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## **PROPOSAL FOR AUTHORISED ELECTRONIC VERSIONS OF COMMONWEALTH ACTS**

Thank you for seeking public comment on your proposal to provide authorised electronic versions of Commonwealth acts.

The Australian Law Librarians' Group (ALLG) is a national organisation with divisions in all States and Territories, with a membership of over 700. Its members deal with legal information in all its aspects. This includes writing, publishing, acquiring, storing, indexing, cataloguing and researching legal information in all its formats. Our members include individuals and organisations as diverse as legal publishers, law firms, government agencies, parliaments, the courts and educational institutions. Further information may be found on our website at <http://www.allg.asn.au/>.

Many of our members are involved in the provision and research of Commonwealth legislation and will be affected by your proposals. Some of our members conduct formal training courses for our clients (lawyers and non-lawyers) and other information professionals in accessing and interpreting Commonwealth legislation.

We shall comment on your proposals as set out in your undated consultation paper, which was published on your website at [http://www.ag.gov.au/agd/WWW/agdHome.nsf/Page/Publications\\_2005\\_Authorised\\_electronic\\_Acts\\_-\\_consultation\\_paper](http://www.ag.gov.au/agd/WWW/agdHome.nsf/Page/Publications_2005_Authorised_electronic_Acts_-_consultation_paper).

### **Electronic versions of Acts**

*"It is proposed that new legislative provisions be introduced to allow the Department to designate a database of Acts and compilations of Acts, made available to the public, as authoritative. In practice, this would consist of the PDF documents from which printed legislation is produced, which are already available on ComLaw. "*

The ALLG supports the proposal to publish electronically authorised versions of Commonwealth acts. This will affect those libraries which serve the courts and those clients appearing before the courts. Despite many documents required for court being available electronically, many of these are not "authorised" copies and this situation requires libraries to provide print copies which sometimes are not available within short deadlines. Authorised electronic versions will be welcomed by many law libraries.

We have concerns, however, about two aspects of the proposal.

1. Electronic documents are accessible to libraries only through the website or database on which they are published. The Attorney-General's Department is to be commended for publishing Commonwealth legislation free of charge, first on SCALEplus and then on ComLaw. Unfortunately ComLaw has been found by many of our members, and those they represent, to be more difficult to use than SCALEplus. The following problems have been identified:
  - The search facility has been most unreliable throughout its first year of operation.
  - Notification of enhancements and "fixes" has been almost non-existent on the ComLaw website and some of the information is misleading. For example,

ComLaw was still referring to SCALEplus being updated in late January 2006 when this has not been the case since the end of 2005.

- Liaison of ComLaw management staff with the ALLG has been sporadic during 2005, despite requests later in the year for closer co-operation.

We recommend that both the browse and search facilities of ComLaw be improved before the proposal is implemented and that greater effort be made to communicate with users.

2. Another concern we have is the terminology and publishing standards used by ComLaw and in your proposal for reprinted Commonwealth acts. Printed reprints all have the word "Reprint" clearly printed on the front cover in the top right hand corner. When they are published on ComLaw, however, usually in a more up to date version, the word "reprint" is removed from the PDF copy. To add to the confusion ComLaw refers to the updated reprints as "Compilations", although this term does not appear as a designation anywhere on the reprinted act, except in the sentence "This compilation was prepared on ...".

It would be preferable if terminology was consistent between the print and electronic versions and that whichever term is chosen (reprint, electronic reprint, compilation or something else) be printed on the item itself. For electronic versions this will assist those searching for a reprint/compilation of an act using keyword search facilities on commonly used search engines such as Google and Yahoo and will clearly identify the reprint/compilation when it is displayed on the screen. This also means that consistent terminology should be entered into the metadata title of the electronic version.

It is also desirable that any proposed legislative amendments use consistent terminology when referring to reprints.

An excellent precedent is the practice adopted by the Australian Capital Territory (ACT) Legislation Register (<http://www.legislation.act.gov.au/>) which clearly designates each electronic reprint as a "Republication" and numbers each version.

The ALLG was involved in establishing the ACT Legislation Register and would be only too pleased to offer the same assistance to the Attorney-General's Department in furthering this initiative.

*"Compilations would be required to include notes indicating each Act that amended the principal Act, the date upon which such amendments were made and the amending history of each provision in the principal Act."*

The ALLG is very supportive of the decision to retain notes in electronic versions of acts. These provide valuable information about an act and are heavily used by law libraries in legislative research.

#### **Printed versions of Acts**

*"As mentioned above, currently, the legislative provisions that give printed versions of Acts and compilations official status are scattered throughout the Acts Interpretation Act and the Evidence Act. It is proposed that new legislative provisions specifically state that printed versions of Acts and compilations of Acts printed by the Government Printer are assumed to be accurate, unless proven to the contrary. "*

The ALLG supports clearer legislative provisions for the concept of authorised versions of Commonwealth legislation. As you state in your paper the current provisions are contained in more than one enactment and are not particularly easy to understand. It is to be hoped that both the *Acts Interpretation Act* after it is amended and the *Legislative Instruments Act* refer to each other, so that it will be easy for researchers to identify provisions relating to authorised versions of Commonwealth legislation, without having to know the contents of both acts.

We also recommend that the *Acts Interpretation Act* be amended to provide that both printed and electronic versions of all acts in force be published by the Government.

In summary, the Australian Law Librarians' Group supports the concept of authorised electronic versions of Commonwealth acts as long as ComLaw operates efficiently and terminology issues are resolved. We are happy to elaborate on any of our comments.

Yours faithfully

Petal Kinder  
ALLG National Publishers' Liaison Coordinator