

Record Group no.	
ACC no.	
TRIM no.	
Enquiry no.	
For Office Use Only	

**DATED** \_\_\_\_\_ **20**\_\_

## **DEED - GIFT OF RECORDS**

**BETWEEN**

**THE LIBRARIES BOARD OF SOUTH AUSTRALIA**  
**(“Board”)**

**-AND-**

**(“Donor”)**

**THIS is a DEED of GIFT** made on [ ]

**BETWEEN:**

**THE LIBRARIES BOARD OF SOUTH AUSTRALIA**, a body corporate pursuant to the Libraries Act, 1982 of North Terrace, Adelaide, 5000, South Australia ("**Board**")

**AND**

of

("Donor")

## **BACKGROUND**

The Donor is the owner of the records described in Item 1 of the Schedule to this Deed ("**Records**") and wishes to make a gift of the Records to the Board.

## **OPERATIVE PART**

### **1. OWNERSHIP**

The Donor wishes to assign ownership of the Records to the Board. The assignment of ownership of the Records will occur when the Donor or the executor of the Donor's estate delivers the Records into the Board's control and possession. For the avoidance of doubt, assignment may occur after execution of this Deed by the parties.

## **2. RESTRICTIONS ON USE**

The Board agrees that in dealing with the Records it will comply with the terms and conditions of access, copying and publication specified in Items 3, 4, 5, and 6 of the Schedule.

### **3. COPYRIGHT**

3.1 Where the Donor owns copyright in all or any of the Records, the Donor:

3.1.1 \*assigns to the Board the copyright subsisting in the Records described in Item 2 of the Schedule; or

3.1.2 \*agrees that copyright subsisting in the Records described in Item 2 of the Schedule shall vest in the Board on \* .....

[Insert a date or year]/ My death/or the death of ..... [Insert name(s)].

*[\* delete or cross out, whichever is inapplicable]*

3.2 If the copyright subsisting in the Records described in the Schedule is not assigned to the Board at the time the Donor assigns ownership of the Records to the Board, then the Donor grants to the Board a licence, free of charge, to deal with the Records as if it were the owner of the copyright subsisting in the Records subject always to clause 2, until such time as that copyright vests in the Board pursuant to clause 3.1.2.

#### **4. WARRANTIES**

Either

- 4.1 \* The Donor warrants that they:
  - 4.1.1 own the Records;
  - 4.1.2 own the copyright in the Records described in Item 2 of the Schedule;  
and
  - 4.1.3 are not restricted from making a gift of the Records to the Board.

And

- 4.2 The Donor hereby indemnifies the Board against any loss or liability that has been reasonably incurred by the Board as a result of a claim made or threatened against the Board that the use by the Board of the Records in accordance with this Deed infringes the intellectual property rights of a third party,

Or

- 4.3 \*The Executors of the Donor's estate warrant that, to the best of his/her knowledge and belief that:
  - 4.3.1 the records were owned by the deceased;
  - 4.3.2 the Donor owned the copyright in the Records; and
  - 4.3.3 the Donor was not restricted in any way from making a bequest of the Records to the Board.

*[\* delete whichever is inapplicable]*

**EXECUTED AS A DEED**

\*

**THE COMMON SEAL** of [ ] )

)  
was hereunto affixed in the presence of: )

.....  
Director  
[Print Name: ]

.....  
Director/Secretary  
[Print Name: ]

*or*

**SIGNED** by

.....  
Donor  
[Print Name: ]

.....  
Witness  
[Print Name: ]

**FOR LIBRARY'S USE ONLY**

**SIGNED** for and on behalf of **THE LIBRARIES** )

)  
**BOARD OF SOUTH AUSTRALIA** by ) .....

)  
[ ] being a person duly )

)  
authorised in that regard in the presence of: )

.....  
Witness  
[Print Name: ..... ]

## **SCHEDULE**

### **Item 1**

**Records:**

### **Item 2**

**Records in which copyright is owned by the Donor**

### **Item 3**

**Restrictions on**

- ☐ None      ☐ Other:  
(Please specify)

### **Item 4**

**Restrictions on Copying for Private Research or**

- ☐ None      ☐ Other:  
(Please specify)

### **Item 5**

**Restrictions on online publishing of digitised images by the State Library**

- ☐ None      ☐ Other:  
(Please specify)

### **Item 6**

**Restrictions on Publication**

- ☐ None
- ☐ No publication without written permission from the copyright holder
- ☐ Other:  
(Please specify)