



## National Library Requirement (Phonographic Documents) Notice 2017

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister of Internal Affairs gives the following notice, having consulted in accordance with section 36(1) of that Act.

### Contents

		Page
1	Title	1
2	Commencement	1
3	Interpretation	1
4	Application of this notice to phonographic documents and publishers	2
5	Copies of phonographic documents to be given to National Librarian	2
6	Address for delivery of copies	3

### Notice

**1 Title**

This notice is the National Library Requirement (Phonographic Documents) Notice 2017.

**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,—

**copy**, in relation to a phonographic document, means a copy that is itself a phonographic document and is in the same format as the copied phonographic document

**phonographic document**—

(a) means a public document in a format—

- (i) in which sound is stored—
  - (A) by means of a mechanical process; or
  - (B) by any other means apart from an electronic recording device, a computer, or any other electronic medium; and
- (ii) from which the stored sound may be reproduced; and
- (b) includes a public document in the format of a phonographic record made of—
  - (i) vinyl; or
  - (ii) rubber; or
  - (iii) shellac; or
  - (iv) cardboard coated with celluloid; or
  - (v) any other material; and
- (c) includes—
  - (i) any covering in which the public document is stored; and
  - (ii) any written material that relates to, and is stored with, the public document

**publish**, in relation to a phonographic document, means to make the phonographic document publicly available (whether or not there is any restriction on members of the public acquiring or using it, such as a requirement to pay a price or fee) by—

- (a) issuing 1 or more copies of the phonographic document to the public; or
- (b) making 1 or more copies of the phonographic document available to the public on request.

#### **4 Application of this notice to phonographic documents and publishers**

This notice applies to—

- (a) all classes of phonographic documents first published on or after the date on which this notice comes into force; and
- (b) all publishers of those phonographic documents.

#### **5 Copies of phonographic documents to be given to National Librarian**

- (1) Every publisher of a phonographic document must give the National Librarian 1 or more copies of the phonographic document as follows:
  - (a) if the price of 1 copy of the phonographic document exceeds \$1,000, 1 copy; or
  - (b) in any other case,—
    - (i) if fewer than 100 copies of the phonographic document are published, 1 copy; or

- (ii) if 100 or more copies of the phonographic document are published, 2 copies.
- (2) Every copy required by subclause (1) must be given to the National Librarian—
  - (a) at the publisher's own expense; and
  - (b) within 20 working days after the date on which the phonographic document is first published.

## 6 Address for delivery of copies

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

Dated at Wellington this 24th day of July 2017.

Hon Peter Dunne,  
Minister of Internal Affairs.

## Explanatory note

*This note is not part of the notice, but is intended to indicate its general effect.*

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

*Clause 3* defines the key terms phonographic document, publish, and copy. A phonographic document is a public document in which sound is stored and can be reproduced. In order to be a phonographic document, the sound must be stored by means of a mechanical process or by any other means apart from an electronic recording device, a computer, or any other electronic medium. The term includes vinyl records and records made of rubber, shellac, celluloid-coated cardboard, or any other material. It also includes any covering in which the public document is stored and any written material that accompanies the public document. A phonographic document is published if copies are made available to the public, whether or not there is any restriction on the acquisition or use of the document. A copy of the phonographic document must itself be a phonographic document and must be in the same format as the original.

*Clause 4* provides that this notice applies to all classes of phonographic documents published on or after the date on which the notice comes into force, and to all publishers of those documents.

*Clause 5* requires publishers of phonographic documents to provide 1 or more copies of each document to the National Librarian at their own expense and within 20 working days after the date on which the document is first published. Two copies of the document must be provided unless fewer than 100 copies of the document are published or the price of 1 copy exceeds \$1,000, in which case only 1 copy of the document need be provided.

*Clause 6* sets out the address to which the required copies of phonographic documents must be delivered.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 3 August 2017.

This notice is administered by the Department of Internal Affairs.