

NOTE ON COPYRIGHT  
References to Caves in N.S.W. Government Publications  
1870-1919 CD

Sydney Speleological Society Reprint Series No. 2

As the compiler understands it, all the material on this CD, originally published by the Crown in right of New South Wales (the NSW Government) is long out of copyright and is thus generally regarded as being “in the public domain”. It is noted that the (Commonwealth) *Copyright Act 1968* – at Section 180 – states:

“Duration of Crown copyright in original works

(1) Copyright in a literary, dramatic or musical work of which the Commonwealth or a State is the owner, or would, but for an agreement to which the last preceding section applies, be the owner:

(a) where the work is unpublished—continues to subsist so long as the work remains unpublished; and

(b) where the work is published—subsists, or, if copyright in the work subsisted immediately before its first publication, continues to subsist, until the expiration of 50 years after the expiration of the calendar year in which the work was first published.

(2) Subject to the next succeeding subsection, copyright in an artistic work of which the Commonwealth or a State is the owner, or would, but for an agreement to which the last preceding section applies, be the owner, continues to subsist until the expiration of 50 years after the expiration of the calendar year in which the work was made.

(3) Copyright in an engraving or photograph of which the Commonwealth or a State is the owner, or would, but for an agreement to which the last preceding section applies, be the owner, continues to subsist until the expiration of 50 years after the expiration of the calendar year in which the engraving or photograph is first published.”

Despite this, in bringing together the material on this CD, the compiler sought, and obtained, approval –

(1) from the New South Wales Parliament for S.S.S. to republish the excerpts from the *Journal of the NSW Legislative Council* and from the *Votes and Proceedings of the NSW Legislative Assembly*; and

(2) from the NSW Minister for Resources and Energy for S.S.S to republish material from the *Annual Reports of the Department of Mines [and Agriculture]* and from the *Records of the Geological Survey of NSW*.

The Clerks of the Parliament required only that “the sources of material be clearly identified and that republished material be not varied in any particular from the original and any text omitted be shown by the use of ellipsis.”

The Minister required the following to be written on this disc:

“Copyright in the material contained in this disc is, subject to the operation of the *Copyright*

*Act 1968*, vested in the Crown in the right of the State of New South Wales.

Users must obtain written permission from the Department of Trade and Investment, Regional Infrastructure & Services if you [they?] wish to:

- charge others for access to the material (other than at cost);
- include the material in advertising or a product for sale;
- modify the material; or
- re-publish the material on a website.”

These provisos are reproduced here for the information of readers.

GJM Sandy Bay May 2012