

TABLED PAPER

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JOINT COMMITTEE ON PUBLICATIONS

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INQUIRY INTO
THE PUBLICATION OF
COMMONWEALTH ACTS, STATUTORY RULES
AND LEGISLATION OF THE
TERRITORIES

The Parliament of the Commonwealth of Australia

INQUIRY INTO
THE PUBLICATION OF
COMMONWEALTH ACTS, STATUTORY RULES
AND LEGISLATION OF THE
TERRITORIES

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MEMBERSHIP OF THE COMMITTEE

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Chairman: Mr J.C. Hodges, M.P.

Deputy Chairman: Senator A.J. Missen

Senator B.R. Archer

Dr N. Blewett, M.P.

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Mr J. FitzPatrick, M.P.

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Senator S.M. Ryan

Mr B.L. Howe, M.P.

Senator T.J. Tehan

The Hon. I.L. Robinson, M.P.

Secretary: Mr T.H.G. Wharton

The Senate

Parliament House

CANBERRA, A.C.T. 2600

JOINT COMMITTEE ON PUBLICATIONS

Standing Order 36 of the Senate reads, in part:

36. - (1) A Publications Committee, to consist of seven Senators, shall be appointed at the commencement of each Parliament, with power to confer or sit as a Joint Committee with a similar Committee of the House of Representatives.

* * * * *

(3) When conferring with a Similar Committee of the House of Representatives the Committee shall also have power:

(a) to inquire into and report on the printing, publication and distribution of Parliamentary and Government Publications and on such matters as are referred to it by the relevant Minister, and

(b) to send for persons, papers and records.

Standing Order 28 of the House of Representatives reads, in part

:

28. A Publications Committee to consist of seven Members, shall be appointed at the commencement of each Parliament with power to confer with a similar Committee of the Senate . . . In addition, when conferring with a similar committee of the Senate, the Committee shall have power:

(a) to inquire into and report on the printing, publication and distribution of a Parliamentary and Government Publications and on such matters as are referred to it by the relevant Minister, and

(b) to send for persons, papers and records.

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SUMMARY OF FINDINGS

The Committee has considered the evidence and submissions which have been placed before it. From this material, the Committee has made the following principal findings:

1. That the present availability of readable up-dated legislation, namely, Acts, Statutory Rules and Territorial Ordinances and Regulations, as amended, is in a most unsatisfactory state. This is demonstrated by the following examples -

- . Very few pamphlet reprints of Acts and Statutory Rules, as amended, have been produced since 1973.
- . The latest issue of the Annual Acts Volumes relates to 1974.
- . The last issue of consolidated volumes of Statutory Rules covers the period 1901-1956.
- . The latest issue of annual volumes of Statutory Rules relates to 1972.
- . The latest volumes of consolidated laws of Norfolk Island cover the period 1914-1964.

The Committee concludes that it is almost impossible for the interested citizen to keep abreast of legislative developments. (Paras, 5 and 11)

2. That the situation with regard to the general inavailability of Commonwealth legislative publications can no longer be tolerated and the Committee believes that unless remedial action is taken immediately, it will further deteriorate. (Para. 4)

3. That while the Attorney-General's Department has a legislative publishing programme aimed at producing consolidated volumes of laws

JOINT COMMITTEE ON PUBLICATIONS

TABLING STATEMENT OF CHAIRMAN

~~MR. SPEAKER~~
PRESIDENT

This is the fifth Special Report which the Joint Committee on Publications has presented to the Parliament, since Standing Orders were amended in 1970 to give the Committee investigatory powers. It is the second Special Report which has been presented during this Parliament.

The Inquiry arises out of the Committee's concern regarding the delay in the publication of Commonwealth Acts, Statutory Rules and other Commonwealth and Territory legislation. It finds that the availability of most Commonwealth legislation in a readable updated form is in a most unsatisfactory state. I give the House examples:-

- (i) Very few pamphlet reprints of Acts and Statutory Rules, as amended, have been produced since 1973;
- (ii) The latest issue of the annual Acts volumes relates to 1974;
- (iii) The last issue of consolidated volumes of Statutory Rules covers the period 1901-1956;
- (iv) The latest volumes of consolidated laws of the Australian Capital Territory cover the period 1911-1956.

~~MR. SPEAKER~~
PRESIDENT

I could go on further, however, I think the point has been made. It is almost impossible for Members of Parliament, the judiciary, members of the legal profession and the individual citizen to be aware of the Commonwealth legislative provisions which exist in this country.

The Committee regards this Inquiry as one of an interim nature and at a later date will undertake a more complete investigation into further matters which relate to the Commonwealth's legislative publishing programme. The Committee felt that, as a first step, it was more desirable to report the current parlous situation to the Parliament and to make recommendations designed to set in motion action to improve the situation.

In the short time available to the Committee it interviewed officers from the Attorney-General's Department, who are responsible for the Commonwealth legislative publishing programme. In addition, officers from the Australian Government Publishing Service presented evidence on production and selling procedures. The officers from the Attorney-General's Department advised, that in the near future, they intended to publish consolidated volumes of laws of the Australian Capital Territory, consolidated volumes of Statutory Rules and some annual volumes of Acts and Statutory Rules. For reasons which are more fully explained in the Report, the optimism suggested in the Department's publishing programme was not shared by the Committee. The officers explained that they were having difficulty in filling vacant positions within its Publications Branch. They also stated that new procedures at the Government Printing Office which required additional proof-reading contributed to the delay.

The Committee is of the opinion, however, that the delay in publishing the Commonwealth's Legislative Programme is mainly due to the lack of forward planning. The Committee has made recommendations designed to rationalise the publishing programme of the Department and lay down what it feels to be a satisfactory publishing timetable. This is to be found in paragraph 16 of the Report.

Basically, the Committee has asked that greater priorities be attached to the reprinting of Acts and Statutory Rules when substantial amendments have been made. Also, the Committee has suggested that, in future, all consolidated volumes of legislation

whether they be Acts, Statutory Rules or laws of the Territories, be produced on a regular basis at five-year intervals. The Committee is aware that the Department with its present establishment will have difficulty in meeting this suggested timetable, and therefore, it has recommended that a Public Service Board review of the Branch be undertaken to ensure that appropriate resources are allocated to the Department to enable the Department to adhere to the Committee's recommended publishing timetable. In the interim, it suggests that a task force of officers be employed to overcome the present backlog.

PRESIDENT

MR ~~SPENCER~~, in conclusion, I would like to thank the Attorney-General and officers of his Department, and officers of the Australian Government Publishing Service, for the prompt assistance which they provided to enable the Committee to complete this Inquiry.

Finally, I draw ^{the} attention of the ~~House~~ ^{Senate} to the support and diligence which I received from the Committee in completing this Inquiry. Without this, the investigation which was carried out at such short notice would not have been possible.

I would like also to attract the ~~House~~ ^{Senate}'s attention to the fact that two members of the Joint Committee, namely, Senator Cameron and Senator Tehan will not be with the Committee after 1 July, due to their retirement from the Senate. I wish to thank these gentlemen for the support which they have given ~~me~~ ~~and~~ the Committee over the years. I wish them well in their retirement.

PRESIDENT

MR ~~SPENCER~~, I commend the Report to the ~~House~~ ^{Senate}.

of the Australian Capital Territory, consolidated volumes of Statutory Rules and some annual volumes of Acts and Statutory Rules in the near future, the optimism suggested by the Department's publishing programme is not shared by the Committee. This conclusion is supported by the fact that since consolidated Acts volumes 1901-1973 were issued in 1974-1975, only the 1974 annual Acts volume has been released. This volume was made available this month, some six months after the expected date of release announced by the Attorney-General in October 1977. (Paras. 12 to 14)

4. That there has been a lack of planning for production of readable legislation in the past, and that there is evidence to suggest a lack of future planning for production. This is indicated by the fact that the period covered by consolidated volumes is inconsistent and random and would appear to be selected on a production convenience basis rather than for a consistent, and, therefore, a planned period, e.g., consolidated Statutory Rules Volumes 1901-1956 and proposed consolidation 1901-1979. (Para. 14)

5. That few, if any, investigations designed to discover alternative processing methods for legislative publications have been made by the Department either inter-state or overseas. (Para. 14)

6. That although the Publications Branch of the Legislative Drafting Division of the Attorney-General's Department has an establishment of twenty-four officers, five positions are currently vacant. Of these, the positions of two senior officers have been vacant for some time. This has seriously affected the production of the Department's legislative publishing programme. (Para. 20)

7. That the Committee is not convinced that an establishment of twenty-four officers cannot produce more publications than those which have emanated from the Branch over recent years. In order to ensure the adherence by the Department to the Committee's recommended publishing programme, a continuing overview of its operations needs to be undertaken. (Para. 21)

8. That when approval has been sought from the Attorney-General's Department by the Australian Government Publishing Service to reprint legislation where stocks are low or exhausted, quite frequently a response has not been forthcoming from the Attorney-General's Department, and, as a result, further delays occur in the publication of up-dated legislation. (Para. 24)

RECOMMENDATIONS

The Committee makes the following recommendations:

Recommended Publishing Programme

1. That greater priority be attached to the reprinting in pamphlet form, of Acts, Statutory Rules and legislation of the Territories, as amended, particularly in cases where substantial amendments have been made. (Para. 16)
2. That the next consolidated Acts volumes cover the period 1901-1980; and that thereafter they be published at 5-year intervals. (Para. 16)
3. That following the publication of the consolidated volumes of Statutory Rules 1901-1979, the next consolidation published cover the period 1901-1985; and that thereafter they be published at 5-year intervals. (Para. 16)
4. That following the publication of consolidated volumes of Australian Capital Territory Ordinances and Regulations 1911-1977, the next consolidation published cover the period 1911-1985; and that thereafter they be produced at 5-year intervals. (Para. 16)
5. That consolidated volumes of the legislation of the Island Territories be published in like manner to 2, 3, and 4 above. (Para. 16)
6. That as a general principle, consolidated volumes of legislation be made available within two years of the period to which they refer. (Para. 16)
7. That all annual volumes required to be published be undertaken on a regular basis and be available within one year of the year to which they refer. (Para. 16)

Recommendations (Cont'd)

8. That up-dated indexes of all Commonwealth legislation be published on a regular basis and be available within one year of the period to which they refer. (Para. 16)

9. That the responsibility for publishing the general reprints of Northern Territory Laws be transferred to the Northern Territory as soon as possible after the Territory has gained self-government. (Para. 16)

Production Process

10. That all necessary assistance be given to the Government Printer to ensure that, as soon as possible, all production stages of all Commonwealth legislation be undertaken by the computerised phototype-setting process. (Para. 19)

Preparation of Copy Material

11. That the Public Service Board undertake a thorough investigation into the Publications Branch of the Legislative Drafting Division, Attorney-General's Department with a view to providing appropriate resources to the Branch which would enable the adherence to the Committee's recommended publishing timetable referred to in paragraph 16 of this Report. [Recommendations 1 to 9]. (Para. 21)

12. That a task force of officers be established with the responsibility of removing the current legislative publishing backlog of the Publications Branch, Attorney-General's Department. (Para 21)

13. That the investigation referred to in paragraph 21(a) of this Report [recommendation 11, above] include appropriate areas of the Australian Government Publishing Service to ensure that copy is prepared for and produced by the Government Printer in the most expeditious manner. (Para. 22)

Availability of Stock

14. That whenever the Australian Government Publishing Service seeks authority from the Attorney-General's Department to reprint an Act, Statutory Rule or other legislative publication, the Attorney-General's Department advise the Australian Government Publishing Service of its decision, without delay, with regard to the request. (Para. 24)

A Continuing Review

15. That within one year of the presentation of this Report to Parliament:

- (a) The Attorney-General's Department provide the Committee with a report which -
 - (i) states the progress made in connection with its legislative publishing programme;
 - (ii) makes comment on matters of its responsibility referred to in paragraph 27 of this Report; and
 - (iii) makes comment on such other matters which the Department considers relevant.
- (b) The Australian Government Publishing Service provide the Committee with a report which -
 - (i) states the progress made in connection with the programme of putting on-line the computerised production of all Commonwealth legislation;

Recommendations (Cont'd)

- (ii) makes comment on matters of its responsibility referred to in paragraph 27 of this Report; and
- (iii) makes comment on such other matters which the Australian Government Publishing Service considers relevant.
- (c) That the Public Service Board provide the Committee with a report on any review which it may have carried out in accordance with the recommendations contained in paragraphs 21(a) and 22 of this Report. Recommendations 11 and 13. (Para. 26)

INTRODUCTION

The Joint Committee

1. The Joint Committee on Publications was established in its present form in June 1970 on the recommendation of the Joint Select Committee on Parliamentary and Government Publications (1964)*.
2. Standing Order 36 of the Senate and Standing Order 28 of the House of Representatives provide for the referral of matters to the Committee by the relevant Minister. They also empower the Joint Committee to initiate its own inquiries within its area of responsibility, namely 'the printing, publication and distribution of Parliamentary and Government Publications'.

Background to the Inquiry

3. For some time, the Committee has been concerned with the late publication of Commonwealth legislation in the form of pamphlet copies of Acts, and Statutory Rules, as amended, annual and consolidated volumes of Acts and Statutory Rules, and similar publications of the Territories. This situation was drawn to the attention of the Committee during the course of previous and current inquiries. In addition, individual Members of the Committee have been made aware of the general unavailability of up-dated legislation through their own experiences as Members of Parliament.
4. Over recent years the Committee has been involved in a number of Inquiries and, until now, it has been unable to devote attention to the problem of late publication of Commonwealth legislation. However, the situation can no longer be tolerated, and the Committee believes that unless remedial action is taken immediately, it will further deteriorate.

*Australia. Parliament Parliamentary and Government Publications Report from the Joint Select Committee (Chairman: G.D. Erwin), Parl. Paper 32, 1964 (Canberra, 1964). para. 373.

5. Legislation in a readable form must be readily available to those who need to use and understand the law. This not only applies to Members of Parliament who make and review the law, to the Judiciary and members of the legal profession who interpret and apply the law, but also, it is of the utmost importance to the individual citizens who are subject to the law. It is accepted legal practice that ignorance of the law is not a sufficient defence against breaking it. However, under the present conditions which apply to the availability of readable legislation, it is almost impossible for the interested person to keep abreast of legislative developments.

Scope of the Inquiry

6. Accordingly, the Committee has resolved to investigate the anticipated Departmental publishing programme of the Attorney-General's Department and make recommendations, where appropriate, to remedy the situation.

7. The Committee has been unable to undertake a thorough and complete investigation of all the matters connected with the publication of Commonwealth legislation at this stage. At a later date, however it will undertake more thorough investigations into all matters which are relevant to the publication of Commonwealth legislation in its various forms. Matters which might attract the attention of the Committee are listed at paragraph 27 below.

Items considered

8. The publication of the following items was considered by the Committee:

Acts of Parliament
Pamphlet copies of Acts, as amended
Annual Acts Volumes
Annual Volumes of Acts, as amended
(as a supplement to the annual Acts volume)
Consolidated Acts Volumes

Statutory Rules

Pamphlet copies of Statutory Rules, as amended

Annual Volumes of Statutory Rules

Consolidated Volumes of Statutory Rules

For the Australian Capital Territory, the Northern Territory and
Island Territories -

Ordinances

Regulations

Pamphlet copies of Ordinances, as amended, and

Regulations, as amended

Consolidated Volumes of Ordinances

Consolidated Volumes of Regulations

Indexes to all of the above.

Work of the Committee, submissions and witnesses

9. The Committee sought written answers on the availability of Commonwealth legislation and the proposed Departmental legislative publishing programme from the Attorney-General and the Australian Government Publishing Service. Evidence was taken from five witnesses (see Appendix No. 1 - List of Witnesses).

10. The Committee has the honour to present the following Report to both Houses of Parliament.

PUBLICATION OF COMMONWEALTH LEGISLATION

Current situation and intended publishing programme

11. Through the advice of the Attorney-General and his Department, the Committee is able to set out the current position with regard to the availability of Commonwealth and Territory legislation in its various published forms, together with the Department's intended publishing programme. Tables which set out full details are provided as Appendix No. 2 to this Report (Commonwealth Legislative Publications - Current Position and Proposed Departmental Publishing Programmes). A careful examination of the tables reveals that the publication of Commonwealth legislation is indeed in a parlous state. In particular, the Committee draws attention to pamphlet copies of Acts, Statutory Rules and Territorial Ordinances and Regulations, as amended, consolidated volumes of Statutory Rules and Territory legislation, and annual volumes of Acts and Statutory Rules.

12. The intended publishing programme of the Department failed to impress the Committee. Officers explained that under the present available staffing resources it was proposed to publish consolidated volumes of Australian Capital Territory Ordinances and Regulations 1911-1977 towards the end of 1978, consolidated volumes of Statutory Rules 1901-1979 in 1980; and consolidated volumes of Acts 1901-1983 in 1984. Future consolidations would then continue, on a cyclic basis. (For further details, see Appendix No. 2 to this Report.) The Committee does not share the optimism of the Department that this programme can be carried out within the stated time span. The Committee supports this conclusion by pointing out that since the issue of the consolidated Acts volumes 1901-1973 in 1974-75 only one major publication, namely, the 1974 annual Acts volume has been produced. As a further indication, it is pointed out that this volume has only become available this month, some six months after the expected date of release announced by the Attorney-General in October 1977.

13. The Committee notes that the suggested Departmental publishing programme for consolidated volumes of Acts and Statutory Rules is

dependent upon the transfer of responsibility for general reprints of Northern Territory legislation to the Northern Territory after it achieves self-government. Should the transfer not take place the Department's programme will be interrupted by a general reprint of Northern Territory Legislation. The Committee notes that officers from the Attorney-General's Department have already taken steps to train their counterparts in the Northern Territory and that the Territory's new Government Printing Office is nearing completion. Therefore, it is not unrealistic to suggest that, in the near future, the Territory will have the capacity to handle its own legislation.

14. The Committee considers that a lack of planning in the past and for the future is indicated by the following points:

- . no decision has been made concerning the transfer of responsibility for production of general reprints of Northern Territory legislation to the Territory after self-government is achieved;
- . since the publication of the consolidated Acts Volumes 1901-1973 in 1975, only the Annual Acts volume for 1974 has been published and released;
- . periods covered by consolidated volumes of all legislation are inconsistent and would appear to be selected on a production convenience basis rather than for a consistent and, therefore, a planned period;
- . there has been a failure to satisfactorily plan production of pamphlet copies of Acts and Statutory Rules, as amended; and
- . despite the fact that the publication of Commonwealth legislation is in a critical state, few, if any, investigations designed to discover alternative processing methods have been made by the Department either inter-State or overseas.

15. As far back as 1974, the Report of the Joint Select Committee on Parliamentary and Government Publications* gave consideration to several of the matters before the Committee. At paragraph 348 it recommended:

"(a) That in all cases where Acts of Parliament are substantially amended, they should be published in pamphlet reprint form.

"(b) That annotated consolidations of both Acts and Statutory Rules be published at 5-year intervals."

In 1974 the then Attorney-General, Senator the Honourable Lionel Murphy, Q.C., in the preface to the 1901-1973 Acts consolidation stated:

"Our Government believes that consolidations should occur at intervals of about 5 years."**

The Committee supports these views.

Recommended publishing programme

16. With the above in mind, the Committee recommends:

(a) That greater priority be attached to the reprinting in pamphlet form, of Acts, Statutory Rules and legislation of the Territories, as amended, particularly in cases where substantial amendments have been made.

(b) That the next consolidated Acts volumes cover the period 1901-1980; and that thereafter they be published at 5-year intervals.

* Australia, Parliament. Parliamentary and Government Publications: Report from the Joint Select Committee (Chairman: G.D. Erwin), Parl. Paper 32, 1964 (Canberra, 1964). para. 348.

** Australia, Parliament, Acts of the Parliament 1901-1973, Canberra, 1974, Vol. 1 page V.

- (c) *That following the publication of the consolidated volumes of Statutory Rules 1901-1979, the next consolidation published cover the period 1901-1985; and that thereafter they be published at 5-year intervals.*
- (d) *That following the publication of consolidated volumes of Australian Capital Territory Ordinances and Regulations 1911-1977, the next consolidation published cover the period 1911-1985; and that thereafter they be produced at 5-year intervals.*
- (e) *That consolidated volumes of the legislation of the Island Territories be published in like manner to (b), (c), and (d) above.*
- (f) *That as a general principle, consolidated volumes of legislation be made available within two years of the period to which they refer.*
- (g) *That all annual volumes required to be published be undertaken on a regular basis and be available within one year of the year to which they refer.*
- (h) *That up-dated indexes of all Commonwealth legislation be published on a regular basis and be available within one year of the period to which they refer.*
- (i) *That the responsibility for publishing the general reprints of Northern Territory Laws be transferred to the Northern Territory as soon as possible after the Territory has gained self-government.*

PRODUCTION PROCEDURES AND AVAILABILITY OF STOCK

Production process

17. Currently all Bills are produced by the Government Printer by the traditional hot metal printing process. The use of the process is continued through all stages of the Bill from preliminary drafting to its final published Act form. In order to make the text available for the production of the annual volumes and subsequently for future Acts reprints and consolidations, the text of the Act is re-keyed into the Government Printer's computerised phototypesetting equipment. The value of this procedure is two-fold. The process provides a magnetic master computer readable tape which, in the near future, will be used by the information retrieval system currently being developed by the Attorney-General's Department. Its second use, when fully developed, will be that legislation will be more readily processed into its consolidated form. An unwanted by-product of the re-keying process is the necessity to undertake additional proof reading over that which occurred when the original hot metal type was used to produce the annual volumes. Officers from the Attorney-General's Department offered this as one of the reasons why their publishing programme had fallen behind.

18. From previous experience which it has gained in this field and from the advice of departmental witnesses, the Committee is convinced that the use of the phototypesetting process for the production of Commonwealth legislation is a most worthwhile innovation. The Government Printer informed the Committee that when the "software" backup to the computer has been further developed he proposed to put Bills fully on-line and produce all stages of all Bills by the phototypesetting process. It is hoped to achieve this position within one year. The Printer also stated that eventually all Statutory Rules would be produced by this method. Amongst other advantages to those offered in paragraph 17 above, significant savings in proof reading will be achieved by the complete introduction of this process.

19. The Committee supports the rapid and total introduction of the process of typesetting all Bills, Statutory Rules, etc. by computer since it has a vital role to play in ensuring that the production schedules laid down in paragraph 16 of this Report are met.

Accordingly, the Committee recommends:

That all necessary assistance be given to the Government Printer to ensure that, as soon as possible, all production stages of all Commonwealth legislation be undertaken by the computerised phototypesetting process.

Preparation of copy material

20. The responsibility for providing copy material for the publication of Commonwealth legislation in its various forms resides with the Attorney-General's Department. For the purposes of this Inquiry, the Committee directs its attention to the Publications Branch of the Legislative Drafting Division. This Branch has an establishment of twenty-four officers whose task is to produce annual and consolidated volumes and pamphlet reprints of all Commonwealth legislation. It is also responsible for the gazettal and Departmental distribution of the same. Currently there are five vacant positions within the Branch of which two are legal officer positions. These positions head the main production sections of the Branch and, unfortunately, have been vacant for some time. While one of the positions has been filled by temporarily seconding an officer from another section of the Department, the Committee feels that such vacancies must have an adverse effect on the Department's publishing programme and, therefore, urgent steps must be taken to fill the positions even if on a temporary basis pending review by the Public Service Board which the Committee recommends at paragraph 21 (a).

21. Officers from the Attorney-General's Department advised the Committee that they had recently sought from the Public Service Board variations to the structure of the Branch. These were designed to enable the Branch at

least to maintain step with its publishing programme. On questioning, the officers revealed that even if its variations were accepted by the Public Service Board it would have difficulty in catching up with the present backlog. It is therefore most doubtful that the present establishment could cope with the Committee's suggested publishing programme. (Para. 16). Nevertheless, the Committee is not convinced that an establishment of twenty-four officers cannot produce more publications than those which have emanated from the Branch over recent years. To enable appropriate resources to be employed to meet the demands of the Committee's timetable of production and to remove the current backlog of production, the Committee recommends:

- (a) *That the Public Service Board undertake a thorough investigation into the Publications Branch of the Legislative Drafting Division, Attorney-General's Department, with a view to providing appropriate resources to the Branch which would enable the adherence to the Committee's recommended publishing timetable referred to in paragraph 16 of this Report.*
- (b) *That a task force of officers be established with the responsibility of removing the current legislative publishing backlog of the Publications Branch, Attorney-General's Department.*

22. Under present procedures, the Government Printer has adequate capacity to produce all of the legislative programme of the Attorney-General's Department, including the current backlog, within a reasonable time scale provided that a steady flow of copy and fast turn-round of proofs is maintained. The stationing of officers from the Attorney-General's Department at the Government Printing Office during the final stages of production of the 1974 Acts volume proved to be a worthwhile experiment in this regard. However, the Committee is concerned to see that the results of the review suggested in 21(a) above do not create a bottleneck at the Government Printing Office, and that copy is forwarded on a consistent basis. The Committee recommends:

That the investigation referred to in paragraph 21(a) of this Report include appropriate areas of the Australian Government Publishing Service to ensure that copy is prepared for and produced by the Government Printer in the most expeditious manner.

Availability of Stock

23. The responsibility for the sale of the various Commonwealth legislative publications resides with the Publishing Branch, Australian Government Publishing Service. This function is undertaken through A.G.P.S. Bookshops situated in Canberra and State capital cities, as well as through mail order sales.

24. In evidence, the A.G.P.S. expressed concern at the generally unsatisfactory situation with regard to the availability of legislation. In its submission to the Committee the A.G.P.S. stated:

"...Because A.G.P.S. provides the public interface it receives severe criticism where legislation is not available and this is as it should be where failure to provide copies is a fault of A.G.P.S. Where A.G.P.S. is not at fault it finds itself in a position of being unable to readily explain to the public why legislation is not available without causing embarrassment to the Attorney-General's Department."

The A.G.P.S. complained further that it frequently sought approval from the Attorney-General's Department to reprint various Acts, Statutory Rules, etc., where stocks were low or exhausted. Quite frequently a response was not forthcoming from the Attorney-General's Department. The Committee has been advised that in some instances requests have been outstanding for some eighteen months. While the Committee is aware that on some occasions the Department might be reluctant to grant approval where, for example, a consolidation of an Act is being considered by the Department, it feels that the failure to advise, places

A.G.P.S. officers in an awkward position with the public and makes efficient production planning at the Government Printing Office most difficult. The Committee recommends:

That whenever the Australian Government Publishing Service seeks authority from the Attorney-General's Department to reprint an Act, Statutory Rule or other legislative publication, the Attorney-General's Department advise the A.G.P.S. of its decision without delay, with regard to the request.

OTHER MATTERS

Urgency of Inquiry

25. Due to the truncated nature of the present Inquiry, for reasons of urgency, the Committee was unable to consider a number of important matters which relate to the legislative publishing programme. The Committee felt that, in the circumstances, it was more desirable as an interim measure to report the current parlous situation to the Parliament and to make recommendations designed to set in motion action to improve the situation.

A continuing review

26. The Committee considers that it would be of value for it to maintain a continuing interest in the subject matter of this Inquiry. In this regard the presentation of regular reports to the Committee from the relevant Departments on the progress of the publishing programme would provide the Committee with relevant up-to-date background material.

The Committee recommends:

That within one year of the presentation of this Report to Parliament:

(a) The Attorney-General's Department provide the Committee with a report which -

- (i) states the progress made in connection with its legislative publishing programme;*
- (ii) makes comment on matters of its responsibility referred to in paragraph 27 of this Report; and*
- (iii) makes comment on such other matters which the Department considers relevant.*

(b) *The Australian Government Publishing Service provide the Committee with a report which -*

- (i) states the progress made in connection with the programme of putting on-line computerised production of all Commonwealth legislation;*
- (ii) makes comments on matters of its responsibility referred to in paragraph 27 of this Report; and*
- (iii) makes comment on such other matters which the Australian Government Printing Service considers relevant.*

(c) *That the Public Service Board provide the Committee with a report on any review which it may have carried out in accordance with the recommendations contained in paragraphs 21(a) and 22 of this Report.*

Matters for further consideration

27. While the following additional matters are not directly related to the present Inquiry, the Committee feels that each is in some way involved with the legislative process, and therefore warrants consideration by the Committee in subsequent inquiries:

- (a) *The application of copyright to Commonwealth legislative publications;*
- (b) *The re-production of the law through annotated publications produced by commercial publishers;*
- (c) *The desirability of binding annual volumes of Australian Capital Territory and Island Territory legislation;*

- (d) The desirability of annually binding reprints of Acts which have been completed during the year (as a supplement to the annual Acts volumes);
- (e) Whether there is a more practical and economic method of producing consolidated pamphlet reprints and volumes of Acts and Statutory Rules;
- (f) The SCALE Legal Information Retrieval System of the Attorney-General's Department;
- (g) The needs and opinions of the users of Commonwealth legislative publications (perhaps obtained by survey);
- (h) The possible publication by the Parliament of a document similar to the United States Congressional Report, one function of which would be to trace the progress of legislation through the Parliament.

J.C. Hodges, M.P.
Chairman

Parliament House
Canberra, A.C.T. 2600
8 June 1978

APPENDIX NO. 1

LIST OF WITNESSES

Australian Government Publishing Service

Mr P. Westaway, Assistant Secretary, Department of Administrative Services

Mr C.J. Thompson, Government Printer, Australian Government Publishing Service

Mr B.P. Shuman, Director, Publishing Branch, Australian Government Publishing Service.

Attorney-General's Department

Mr E.H. Tudor, First Assistant Secretary, Legislative Drafting Division

Mr D.R. Croker, Principal Legal Officer, Publications.

APPENDIX No. 2.

COMMONWEALTH LEGISLATIVE PUBLICATIONS - CURRENT POSITION AND PROPOSED DEPARTMENTAL PUBLISHING PROGRAMMES

PAMPHLET REPRINTS AND ANNUAL VOLUMES

<u>Item</u>	<u>Current Position</u>	<u>Proposed Departmental Action</u>	<u>Expected Date of Release</u>
Pamphlet Acts	Available	Reprinted, as required	
Pamphlet reprints of Acts, as amended	All consolidated to 1973. Few have been consolidated since 1973	195 reprints in process. 38 have priority	When completed
Annual Acts			
Volumes -			
1974	Available	-	Being distributed
1975	Unavailable	Production near completion	Immediate future
1976	Unavailable	In production	When completed
1977	Unavailable	In production	When completed
Annual Volumes of reprinted Acts (supplement to annual volumes)	-	Discontinued - other priorities	
Consolidated Acts			
Volumes 1901-1973	Available	-	1974-5

Item	Current Position	Proposed Departmental Action	Expected Date of Release
Pamphlet Statutory Rules	Available	Reprinted, as required	-
Pamphlet Statutory Rules reprinted, as amended	Most unsatisfactory	100 reprints in process 38 have priority	When completed
Annual volumes of Statutory Rules			
1972	Available	-	Issued 1974
1973	Unavailable	In production	Approximately 3 months
1974, 5, 6, 7	Unavailable	In production	When completed
Consolidated Statutory Rules Volumes - 1901-1956	Available	-	Distributed 1958-9

<u>Item</u>	<u>Current Position</u>	<u>Proposed Departmental Action</u>	<u>Expected date of Release</u>
Pamphlet copies of Ordinances and Regulations of the Territories, as amended.	Most unsatisfactory	Not known	When available
Indexes of Commonwealth and Territory Legislation	Most unsatisfactory. Inconsistent publication	Up-dating in process	When available

CONSOLIDATED VOLUMES - PROPOSED DEPARTMENTAL PUBLISHING PROGRAMME.

<u>If Northern Territory Laws are produced in Canberra following Self-Government</u>	<u>If Northern Territory Laws are not produced in Canberra following Self-Government</u>
Laws of the A.C.T. 1911-77 (avail. 1978)	Laws of the A.C.T. 1911-77 (avail. 1978)
Laws of the N.T. 1911-1979	Statutory Rules 1901-1979
First volume published about end 1980; subsequent volumes at 2 to 3 month intervals.	First volume published about mid-1980; subsequent volumes at 2 to 3 month intervals.
Statutory Rules 1901-1982	Norfolk Is. Laws 1914-1981 (estimated 2 volumes; last published 1914-1964)
First volume published about mid-1983; subsequent volumes at 2 to 3 month intervals.	Published about end 1982.

If Northern Territory Laws are produced in
Canberra following Self-Government

Norfolk Is. Laws 1914-1984
(estimated 2 volumes; last
published 1914-1964)
Published about end 1985

Acts 1901-1986 (estimated 15
volumes)
First volume published about
mid-1987; subsequent volumes
at 2 to 3 month intervals.

General reprints of A.C.T. Laws, Statutory Rules and Acts would then continue on a regular cyclic basis,
with Norfolk Island and other Island Territory's laws being reprinted as required.

If Northern Territory Laws are not produced
in Canberra following Self-Government

Acts 1901-1983 (estimated 15 volumes)
First volume published about mid-1984;
subsequent volumes at 2 to 3 month
intervals.