to in section 13

**Commission** means the Library and Information Advisory Commission Ngā Kaiwhakamārama i ngā Kohikohinga Kōrero established by section 22

**department** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**document** means a document in any form; and includes—

(a) any writing on any material; and

(b) information recorded or stored by means of any recording device, computer, or other electronic device, or any other device, and material subsequently derived from information so recorded or stored; and

(c) a book, manuscript, newspaper, periodical, pamphlet, magazine, sheet of letterpress, sheet of music, map, plan, chart, painting, picture, etching, print, table, graph, or drawing; and

(d) a photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of equipment) of being reproduced; and

(e) a second or subsequent edition of any of the above

**electronic** includes electrical, digital, magnetic, optical, electromagnetic, biometric, and phototonic

**Guardians** means the Guardians Kaitiaki of the Alexander Turnbull Library referred to in section 16

**information** includes information in the form of a document, data, text, images, sound, or speech

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**National Librarian** means the National Librarian referred to in section 8

**National Library** means the National Library of New Zealand Te Puna Mātauranga o Aotearoa that is continued by section 6

**year** means a year ending on 30 June.

Section 4 **chief executive**: inserted, on 1 February 2011, by section 5(3) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 4 **department**: inserted, on 1 February 2011, by section 5(3) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 4 **Minister**: substituted, on 1 February 2011, by section 5(1) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 4 **National Library**: amended, on 1 February 2011, by section 5(2) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## 5 Act binds the Crown

This Act binds the Crown.

# Part 2
# National Library of New Zealand Te Puna Mātauranga o Aotearoa including Alexander Turnbull Library

## Subpart 1—National Library and National Librarian

### *National Library*

### 6 Continuation of National Library

(1) There is a National Library of New Zealand Te Puna Mātauranga o Aotearoa.

(2) This is the same library as that established by section 3 of the National Library Act 1965.

(3) The Alexander Turnbull Library forms part of the National Library.

### 7 Purpose of National Library

The purpose of the National Library is to enrich the cultural and economic life of New Zealand and its interchanges with other nations by, as appropriate,—

(a) collecting, preserving, and protecting documents, particularly those relating to New Zealand, and making them accessible for all the people of New Zealand, in a manner consistent with their status as documentary heritage and taonga; and

(b) supplementing and furthering the work of other libraries in New Zealand; and

(c) working collaboratively with other institutions having similar purposes, including those forming part of the international library community.

### 8 National Librarian

(1) There is an office of National Librarian.

(2) The National Librarian is the person for the time being appointed to that office by the chief executive under the State Sector Act 1988.

(3) *[Repealed]*

Section 8(2): substituted, on 1 February 2011, by section 6 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 8(3): repealed, on 1 February 2011, by section 6 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

### 9 Functions and powers of National Librarian

(1AA) The National Librarian has all the powers necessary to perform and carry out the functions and duties imposed on the National Librarian by or under this Act.

(1) The functions of the National Librarian, in achieving the purpose of the National Library, are—

(a) to develop and maintain national collections of documents, including a comprehensive collection of documents relating to New Zealand and the people of New Zealand; and

(b) to make the collections and resources of the National Library accessible in a manner and subject to conditions that the Minister determines, in order to provide for the most advantageous use of those collections and resources; and

(c) to provide other services, including access to information resources, and bibliographical and school services, as the Minister thinks fit; and

(d) to promote co-operation in library matters with authorities and other persons in New Zealand and elsewhere; and

(e) to advise and assist the Minister in matters relating to library and information issues; and

(f) other functions prescribed by regulations made under this Act.

(2) The National Librarian must take reasonable steps to—

(a) make the documents in the National Library available to institutions and other persons, subject to any regulations made under this Act and to any conditions the Minister may determine; and

(b) *[Repealed]*

(c) provide assistance in the development of libraries to institutions and persons in New Zealand, subject to any regulations made under this Act and to any conditions the Minister may determine.

(3) The National Librarian must not transfer the custody or use of any documents held by the National Library to any authority or other person, or remove any documents from the collections, without the approval of the Minister.

(4) Subsection (3)—

(a) does not limit the Public Records Act 2005; and

(b) applies subject to section 11(2).

Section 9(1AA): inserted, on 1 February 2011, by section 7(1) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 9(2)(b): repealed, on 1 February 2011, by section 7(2) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 9(3): substituted, on 1 February 2011, by section 7(3) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 9(4)(a): amended, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

### 9A Delegations by National Librarian

(1) The National Librarian may, either generally or particularly, delegate to an employee in the department all or any of the National Librarian's functions, duties, or powers under this Act except the power to delegate.

(2) A delegation—

(a) must be in writing; and

(b) may be made subject to any restrictions and conditions the National Librarian thinks fit; and

(c) is revocable at any time, in writing; and

(d) does not prevent the performance or exercise of a function, duty, or power by the National Librarian.

(3) A person to whom any functions, duties, or powers are delegated may perform and exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

(5) This section is subject to the limitations specified in sections 13(3) and 14.

Section 9A: inserted, on 1 February 2011, by section 8 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## *Oral histories*

### 10 Provision of oral histories to National Library

(1) In this section,—

**oral history** means personal reminiscences or reflections recorded by means of a recording device of any kind and information subsequently derived from those recordings

**person** means a natural person; and includes a Minister of the Crown, a chief executive, and an employee of any part of the State services

**State services** means all instruments of the Crown in respect of the Government of New Zealand, whether departments, corporations, agencies, or other instruments.

(2) If an oral history has been provided to the National Library by a person on conditions (for example, conditions relating to access to the information) that have been agreed to in writing by, or on behalf of, the National Librarian, the Crown and its agents (including the National Librarian) must comply with those conditions.

(3) This section—

(a) applies whether or not the oral history was created or acquired by, or on behalf of, the Crown; and

(b) does not limit the Public Records Act 2005.

Section 10(3)(b): amended, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

## Subpart 2—Alexander Turnbull Library

### 11 Continuation of Alexander Turnbull Library

(1) There is the library known as the Alexander Turnbull Library, consisting of—

(a) the documents bequeathed to the Crown in 1918 by Alexander Horsburgh Turnbull of Wellington by the second codicil to his will set out in Schedule 1; and

(b) bequests, donations, and other additions to, and acquisitions for the purposes of the Alexander Turnbull Library.

(2) The Crown must continue to own the collections of the Alexander Turnbull Library in perpetuity.

(2A) The chief executive, in consultation with the National Librarian, must provide—

(a) separate and suitable accommodation in a national library building for the collections of the Alexander Turnbull Library; and

(b) for the development of the research collections and the services of the Alexander Turnbull Library, particularly in the fields of New Zealand and Pacific studies and rare books.

(3) Except to the extent provided by section 15, the collections of the Alexander Turnbull Library must remain in the custody of the National Library at all times.

(4) Subsection (2) does not limit section 26 of the Public Records Act 2005.

Section 11(2A): inserted, on 1 February 2011, by section 9 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 11(4): substituted, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

### 12 Purposes of Alexander Turnbull Library

The purposes of the Alexander Turnbull Library are—

(a) to preserve, protect, develop, and make accessible for all the people of New Zealand the collections of that library in perpetuity and in a manner consistent with their status as documentary heritage and taonga; and

(b) to develop the research collections and the services of the Alexander Turnbull Library, particularly in the fields of New Zealand and Pacific studies and rare books; and

(c) to develop and maintain a comprehensive collection of documents relating to New Zealand and the people of New Zealand.

### 13 Chief Librarian of Alexander Turnbull Library

(1) There is an office of Chief Librarian of the Alexander Turnbull Library.

(2) The Chief Librarian is the person for the time being appointed to that office by the chief executive, on the recommendation of the National Librarian, under the State Sector Act 1988.

(3) The Chief Librarian must not, at the same time, hold—

(a) the position of National Librarian; or

(b) any other position in the department that would, in the opinion of the chief executive, in consultation with the National Librarian, adversely impact on the ability of the Chief Librarian adequately to perform the functions and exercise the powers delegated to the Chief Librarian in accordance with section 9A.

(4) The person holding office as Chief Librarian immediately before the commencement of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 continues to hold that office on the commencement of that Act on the same terms and conditions, to the extent that those terms and conditions are consistent with the Chief Librarian being an employee in the department.

Section 13(2): amended, on 1 February 2011, by section 10(1) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 13(3)(b): amended, on 1 February 2011, by section 10(2)(a) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 13(3)(b): amended, on 1 February 2011, by section 10(2)(b) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 13(3)(b): amended, on 1 February 2011, by section 10(2)(c) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 13(4): substituted, on 1 February 2011, by section 10(3) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

### 14 Functions, duties, and powers of Chief Librarian

The Chief Librarian must perform any functions or duties, and exercise any powers, delegated to him or her under section 9A for preserving, protecting, developing, and making accessible the collections of the Alexander Turnbull Library.

Section 14: substituted, on 1 February 2011, by section 11 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

### 15 Documents may be made available for public exhibition

(1) The Chief Librarian may, to the extent that the power is delegated in accordance with section 9A, make 1 or more documents from the collections of the Alexander Turnbull Library available on a temporary basis for public exhibition in New Zealand or elsewhere, on terms and conditions that the Chief Librarian thinks fit.

(2) In determining whether to exercise the power under subsection (1), the Chief Librarian must have regard to the following matters:

(a) the purposes of the Alexander Turnbull Library; and

(b) the interests of readers visiting the Alexander Turnbull Library; and

(c) the physical condition and rarity of the document; and

(d) the physical environment in which the document will be exhibited; and

(e) any risks to which the document is likely to be exposed while in transit to, or in the custody of, the person or authority responsible for the exhibition of the document; and

(f) terms and conditions imposed by the National Librarian in a delegation made under section 9A.

Section 15(1): amended, on 1 February 2011, by section 12 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 15(2)(f): amended, on 1 February 2011, by section 12 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## Subpart 3—Guardians of Alexander Turnbull Library

### 16 Guardians of Alexander Turnbull Library

(1) There is an unincorporated body called the Guardians Kaitiaki of the Alexander Turnbull Library, consisting of not more than 5 persons.

(2) The Guardians are to be appointed by the Minister, by notice in the *Gazette*, after consultation with the Minister of Māori Affairs.

(3) Before making an appointment under subsection (2), the Minister—

(a) must consult with the Minister of Māori Affairs; and

(b) may consult with such national organisations as he or she thinks fit.

(4) A term of appointment of a person as a Guardian must not exceed 3 years, but a person may be reappointed as a Guardian so long as the total of all his or her terms does not exceed 6 years.

(5) The Guardians must be persons who, in the opinion of the Minister, have special knowledge or qualifications that are relevant to the purpose and function of the Guardians.

### 17 Purpose of Guardians

The purpose of the Guardians is to provide assurance to the people of New Zealand that—

(a) the collections of the Alexander Turnbull Library are held in perpetuity; and

(b) those collections are—

(i) provided with separate and suitable accommodation; and

(ii) preserved, protected, developed, and made accessible for all the people of New Zealand in a manner consistent with their status as documentary heritage and taonga; and

(c) the character of the services distinguishing the Alexander Turnbull Library as a research library is maintained.

### 18 Function of Guardians

(1) The function of the Guardians is to advise the Minister on any of the following matters:

(a) the capacity of the Alexander Turnbull Library to acquire documents to be used for the purposes of research, scholarship, or mātauranga Māori, or by other libraries and the people of New Zealand:

(b) the provision of services to enable access and research using the collections of the Alexander Turnbull Library:

(c) the appropriate and adequate protection of the collections of the Alexander Turnbull Library:

(d) a decision made by the Chief Librarian under section 15 to make documents from the collections of the Alexander Turnbull Library available for public exhibition:

(e) the means to maintain—

(i) the identity and status of the collections of the Alexander Turnbull Library:

(ii) the character of the services distinguishing that library as a research library:

(f) the adequacy and suitability of the housing and preservation of the collections of the Alexander Turnbull Library:

(g) other matters relating to the Alexander Turnbull Library.

(2) The National Librarian and the Chief Librarian must use their best endeavours to provide to the Guardians the information that the Guardians reasonably require to perform their function.

### 19 Reports

(1) The Chief Librarian must report to the National Librarian each year on his or her performance of the functions and exercise of the powers delegated in accordance with section 9A.

(2) The National Librarian must each year—

(a) report to the Guardians on the performance of the functions and exercise of the powers delegated to the Chief Librarian in accordance with section 9A and on other matters that the National Librarian thinks fit; and

(b) attach to that report a copy of the latest report received by him or her from the Chief Librarian under subsection (1).

(3) The Guardians must report to the Minister each year, which report must include—

(a) a report on the performance of their function during the preceding year; and

(b) the reports from the National Librarian and the Chief Librarian referred to in subsection (2).

(4) The Minister must, as soon as practicable after receiving a report under subsection (3), present the report to the House of Representatives.

(5) This section does not limit section 43 of the Public Finance Act 1989.

Section 19(1): amended, on 1 February 2011, by section 13 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 19(2)(a): amended, on 1 February 2011, by section 13 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

Section 19(5): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

### 20 Fees and allowances

The Guardians are entitled to be paid, out of money appropriated by Parliament for the purpose,—

(a) fees determined by the Minister in accordance with government policy; and

(b) reimbursing allowances or actual and reasonable expenses incurred in undertaking the function of the Guardians.

### 21 Administration

(1) The Guardians must meet at least 3 times in each year.

(2) The department must provide administrative services for the Guardians.

Section 21(2): amended, on 1 February 2011, by section 14 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## Part 3
## Library and Information Advisory Commission and advisory bodies

### 22 Establishment of Commission

(1) There is an unincorporated body called the Library and Information Advisory Commission Ngā Kaiwhakamārama i ngā Kohikohinga Kōrero.

(2) The Commission consists of—

(a) up to 6 members; and

(b) the National Librarian, as an *ex officio* member.

(3) The members of the Commission must be appointed by the Minister, by notice in the *Gazette*, after consultation with the Minister of Māori Affairs.

(4) A term of appointment of a person as a member of the Commission must not exceed 3 years, but a person may be reappointed as a member as long as the total of all his or her terms does not exceed 6 years.

(5) The members of the Commission must be persons who, in the opinion of the Minister, have special knowledge or qualifications that are relevant to the purpose and functions of the Commission.

### 23 Purpose of Commission

The purpose of the Commission is to provide advice to the Minister on library and information issues, including mātauranga Māori.

### 24 Function of Commission

(1) The function of the Commission is to advise and report to the Minister on—

(a) library and information issues in New Zealand, including mātauranga Māori, and access to library and information services; and

(b) the role of library and information services, including mātauranga Māori, in the cultural and economic life of New Zealand; and

(c) any other matters requested by the Minister.

(2) Before giving advice to the Minister, the Commission must, to the extent practicable, have regard to—

(a) recent national and international developments in relation to library and information services; and

(b) the appropriate means for promoting collaboration among persons and institutions (for example, museums, libraries, and archives) in relation to protecting, preserving, and promoting access to information, including documentary heritage and mātauranga Māori.

### 25 Advisory bodies

The Minister may establish 1 or more advisory bodies, in addition to the Commission, to advise him or her on matters relating to library and information issues.

### 26 Reports

The Commission, and any advisory body established under section 25, must report to the Minister each year on the performance of their functions during the preceding year.

### 27 Fees and allowances

The members of the Commission, and the members of any advisory body established under section 25, are entitled to be paid, out of money appropriated by Parliament for the purpose,—

(a) fees determined by the Minister in accordance with government policy; and

(b) reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the Commission or advisory body, as the case may be.

### 28 Administration

The department must provide administrative services for the Commission and any advisory body established under section 25.

Section 28: amended, on 1 February 2011, by section 15 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

## Part 4
## Provision of copies of public documents to National Library

### 29 Interpretation relating to this Part

(1) In this Part, unless the context otherwise requires,—

**authorisation**, in relation to an Internet document, means an authorisation under section 31(3)

**electronic document** means a public document in which information is stored or displayed by means of an electronic recording device, computer, or other electronic medium, and includes an Internet document

**Internet document** means a public document that is published on the Internet, whether or not there is any restriction on access to the document; and includes the whole or part of a website

**make a copy**, in relation to an Internet document, means to make a copy of the document for the purpose of storing and using it in accordance with this Part; and includes circumventing any technological protection measures which otherwise would prevent or hinder the copying, storage, or use of the document

**printer**, in relation to any printed public document, means the owner of the undertaking by which the document is printed or otherwise produced

**public document** means a document—

(a) of which 1 or more copies (whether or not there is any restriction on members of the public acquiring or accessing the document) are—

(i) issued to the public; or

(ii) available to the public upon request; or

(iii) available to the public on the Internet; and

(b) that is printed or produced by any other means in New Zealand, or is commissioned to be printed or otherwise produced outside New Zealand by a person who is resident in New Zealand or whose principal place of business is in New Zealand; and

(c) in which copyright exists under the Copyright Act 1994 or that is a document of a kind referred to in section 27(1) of that Act; but

(d) does not include—

(i) a public record within the meaning of section 4 of the Public Records Act 2005, except public records made available to the public (for example, public records that have an ISBN or ISSN number); or

(ii) a reprint of a document whose content and form are identical to the content and form of a document already given to the National Librarian under this Act or any previous Act

**publication** means making publicly available in the manner specified in a requirement, whether or not there is any restriction on the acquisition or use of the document by members of the public

**publisher** means,—

(a) in relation to a printed public document, the publisher of that document; and

(b) in relation to any other public document other than an Internet document, the person who produced in New Zealand, or commissioned the production outside New Zealand of, the copies of the document issued to, or available on request by, the public; and

(c) in relation to an Internet document, the person who has control over the content of the website, or part of the website, on which the document is located

**requirement** means a requirement under section 31(1); and includes—

(a) an authorisation under section 31(3); and

(b) an amendment under section 31(4)

**restriction**, in relation to the acquisition, use, or availability of, or access to, a public document of any kind,—

(a) means a physical, technical, or mechanical restriction such as a requirement to pay a fee or price, or to use a password or other requirement that prevents or restricts free public access to the document; but

(b) does not mean any legal restriction recorded in or claimed for the public document.

(2) For the avoidance of doubt, a public document that has been made available on the Internet is the document at a particular time and, if that document is

changed in any respect, it becomes a different public document for the purposes of this Part.

Section 29(1) **authorisation**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 29(1) **public document** paragraph (d)(i): amended, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

Section 29(1) **requirement**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 29(1) **requirement** paragraph (a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 29(1) **requirement** paragraph (b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 30 Purpose of this Part

The purpose of this Part is to assist in preserving New Zealand's documentary heritage so that it is available, subject to any applicable terms or conditions, for the benefit of New Zealanders.

### 31 Notice of requirement for public documents

(1) The Minister may, by notice, require a publisher of a public document (other than an Internet document) to give to the National Librarian, at the publisher's own expense, a specified number of copies (not exceeding 3) of—

(a) the public document in printed form; and

(b) if the document is an electronic document, the medium that contains the document.

(2) The copies of the public document referred to in subsection (1) must be provided—

(a) within 20 working days from the date of first publication of the document (or a longer period, if any, that is specified in the notice); and

(b) on, or in accordance with, any terms and conditions as to format, public access, or other matters that are specified in the notice.

(3) The Minister may, by notice, authorise the National Librarian to make a copy, at any time or times and at his or her discretion, of public documents that are Internet documents in accordance with any terms and conditions as to format, public access, or other matters that are specified in the notice.

(4) The Minister may amend or revoke a requirement.

(5) A requirement—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but

(b) commences in accordance with section 32 (even if it is not yet published, in the case of a requirement referred to in section 32(2)).

| Legislation Act 2019 requirements for secondary legislation made under this section | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 31(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 31(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 31(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 31(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 32 Contents of requirement

(1) A requirement must specify—

(a) the date on which it comes into force, which, subject to subsection (2), must be at least 3 months after the date on which the notice is published under the Legislation Act 2019; and

(b) whether it applies to all classes of public documents or only to a specified class or classes of public documents; and

(c) in the case of a requirement under section 31(1), whether it applies to all publishers of those public documents or only to a specified class or classes of publishers of those documents.

(2) Despite subsection (1)(a), a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act is not subject to the minimum period of 3 months specified in subsection (1)(a).

Section 32(1)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 32(1)(c): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 33 Publishers to assist National Librarian to store and use documents

(1) If, at any time, the National Librarian makes a written request for assistance, a publisher of an electronic document to which a requirement relates must, at the publisher's own expense, provide reasonable assistance within 20 working days of receiving the request to enable the National Librarian to store and use an identical copy of the document.

(2) A written request under subsection (1) may relate to—

(a) 1 or more electronic documents; or

(b) 1 or more classes of electronic documents.

### 34 Use of public documents in National Library

(1) In this section, **deposited document** means a public document of which 1 or more copies have been given to, or made by, the National Librarian under a requirement.

(2) For the purposes of carrying out his or her duties, the National Librarian and any employee, contractor, or agent of the chief executive may possess, copy, store in electronic form (whether offline or online), and use any copy of a deposited document.

(3) The National Librarian may provide not more than 3 copies of a deposited document for use by members of the public (whether at the premises of the National Library or elsewhere) but, except as provided in subsection (4) or with the publisher's agreement, must not make the document available on the Internet.

(4) If a deposited document is made publicly available on the Internet by the publisher without restriction on its access or use by members of the public, the National Librarian may make the document available for access and use by members of the public on the Internet (as well as in the manner permitted by subsection (3)).

(5) Except as provided in subsections (2) to (4), the law relating to copyright applies to every deposited document.

Section 34(2): substituted, on 1 February 2011, by section 16 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132).

### 35 Application of Legislation Act 2012 to requirements

*[Repealed]*

Section 35: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 36 Consultation

(1) Before the Minister publishes a requirement under section 31, the Minister must consult the publishers or representatives of the publishers likely to be affected by the proposed requirement about the terms and conditions referred to in section 31(2)(b) or (3).

(2) Subsection (1) does not apply in respect of a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act.

Section 36(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 37 Copies of document

Except as otherwise expressly provided in a requirement, copies of a public document given to the National Librarian in accordance with a requirement must be—

(a) identical copies of the document; and

(b) of the same standard as the best copy of the document that has been published in New Zealand.

Section 37: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 38 Exemption from requirement

(1) A requirement may authorise the Minister to exempt, by notice, a public document or class of public documents from the requirement on the basis of criteria set out in the requirement.

(2) The Minister may, by notice, exempt a public document or class of public documents from a requirement if—

(a) the requirement authorises the Minister to grant exemptions from it; and

(b) a written application for the exemption has been made to the Minister; and

(c) the Minister is satisfied that the criteria for exemptions set out in the requirements are met and that it is appropriate to grant the exemption in the circumstances.

(3) An exemption may be granted on the terms and conditions that the Minister thinks fit.

(4) An exemption takes effect on the date, and on the terms and conditions, specified in the notice.

(5) If a requirement authorises the Minister to grant exemptions,—

(a) an exemption granted under that authority is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) the requirement must contain a statement to that effect; and

(c) the exemption takes effect in accordance with subsection (4), even if it is not yet published.

| **Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)(a)** | | |
|---|---|---|
| **Publication** | The maker must publish it in accordance with the Legislation (Publication) Regulations 2021, unless it is published by PCO | LA19 ss 69, 73, 74(1)(aa) |
| **Presentation** | The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019 | LA19 s 114 |
| **Disallowance** | It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019 | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 38(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 38(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 38(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 39 Obligations to comply with requirement

(1) A publisher to whom a requirement applies must comply with that requirement.

(2) A publisher to whom a requirement under section 31(3) applies must permit the National Librarian to make a copy of that document in accordance with that requirement.

(3) If the name of the publisher does not appear on a printed public document and the printer of that document is resident in New Zealand or has its principal place of business in New Zealand,—

(a) the printer is under the same duty to comply with a requirement as the publisher; and

(b) if the printer complies with a requirement, the printer is entitled to recover the cost of doing so from the publisher.

Section 39(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### 40 Offence and penalty

A publisher or printer who, without reasonable excuse, fails to comply with section 39 commits an offence and, on conviction, is liable to a fine not exceeding $5,000.

Section 40: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 41 Savings

(1) Despite section 46(1), section 30A of the National Library Act 1965 continues to apply in relation to a book if its date of publication (as defined in section 30A of that Act) is a date before the commencement of this Act.

(2) Subsection (1) applies in relation to a book whether the 30-day period referred to in section 30A of the National Library Act 1965 expires before, on, or after the commencement of this Act.

### 42 Transitional provision

Despite section 46(1), section 30A of the National Library Act 1965 applies in relation to a book if—

(a) its date of publication (as defined in section 30A of that Act) is a date on or after the commencement of this Act; and

(b) no requirement is in force in relation to the book.

### 43 National Librarian's other powers and rights not limited

This Part does not limit any power or right that the National Librarian has in relation to a public document, other than under this Part.

# Part 5
# Dissolution of Trustees of National Library and miscellaneous provisions

*Dissolution of Trustees of National Library*

### 44 Dissolution of Trustees

(1) The body known as the Trustees of the National Library established by section 8 of the National Library Act 1965 (in this section called the **Trustees**) is dissolved.

(2) Except as provided in subsection (3), all assets (including entitlements and rights) and liabilities of the Trustees vest in the Crown (acting through the National Library) on the commencement of this Act.

(3) If—

(a) the Trustees are appointed as an executor or trustee of a will or trust (whether before or after the dissolution of the Trustees), then, unless the will or trust deed concerned expressly provides otherwise, on and from the dissolution of the Trustees, the National Librarian (acting on behalf of the Crown) takes the place of the Trustees as executor or trustee of the will or trust; and

(b) the Trustees are a beneficiary under a will or trust (whether executed or created before or after the dissolution of the Trustees), then, unless the will or trust deed concerned expressly provides otherwise, on and from the dissolution of the Trustees, the Crown (acting through the National Library) takes the place of the Trustees as beneficiary under the will or trust.

(4) The National Librarian must, as soon as practicable after the commencement of this Act, provide to the Minister a report on the operations of the Trustees during the period from the end of the last year for which such a report has been provided to the Minister to the commencement of this Act.

(5) The Minister must present a copy of the report referred to in subsection (4) to the House of Representatives in accordance with section 44A of the Public Finance Act 1989.

*Regulations*

### 45 Regulations

(1) The Governor-General may, by Order in Council, make regulations providing for matters that are contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| Legislation Act 2019 requirements for secondary legislation made under this section | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 45(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

*Repeal, revocations, and amendments*

## 46 Repeal and revocations

(1) The National Library Act 1965 (1965 No 136) is repealed.

(2) The Alexander Turnbull Library Regulations 1966 (SR 1966/206) are revoked.

## 47 Consequential and related amendments

The Acts specified in Schedule 2 are amended in the manner indicated in that schedule.

# Schedule 1
# Provisions of Second Codicil to Will of Alexander Horsburgh Turnbull

s 11

I bequeath to His Majesty the King all my Library comprising my printed books pamphlets engravings charts manuscripts sketches maps photographs plans and pictures as and to constitute a Reference Library in the City of Wellington for the use and reference of persons and students interested in the subjects specialised in the said Library.

I desire (but without imposing any trust)—

(a) that the contents of the Library shall not be permitted to be lent out it being my desire that the contents of the Library comprised in this bequest shall be kept together as the nucleus of a New Zealand National Collection the permanent site thereof to be in the City of Wellington:

(b) the duplicate copies and in cases where there are more than two copies shall not be sold exchanged or given away:

(c) that the conditions of use shall be at the discretion of the Government of New Zealand from time to time and that the rules of the British Museum Library and the Mitchell Library in Sydney for the time being and from time to time in force be used as a guide as to conditions of use of the Library.

# Schedule 2
# Enactments amended

s 47

## Part 1
## Consequential amendments

**Copyright Act 1994 (1994 No 143)**

*Amendment(s) incorporated in the Act(s).*

**Films, Videos, and Publications Classification Act 1993 (1993 No 94)**

*Amendment(s) incorporated in the Act(s).*

**Local Authorities (Members' Interests) Act 1968 (1968 No 147)**

*Amendment(s) incorporated in the Act(s).*

**Public Audit Act 2001 (2001 No 10)**

*Amendment(s) incorporated in the Act(s).*

**Public Bodies Contracts Act 1959 (1959 No 98)**

*Amendment(s) incorporated in the Act(s).*

**Public Finance Act 1989 (1989 No 44)**

*Amendment(s) incorporated in the Act(s).*

**State Sector Act 1988 (1988 No 20)**

*Amendment(s) incorporated in the Act(s).*

## Part 2
## Related amendment

**Official Information Act 1982 (1982 No 156)**

*Amendment(s) incorporated in the Act(s).*

# National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010

| | |
|---|---|
| Public Act | 2010 No 132 |
| Date of assent | 20 December 2010 |
| Commencement | see section 2 |

## 1 Title

This Act is the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010.

## 2 Commencement

This Act comes into force on 1 February 2011.

*Transfer of employees of National Library and related matters*

## 17 Transfer of National Library employees to department

(1) Sections 30E, 30F, and 30G of the State Sector Act 1988 apply to every person who was, immediately before the commencement of this Act, an employee in the National Library.

(2) For the purposes of subsection (1), sections 30E, 30F, and 30G of the State Sector Act 1988 apply as if they had been declared to apply by Order in Council under section 30C of that Act.

## Notes

### *1 General*

This is a consolidation of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413

National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Amendment Act 2010 (2010 No 132)

Public Records Act 2005 (2005 No 40): section 67(1)

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

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