

Version
as at 28 October 2021



National Library Requirement (Electronic Documents) Notice 2006 (SR 2006/118)

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister Responsible for the National Library gives the following notice.

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Notice

1 Title

This notice is the National Library Requirement (Electronic Documents) Notice 2006.

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 notice is administered by the Department of Internal Affairs.

2 Commencement

This notice comes into force on the day that is 3 months after the date of its notification in the *Gazette*.

3 Interpretation

In this notice, unless the context otherwise requires,—

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

off-line document means an electronic document that is not an Internet document, and includes an electronic document that is stored or used by means such as—

- (a) magnetic media (for example, a floppy disk, hard drive, an audiotape, or a videotape):
- (b) optical media:
- (c) an electronic storage device (for example, a universal serial bus device (USB) or memory card)

optical media includes—

- (a) a compact disc (CD) and variants of a CD; and
- (b) a digital versatile disc (DVD) and variants of a DVD

publish means,—

- (a) in the case of an off-line document, making the document publicly available by issuing copies of the public document to, or making copies of the public document available on request by, a member of the public, whether or not there is any restriction on the acquisition of the document by members of the public (as by payment of a price or fee); and
- (b) in the case of an Internet document, making the document publicly available on the Internet, whether or not there is any restriction on access to the document.

4 Application of this notice

This notice applies to all classes of electronic documents in existence on, or coming into existence after, the date on which this notice comes into force and all publishers of those electronic documents.

5 Requirement to provide copies of off-line documents

Every publisher of an off-line document must, at the publisher's own expense, give to the National Librarian, within 20 working days after the date when the document is first published, 1 or more copies of the document as follows:

- (a) 2 copies of the medium or device that contains the document; or
- (b) 1 copy of the medium or device that contains the document, if—

- (i) the document is a single discrete item the price of which exceeds \$1,000; or
- (ii) the document is available for an annual subscription that exceeds \$3,000.

6 Condition applying to requirement

If an off-line document is published in more than 1 language, the number of copies required by clause 5 must be given to the National Librarian in each language version.

7 Delivery of copies

The copies of documents required by clause 5 must be delivered by the publisher, at the publisher's own expense, to the National Librarian at the Legal Deposit Office, National Library of New Zealand Te Puna Mātauranga o Aotearoa, PO Box 12 340, Wellington.

8 Authorisation to make copy of Internet document

The National Librarian is authorised to copy any Internet document.

9 Exemptions

- (1) The Minister may exempt an electronic document or a class of electronic documents from the provisions of this notice.
- (2) An exemption may only be granted if at least one of the following criteria is satisfied:
 - (a) the document has been created by an agent of the Government as a source of information for the purpose of transacting the business of Government; or
 - (b) the document is deposited in an archive established for the purpose of the long-term preservation of, and access to, public documents or a class of public documents.
- (3) An exemption granted under this clause—
 - (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
 - (b) takes effect in accordance with section 38(4) of the Act, even if it is not yet published.

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must publish it in the <i>Gazette</i>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	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 secondary legislation.

Clause 9(1): amended, on 28 October 2021, by regulation 6(1) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Clause 9(3): inserted, on 28 October 2021, by regulation 6(2) of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

Dated at Wellington this 2nd day of May 2006.

Judith Tizard,
Minister Responsible for the National Library.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 11 May 2006.

Notes

1 *General*

This is a consolidation of the National Library Requirement (Electronic Documents) Notice 2006 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*

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 6