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Kathryn Bolland
Wellington Regional Chair
LIANZA

4 July 2000

Dear Kathryn

**LIANZA POSITION PAPER: E-CITIZENS, E-GOVERNMENT AND
E-BUSINESS**

I am writing to you on behalf of the New Zealand Law Librarians' Group (NZLLG) in response to your call for 'opinions or contributions' for the position paper preparatory to LIPS 2.

As legal information professionals in both public and private sectors, the matter of access to government and state information is of particular interest to NZLLG members. We are currently lobbying the Attorney-General The Hon. Margaret Wilson, the Minister of Justice The Hon. Phil Goff, and the Parliamentary Counsel Office (PCO) regarding the PCO's review of public access to legislation, as we believe that the provision of ready access to legislation is a vital element of government (whether e- or non-e-government). For that reason we hope that the following points may be helpful to the LIANZA group drafting this position paper, particularly in relation to the 'LIANZA Position Paper – Draft Outline' points at no. 4:

- Access to government information in public libraries (extension of legal deposit)
- Access to Parliamentary information (extension of legal deposit).



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The points below are extracted from a letter sent by the NZLLG to The Hon. Margaret Wilson and The Hon. Phil Goff and we can provide more information to expand upon them if required.

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1. The PCO's review and the recent Price Waterhouse Coopers (PWC) report have focussed only on the Acts and Statutory Regulations: other forms of legislation must be considered along with these, particularly Rules, Codes of Practice and Gazette Notices. Although relatively few in number by comparison with the Acts and Regulations, the "tertiary legislation" is often of more direct importance to the public who are expected to abide by them without having ready access to them. Access to tertiary legislation has long been a problem and was discussed in the Regulations Review Committee's 1999 report on the *Inquiry into instruments deemed to be regulations*.
 2. This review needs to be considered as part of a broader review of access to the law in New Zealand. The recent PWC report states that many submissions discussed access to law rather than solely access to legislation; this is an indication of the level of concern and although the PCO is not in a position to examine the issue in its entirety we believe it needs to be addressed as a matter of urgency. The NZLLG has lobbied for many years for better access to High Court and District Court decisions: these remain expensive and hard to obtain.
 3. Simply making legislation available for free on the internet is not enough, because the internet itself is not free. Many people do not have home access, and if they go to their public library they are charged to access the internet. As under the now-outdated "depository library" scheme even print copies of the legislation are not readily available outside the main centres, this issue must be addressed. For example, currently there is no access for the public to fully-annotated, up-to-date legislation north of Takapuna. This has to change. We believe that community internet access is to be addressed as part of the "E-government" strategy; this must be in place before any improvement in access can be felt by the public.
 4. The issue of ongoing support for updating and archiving of legislation must be addressed. The PWC report barely mentions this and yet any project will quickly founder if the skills and funding for continual updating of a legislation database are not made available from the outset. Moreover, the responsibility for ongoing maintenance of electronic legislation needs to be established on a statutory basis. It is essential that funding and support are not subject to political changes or the priorities of subsequent governments.
 5. There must be commitment to maintaining the print version of the legislation as well as the electronic for the purposes of access to historical data. Currently this is not readily available except in the major public libraries, academic institutions and private firms with their own sets of annotated legislation; outside Wellington the problem is increasing. In Auckland, New Zealand's largest city, Bennett's bookshop is now the Auckland University of Technology's campus bookstore with legislation and other government



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publications relegated to a small, under-stocked and under-staffed section. In 1998 GP Legislation signalled their intention to provide simultaneous publication of legislation in Auckland; this has not happened. Even large law firms, with all of their resources, are finding it difficult to access print legislation in a timely manner (Bills are rarely available even on a next-day basis, except on the Knowledge Basket website); for the general public this is next to impossible.

Summary: NZLLG applauds the intention to make legislation more widely available, but we ask that the issues discussed above are considered seriously as part of this project. The government's recently-announced E-Government Vision is an exciting prospect; widely available and free access to the full body of New Zealand law must be seen as part of this overall strategy. Progressing only one part of this unique body of knowledge (Acts and Regulations) without simultaneously addressing the whole issue of all the law may only serve to fragment the E-Government strategy. Launching an internet legislation database project without first addressing the issue of availability (of both print and the internet) will be counter to the government's "Closing the Gaps" policy. This is an issue of importance to the country as a whole, and one of great concern to us as legal information professionals.

Kathryn, we note that another LIANZA group, headed by Lisa Tocker, is preparing a Position Paper on "LGA#3 and Internet Access" and I'm sending a copy of this document to her as the issues are so strongly linked. It is vital that the Government address the matter of public good vs private good in relation to public libraries that is in question here, because of its effect on access to both hardcopy and electronic information. It's difficult to envisage realistic e-government occurring if realistic access has not been arranged first. We note with interest a recent newspaper report (NZ Infotech Weekly 448 p. 9) that the State Services Minister may be considering public use of schools' IT resources in order to close the digital divide: 'Mr Mallard emphasised the role schools could play in providing public access to government services delivered over the internet'. Where will that leave public libraries? Will it mean a fragmentation of delivery of government information and services? We support the idea that public libraries be the prime access points for all public (ie government and state) information and that legislation must support this.

A couple of minor points: your draft paper at points 2 and 7 mentions the Commerce Commission when perhaps what is intended is the Companies Office, and the example of Canada for on-line tax filing when in fact that's now occurring in New Zealand too.

We note that your Position Paper Group is made up of Wellington-based librarians who will perhaps not have the experiences that non-Wellingtonians have in trying to access government and state information from a distance. Even in these times of increasing technological sophistication and with advances such as simultaneous publishing (mentioned in point 5 above) it is often difficult and sometimes impossible to obtain materials that should of right be



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available to citizens everywhere in order that they can carry out their business in a law-abiding and well-informed manner. Hopefully the points we've made will assist in providing you with useful information on these specific issues for the Position Paper.

I look forward to attending LIPS 2 on July 26 and in the meantime am happy to talk further about this document should you wish. The NZLLG National Convenor, Amanda Cole, is also available for comment (at phone 09358 2222 ext.8621, fax 09 307 0331: email arc@sglaw.co.nz).

Best of luck!

Anne Paton