

## **Electronic publication of New Brunswick legislation— yesterday, today and tomorrow<sup>1</sup>**

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### **Background**

#### ***Integrated system for drafting legislation—the relationship between Legislative Counsel and the Queen’s Printer***

- New Brunswick uses an integrated system for drafting and publication of legislation. The drafting, editing and publishing functions are carried out within one office known as the Legislative Services Branch of the Office of the Attorney General.
- The Assistant Deputy Attorney General/Chief Legislative Counsel is responsible for the 3 units that comprise the Legislative Services Branch:
  - (1) The Drafting unit (16 Legislative Counsel—8 teams co-drafting in French and English—and 3 legal secretaries)
  - (2) The Law Reform unit (2 solicitors)
  - (3) The Queen’s Printer (1 Queen’s Printer, 1 Royal Gazette Coordinator, 2 Legislative Editors, 1 Electronic File Coordinator, 1 Desktop Publisher and 1 Administrative Assistant)
  - (4) At present there is a fourth unit within Legislative Services known as the Statute Revision unit. This unit was established in 2001 to carry out a statute revision. It will be disbanded once the revision is completed. Statute Revision is comprised of 1 Coordinator, 6 solicitors and a jurilinguist.

### ***Bilingualism***

- New Brunswick is the only officially bilingual province in Canada.
- Under Canada’s *Charter of Rights and Freedoms* and New Brunswick’s *Official Languages Act*, the Province is required to make the laws of the province available in both English and French and both language versions are equally authoritative.
- The legal necessity to produce legislation in both official languages must always be kept in mind when considering options for publishing legislation.
- The New Brunswick Government fulfills its duty to produce legislation in both languages by publishing single documents in a side-by-side bilingual format. (Single language versions of consolidated legislation are also provided on the Internet at this time.)
- When contemplating new ways of publishing, be they paper, electronic or other media, the bilingual format must be considered.

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## **Publication yesterday—the previous publishing system**

### ***Paper***

- The last major publishing change was made at the time of the last statute revision in 1973.
- At that time, the decision was made to continue to print annual volumes of both statutes and regulations and to begin producing loose-leaf consolidations for both statutes and regulations.
- The *Queen's Printer Act* was amended in 1974 to allow for the printing of loose-leaf editions of statutes. (Section 7.1 states that the Queen's Printer may print and publish an edition of the Revised Statutes of New Brunswick, 1973, in what is commonly known as a loose-leaf form.)
- Updates in loose-leaf form were originally produced on an as-needed basis.
- Eventually, the decision was taken to publish loose-leaves for both statutes and regulations quarterly. New Brunswick was one of the few jurisdictions in Canada to produce loose-leaves so frequently, putting New Brunswick at the forefront of up-to-date consolidations for that time.
- Loose-leaves were produced quarterly until 2004. Subscribers would generally receive updates approximately 4 months after the cut-off.

### ***Electronic***

- An internal network was created for Justice and Attorney General employees in the mid 1990s. It housed single language versions of original and consolidated legislation.
- Legislation was originally posted on the Internet in 1997.

## **Why change?**

### ***The revision***

- The main impetus for considering a change in how legislation was published and distributed was the decision to undertake a revision of the Statutes of New Brunswick.
- As previously mentioned, the last statute revision was in 1973 and, since then, little attention had been given to the publishing of legislation.
- The cost of publishing a revision in paper and the cost of having to do future revisions were considered.

### ***New management, new approach***

- There was a change in management at the Queen's Printer soon after the beginning of the Revision in 2001.
- Until that time, there had been little pressure to consider how legislation was being produced, published and distributed.
- The status quo had been in place for several years and was working relatively effectively; however, it was decided that a more progressive approach would be taken in which e-publication would always be considered when making publishing decisions.

### ***Technological advancement***

- With the Internet becoming increasingly user-friendly and the continual influx of people using the Internet, it was necessary to increase the Internet presence.
- With the technological advancements and increased skills of staff, a decision was made to begin updating the Internet versions of legislation at the same time as loose-leaves (i.e. quarterly). Previously loose-leaves had been the priority and the Internet was updated as time

permitted. This meant that the Internet versions of legislation were always produced after the paper versions.

- By adding the annual volumes of legislation on the Internet site, users would have electronic bills, original legislation and consolidated legislation at their disposal.
- By choosing to update the Internet on an ongoing basis, this would increase the ability to get information out to clients in a more timely fashion than mailing information, as was often the case for clients living outside the city.

### ***Decreasing clientele and an archaic accounting system***

- With the increase in clients using the Internet, the number of clients requesting paper copies was steadily decreasing. In fact, the constant decrease in requests allowed the Queen's Printer to cut the Sales and Distribution unit (two positions) and absorb the sales duties into the administrative assistant position.
- The system that had been in place to maintain subscription lists and for accounting purposes was archaic and gradually slowing down to the point of near uselessness in early 2004. It was cost prohibitive to set up a new system, given the decrease in clientele.

### ***Financial pressures of the day***

- In the past few years, there has been increasing pressure to significantly decrease the Legislative Services Branch budget.
- The budget is almost entirely salary based. The Queen's Printer's budget is almost entirely based on salary and printing.
- Emphasis was placed on finding creative solutions to decreasing budget (i.e. not staff reductions). As a result, it was clear that the printing budget would need to be decreased.
- To maintain a paper-based publication system would mean ever increasing expenditures (based on paper, postage and equipment costs and the need for a new accounting system).
- As a result, decreasing printing costs was really one of very few viable solutions. Looking at creative and cost-effective solutions and utilizing e-publication was considered key.

### ***The "e-publishing" situation in Canada***

- Like New Brunswick, other provinces were looking to increase their Internet presence.
- Several provinces were updating the Internet on a more frequent basis than New Brunswick. There was some pressure to keep up with the standards being set, if not improve on them, as the New Brunswick Government is known as a leader in the e-environment.
- New Brunswick wants to continue to be a leader in e-innovation, including the publication of legislation electronically.

### **Publication today**

#### ***Printing***

- Printing has been pared to a minimum over a gradual period (2002–2005).
- Bills are produced in hard copy for the Legislative Assembly only.
- Hard copies of legislation are available on a print-on-demand basis only. Small orders are printed in-house; another department prints large orders.
- Government departments wanting paper copies order through a separate government department.

### **Paper products available (on a print-on-demand basis)**

- Statutes (original and consolidated versions)
- Regulations (original and consolidated versions)
- Rules of Court
- *The Royal Gazette*

### **Bound annual volumes (for statutes and regulations)**

- Bound annual volumes are no longer printed for public use with the exception of hard copies that are deposited with the Library of Parliament (Canada) and the New Brunswick Legislative Assembly for archival posterity.
- The last bound annual volumes were printed for the year 2002.
- The rationale for stopping the printing of annual volumes before stopping the printing of loose-leaves was based on the fact that there was a much lower subscription to annual volumes and the fact that most clients want the most up-to-date consolidation of the law.
- The decision to stop printing annual volumes was made by the Deputy Attorney General in consultation with the Assistant Deputy Attorney General/Chief Legislative Counsel and the Acting Queen's Printer.
- Little feedback was received regarding the decision other than criticism from a handful of individuals, the majority being librarians.

### **Loose-leaves**

- Loose-leaves for statutes and regulations were last printed as of December 31, 2003, and are no longer being printed.
- A notice was sent to subscribers with their 2003 update informing them that there would be an update at the end of 2004, if demand was sufficient to warrant it.
- There was insufficient demand for the 2004 update and, as a result, no loose-leaves were printed.
- Loose-leaves have been replaced by the bilingual consolidated versions of legislation available on the Internet site.
- Few comments were received regarding the end of the production of loose-leaves.

### **The Internet**

- The Queen's Printer web page at the Government of New Brunswick website is the only official site for New Brunswick legislation.
- Since 2002, the Queen's Printer has made a concerted effort to increase product availability on the Internet.
- In 2002, the decision was made to update consolidated legislation on the Internet quarterly (to match the loose-leaf updates).
- In 2004, the decision was made to move to monthly consolidations.
- In 2005, the consolidations began to be updated on an "as soon as possible" basis. Consolidated legislation is now generally available within a few days to a month, depending on workflow.
- The Queen's Printer home page was redesigned to incorporate more information. For example, a Royal Assent notification lets clients know when the last Royal Assent was given.
- The Queen's Printer is in talks with Library and Archives Canada to e-archive the annual e-volumes (and *The Royal Gazette*).

- Prior to 2005, consolidated legislation was available on the Internet in HTML (unilingual form). In 2004, a project was undertaken to provide consolidated legislation in PDFs (bilingual form) as well. This project was completed and PDFs were added to the Internet on April 1, 2005.
- The policy decision was made to move to an “e-based” publishing system and to allow online permissions to reproduce legislative products for non-commercial purposes. Those wishing to reproduce for commercial purposes must request permission in writing.
- Feedback has been very positive regarding these changes.
- Legislation is now available in a more timely fashion and free of charge on the Internet.

### **“E-products” available**

- Consolidated statutes and regulations in PDF and HTML
- Table of contents
- List of statutes by department
- Rules of Court
- Royal Assent dates (links in to current annual volume)
- Annual E-Volumes for statutes and regulations
- Direct link to the status of bills for the current session

### **Publication tomorrow**

#### ***The “e-laws initiative”***

- The “E-Laws Initiative” (known as the New Brunswick LIMS Project) is a comprehensive overhaul of the existing legislative drafting and publishing systems.
- The Initiative impacts the Statute Revision unit, the Drafting unit and the Queen’s Printer.
- The Initiative will result in more standardized drafting and faster publication of legislation on the Internet.
- The Initiative will offer access to justice free of charge on a public Internet site. Visitors will be able to access legislation in its current consolidated form. Advanced and “point-in-time” searching will be available for legislation. Users will be able to access legislation in either language or both and will be able to pass between both languages easily.
- The Initiative is expected to take approximately 18 months and should be completed around the end of 2006.
- When the New Brunswick LIMS Project is completed, it is anticipated that legislation will be consolidated and available online within a week of coming into force.

### **Conclusion**

- New Brunswick has been a leader within Canada in publishing legislation and this will continue with the move from paper publication to electronic publication.
- By expanding Internet access to the law, this results in the broader access to justice of New Brunswick citizens and individuals all around the world.
- The New Brunswick Department of Justice and Office of the Attorney General are proud to offer free full-service Internet publication of legislation and look forward to enhancing this service in the future with the completion of the New Brunswick LIMS Project.