

Legislation Consolidation and Online Publishing System for the Cook Islands

A Scoping Study

Michael Rubacki

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Executive summary

Purpose

The purpose of this study is to scope a project to provide the Cook Islands with a suitable system for providing free online access to up-to-date legislation. This is a longstanding and well publicised need and is also a key objective in the National Sustainable Development Plan.

Scope and approach

The study first required the local legislative process and the drafting and publishing cycle to be mapped and the underlying issues affecting public access to legislation clearly identified. The study then aims to provide the optimal policy, legislative and production settings, together with a blueprint, for an integrated project to consolidate Cook Islands legislation and publish it online in an ongoing and sustainable way. The study also included research into recent consolidation and publishing projects in small island jurisdictions, as a way of identifying suitable models. This report provides more design and process details than usually included in a scoping exercise as it is thought the extra level of detail will be beneficial for a wide range of stakeholders and also assist in fast-tracking the project.

Findings

The Cook Islands has no effective means of providing access to its legislation. The only consolidated set of laws was published as printed volumes in 1994 and that has fallen completely out of date in the ensuing 19 years. Users of legislation, including Government and private sector lawyers, public service administrators, students and members of the general public have to consolidate their own legislation from the static collection of legislation as it was passed or made, which is printed and sold by the Parliamentary Services at high prices. The only free online access is from PacLII and its collection is less than 50% complete and does not contain consolidations. There are real risks that legal proceedings and the accuracy of legal advice will be compromised by the use of incorrect or out of date versions of legislation.

Access to legislation is an essential component of the rule of law. It is widely recognised that free online access is the most effective method of publishing legislation and traditional paper sales are dwindling everywhere as a result. The lack of any up-to-date Cook Islands legislation in either paper or online form is a poor state of affairs for a relatively advanced and well-educated nation. The problem has its roots in the provision of access to the law being a responsibility of the Parliamentary Services. That organisation does not have the specialist resources to consolidate and maintain legislation and instead has remained in the role of being a traditional print shop and

treating this as a source of revenue. The other underlying cause is the absence of a viable legislative drafting capacity within Government. That capacity, including the ability to consolidate and maintain the Statute Book in-house on a long-term and sustainable basis, is needed for a number of sound economic and good governance reasons.

Research into similar projects in small jurisdictions revealed a recent legislation consolidation and online publishing project in Nauru that is remarkably suitable in scale and scope. This has been very successful, relatively inexpensive and built to be locally sustainable and Nauru is very willing to assist and make its project materials available. On this basis a two year consolidation and online publishing project should be achievable for about \$380,000.

Conclusions and benefits

Cook Islands law needs to be accessible and consolidated in an up-to-date form and free online, as is now the case in many counterpart jurisdictions. The solution needs to be proportionate and affordable, but also sustainable at the local level.

The major pre-requisite required for a successful and sustainable legislation consolidation is the commitment by Government to the establishment of a permanent legislative drafting position and a small publication unit either within the Crown Law Office or as a standalone unit within the Office of Prime Minister. This is likely to be the only way that access to consolidated legislation can be maintained into the future and will also help develop some useful specialist skills at the local level. Importantly, a local legislative drafting resource should also prove to be beneficial in terms of cost and efficiency for the Government's legislative program and the overall state of the Cook Islands Statute Book. The likely recurrent annual cost of these resources would be between \$200,000 and 280,000, probably less than the current aggregated expenditure on outsourced legislative drafting.

There is a great deal of local support and enthusiasm for these proposals and it is hoped that the support and long-term commitment of the Government and the necessary funding will be forthcoming. However, it needs to be stressed that as with all highly specialised, small-scale projects and endeavours, ultimate success will depend on the calibre of the key personnel as well as the material commitment by Government.

Part 1 Introduction

1.1 Background

The absence of any consolidated Cook Islands legislation since a one-off paper consolidation in 1994, and lack of access to its legislation generally, are longstanding problems that have been raised in a number of reviews and reports in recent years.¹ The increasingly serious situation has culminated in the commissioning of this scoping study by the Australian Parliament.

1.2 Linkage with National Sustainable Development Plan

Free access to Cook Islands laws is not only a key objective in the Plan's Priority Area 8: Law and Order² it also underpins many of its other good governance themes and goals, including transparency and access to information, clear, coherent and relevant laws, improved access to justice, and public confidence in Government generally. In addition, this topic ties in well with e-Government initiatives and the better use of ICT to deliver public services.³

1.3 Purpose

The purpose of this study is to first map the local legislative process and the drafting and publishing cycle and identify the underlying issues affecting public access to legislation. The study then provides the policy, legislative and production settings, together with a detailed blueprint, for a comprehensive project to consolidate Cook Islands Acts and subsidiary legislation and deliver free and ready access to up-to-date legislation on an ongoing and

¹ *The Cook Islands National Sustainable Development Plan 2011-2015 (NSDB)*, p 20. *Parliamentary Needs Assessment, Parliament of the Cook Islands-final report*. Russell Chafer, House of Representatives, Canberra, January 2013, pp 16, 17, 24. *Cook Islands Parliamentarians Induction Seminar 2011: Outcomes Statement*, section 13(vii). *Cook Islands Country Report for 2011 PILON AGM*, p 8. *Report on Mapping Exercise for the Parliament of the Cook Islands*. PLPG, December 2010, p 14.

² *NSDB*, p 40

³ *NSDB*, pp 20, 37, 38, 40, 64-6.

sustainable basis. It is anticipated that this study will be submitted for endorsement by the Cook Islands Government and a major project then funded and implemented.

1.4 Scope

The scope of the study includes the:

- state of the Statute Book (Acts and subsidiary legislation) in terms of its extent and currency
- legal basis for any relevant underpinnings (copyright, ownership and location of data, consolidation or reprint powers etc)
- legislative process and how the document cycle fits in and is controlled
- arrangements for access to paper legislation (printing, sale and distribution)
- arrangements for online access
- whereabouts, extent and quality of source data
- resources available: people, technology, funding; and
- suitability of any successful working models in the region.

The study also includes a comprehensive project description and plan, with more design and process details than usually included in a scoping study. This extra level of detail is provided for the information of a wide range of stakeholders and it is hoped that this will also assist in fast-tracking the project.

1.5 Methodology and guiding principles

In addition to desktop research, the study was informed by a two week visit to Rarotonga in February and March 2013 to closely assess the situation. Meetings and discussions were held with many of the key stakeholders in Government and also with a number of lawyers in private practice. In addition, the nature of the location provided an opportunity for some impromptu fieldwork and informal discussions were held with lawyers, ICT providers and technicians, librarians and public servants involved in the use or supply of legislation.⁴

⁴ See Appendix 4 for a list of informants and contacts.

One component of the study involved a comparative review of recent legislation publishing projects in small jurisdictions. Guiding principles in determining a feasible development path and an appropriately scaled and low-risk project were:

- Simplicity in design
- Affordability
- Sustainability at the local level.

1.6 Study structure

This study is structured in parts in the order set out below. Recommendations appear throughout the document but are drawn together in a concluding table. Some observations are repeated to round out the individual parts and make these more self-contained.

- Current position
- Proposed solution and benefits
- Pre-requisites on the ground for a project
- Proposed project in detail, sizing, costings etc
- Associated publishing matters
- Conclusion and table of recommendations
- Appendices.

1.7 Definitions and abbreviations

In this study:

Annotations in relation to legislation means the information and notes added to describe the currency and history of an item of legislation. This usually includes assent and commencement dates, lists of amending legislation and a clause by clause history if there have been amendments.

As made in relation to legislation means the Acts passed by Parliament and the subsidiary legislation made by the Executive Council in their original, static forms (see also ***In force***).

Consolidation, in relation to legislation, means a revised version of an Act or other instrument that includes amendments incorporated into the text, with annotations and other status information.

Consolidation Consultant means the senior legislative drafter engaged as a technical expert to undertake the primary task of consolidating Cook Islands legislation for publication.

CLO means the Crown Law Office of the Cook Islands.

Document Management Consultant means the ICT consultant engaged as a technical expert to undertake the document management and online publishing components of the consolidation and publishing project.

Dollars (\$) referred to in this report are New Zealand dollars.

HTML means Hyper-Text Mark-up Language. This is the language commonly used to create documents for publishing on the Internet. It defines the structure and layout of documents using tags and attributes, and enables advanced searching and linking. HTML is readily generated from **XML** or **SGML**.

In force in relation to legislation means legislation as currently in force, consolidated with all amendments and annotations explaining the currency and history of that legislation (see also **As made**).

Instrument means a legislative or statutory instrument and includes a statute or a regulation, rule, order, proclamation, by-law etc made under a statute.

Metadata means data about data. In the legislative publishing environment it is the critical information about legislative instruments—source, name and instrument type identifiers. It can also include extensive currency and status information about each instrument, including their smallest separate internal components.

Montreal Declaration means the Free Access to Law Declaration made by legal information institutes meeting in Montreal in 2002, as amended at meetings in Sydney (2003), Paris (2004) and Montreal (2007).

NZPCO means the New Zealand Parliamentary Counsel's Office.

OCR means Optical Character Recognition and generally refers to the conversion of printed images into machine readable and searchable text.

PacLII means the Pacific Islands Legal Information Institute and is a facility of the University of South Pacific Faculty of Law.

PDF means Portable Document Format which is a format that allows documents to be securely transported and shared across networks and the Internet for reading and printing without users having the same platform and software as the document's creator.

PLPG means Pacific Legislatures for Population and Governance.

PS means Parliamentary Services of the Cook Islands.

Statute Book means the entire collection of statutes and subsidiary legislation made and applying in a jurisdiction.

Title in relation to legislation means an individual item of legislation such as an Act or Regulation etc.

XML means eXtensible Mark-up Language. This is a general-purpose, non-proprietary mark-up language for creating, storing and publishing data.

1.8 Acknowledgements

Firstly, I would like to express my gratitude to the Speaker, the Clerk, and all of the staff of the Parliament of the Cook Islands for hosting my visit and for their most memorable hospitality and support. I would also like to thank all of those who so freely and courteously provided information and advice to me during my visit to Rarotonga as well as to those in Australia and New Zealand with a special interest in the Cook Islands who have also provided invaluable information and advice. Last but not least, my thanks to the Parliamentary Counsel of the Republic of Nauru for providing detailed information about their counterpart project and their willingness to share design features and system architecture.

Part 2 Current position

2.1 Paper base and history

Cook Islands legislation is almost entirely paper based. The only publicly available online material is an incomplete set of static, “as-made” legislation, on PacLII (see 2.3 below). The last consolidation of legislation was the *Laws of the Cook Islands 1994* collection, compiled and printed in New Zealand. These are ten handsomely bound green volumes and contain the full text of Acts and subsidiary legislation, explanatory material and comprehensive tables. There are many sets still in use and the PS has unsold sets in mint condition. There was a supplement published in 1997 (blue bound volumes) containing the post 1994 legislative text and updated tables but this was not a fully consolidated collection. Fortunately there is a periodic Finding List with comprehensive tables that enables the user to piece together the state of the law before setting out to obtain the Acts or other instruments and then perform a do-it-yourself consolidation of any amendments etc. This publication is not widely held but is the best “source of truth” currently available.⁵

The 1997 supplement is not so readily available and the local libraries do not have copies, unlike the 1994 set, nor do they have the Finding List which, unfortunately, is a less well-known publication. Apart from these two bound sets, there are loose, pamphlet copies and annual bound sets (both Acts and subsidiary legislation) produced in-house by the PS for sale and held as stock in the Parliament building. The loose pamphlet collection is reasonably complete although there are likely to be some gaps. The staff member responsible for the stock and sale of legislation maintains a spread-sheet and stock card system that will be of assistance in identifying and sizing the data capture and consolidation tasks. For example, the

⁵ *The Cook Islands Laws: A finding list as at 19 April 2011*. Compiled in the Faculty of Law, Victoria University of Wellington, by A H Angelo and N Stephens. The publication is not publicly available in electronic form but Professor Angelo has indicated his willingness to make it available as one of the foundations for the proposed online consolidation.

Acts spread-sheet (1965-current) shows principal Acts, any amending items, and the number of pages and price of each item. This is all useful information although it is likely to have a number of errors and omissions, as an initial spot comparison with the Finding List revealed.

As there are no consolidations since 1994, individual agencies and practitioners have tended to maintain their own collections. These informal private collections, together with annotated copies of the “as-made” titles and copies of the Finding List are used on an in-house basis although it was mentioned that some “bootleg” versions may be in circulation. The scanning of Acts and other instruments is widespread as electronic use is so superior to paper in terms of speed of access, efficiency and storage, especially where there are multiple users of the same documents, eg within a Government agency.

The problem with a one-off printed consolidation is that it is a very costly exercise and only current at the time it was sent for printing and it falls out-of-date steadily each year thereafter. The standard way of overcoming the currency problem with paper legislation has been to either consolidate and reprint each title as it is amended or maintain a loose-leaf service. These processes are also laborious and expensive to maintain so most jurisdictions have moved to electronic publication which, although quite costly to set up, provides a vastly more efficient and cost-effective means of providing access to up-to-date legislation.

2.2 Production and policy setting

The PS has the responsibility of making legislation available, although this function predates the Internet and online publication, and the PS still operates like a traditional print shop and book store combined. All material is held in paper form (some B5 and some A4 sized) on open shelves. This is photocopied and stapled as required, usually when stock falls below five copies of an item. Not all of the material is of good quality and there are items that are faint copies of earlier copies. Some items have been copied from bound collections so the text is skewed at the margins, where the original has been pressed to the glass. Some items were originally prepared on typewriters so the text is in Courier 10pt and not very clear. There is no digital collection so there is no ready way of printing on-demand from say PDF documents, although the PS has a high-end Ricoh multifunction device and could produce a better product. Sales have to be conducted in person on the Parliamentary premises and there are no mail order or subscription services in operation.

Not surprisingly, given the size of the market, sales of legislation are very low in volume. This is not assisted by the high price set for items based on a sliding scale linked to the number of pages. The end result is that some items are effectively costing over 30 cents a page, which is more than the commercial rate and far more than the cost of production. Within the PS, the sale of legislation is given a high profile as a source of revenue and it attracts much attention in their financial systems and the budget planning process. However, the sale of printed legislation has generated annual averages of less than \$10,000 in recent years, it accounted for only 1.65% of the total budget for last year, and would not cover staff costs.

It is also unsurprising that there is a lot of photocopying of legislation going on outside the PS, despite the firm monopoly regime that has been exerted in the past. Apart from buying printed legislation, there is no adequate free access though the National Library or the local library in Avarua as both have far from complete collections (and complain of having to purchase the material and its cost). Unlike some jurisdictions there is no “free list”, despite the capacity provided in the existing legislation to waive charges.

The current charging and access regime is based on an old technology model where large print runs of professionally printed and bound documents were the norm and basically the only medium available. The rapid emergence of low-cost office copiers and multifunction devices, combined with online access to information, have completely undermined the traditional production and sale of low-volume publications such as journals and legislation. Even in jurisdictions with thousands of potential customers, printed legislation is becoming prohibitively expensive and dying out in many of its forms.

It is recommended that the PS abandons its revenue-based monopoly model for printed legislation as the demand will almost entirely cease anyway when Cook Islands legislation is available online from the official website. (An alternative future model for the PS printing facility is outlined in 6.2.)

2.3 Current online access: PacLII

The only Cook Islands legislation available online is from the Pacific Islands Legal Information Institute (www.paclii.org) and this consists of the following main collections:

- Sessional legislation 1954-2010 (512 items)

- Cook Islands Subsidiary Legislation 1951-2011 (90 items)
- Alphabetical list of all Acts 1965-1994 (including repeals)
- Chronological table of Acts 1965-2011.

There are other laws in the collection, including Rules of Court, the Constitution, items of New Zealand and UK legislation that may still apply, and an introductory explanation of sources of law.

PacLII relies on the supply of data from the source agency for legislation in each jurisdiction in order to maintain its collections and does not as a general rule perform consolidations for jurisdictions. Accordingly, there are no up-to-date consolidations of Cook Islands laws and of the 1,000 or so Acts passed from 1965 to 2012, only about half are available online.⁶ However, the online material is available in HTML format which makes online access faster and improves searching (PDF versions of the original scans are also available for most of the material). Unfortunately the collection is far from complete and the standard of accuracy is likely to be less than that found on an authorised source site, mainly because of the sheer volume of data that the LIIs have to process and the limited resources available to them. No Acts have been supplied by PS to PacLII since 2009 and only one item of subsidiary legislation in 2011 (and none in 2012) appears on the site. The arrangements for regular supply of legislation have apparently broken down (although it is noted that Court judgments are still being supplied to PacLII).

PacLII provides a means for searching across multiple jurisdictions and provides linkages with case law and offers other technical features beyond the scope of government sites that are usually limited to a specific set of data. For some island jurisdictions, such as the Cook Islands, without their own online service, PacLII is the only online service. These are its main strengths for users in the Pacific Islands. In addition, PacLII's underlying technology is sophisticated and provides better download speeds and search capability than the standard government website.

⁶ According to the linkages shown in the Chronological Table of Acts checked on PacLII on 17 February 2013.

The fact that PacLII maintains collections of laws from 20 different Pacific jurisdictions, that its use of html enables fast downloads and that it enables multi-jurisdictional searches makes it an essential complement to an authorised national legislation website for Cook Islands. Also, the service provides an alternative online resource in the case of local system outages. However, because it is not an authorised site and accuracy cannot be guaranteed, PacLII cannot be a substitute for an authorised national legislation website.

Accordingly, there are sound reasons for supporting PacLII but the service is only as current and comprehensive as the source suppliers allow. It is recommended that the legislation data supply be restored immediately and that a supply of complete data from the proposed online publishing system be made available in due course and then maintained in a systematic way.

2.4 Current predicament: the stakeholder view

Key local users of legislation were unanimous in their criticism of the current state of access to legislation. These included the Solicitor-General and officers in the Crown Law Office, the Secretary of the Ministry for Justice, a range of former Solicitors-General, Crown Counsel, private legal practitioners, senior public servants and librarians. The criticism included complaints about the quality of the printed legislation, its cost and ready availability to both Government users and the general public. The main issue however was the absence of consolidated legislation since the 1994 bound volume collection. Government agencies and private sector lawyers and organisations have to read in amendments and work out the current state of the law for themselves. This is risky and time consuming and is a situation that is unheard of in most jurisdictions where online consolidations are provided and prior to that technology, individual paper reprints of consolidated legislation were published regularly. There were many local anecdotes of in-house consolidations that were incomplete or wrong and incorrect advice being given as a consequence. Lawyers were fearful of going to court and finding that they did not have the correct version of the law with them.

A major consequence of this lack of up-to-date legislation is that possibly dozens of offices are keeping their own sets of consolidated legislation, usually just covering the most frequently used items. Some agencies are doing their own scans and keeping an in-house electronic set of key titles. Of course, these are agencies and individuals who have the skill and resources to accurately consolidate amendments and work out commencement details, unlike members of the general public who would have no capacity to undertake the necessary work to establish the precise state of the current law. It was noted that experienced users of

legislation were very positive about the online potential of PacLII but understood its present limitations.

2.5 The main issues

The main issues affecting access to Cook Islands legislation can be summarised as follows:

- The passage of time since the last full consolidation.
- The lack of any authorised consolidations in the print environment for even the heavily used titles.
- The overwhelming focus on paper copies as the sole means of distribution (plus the surrounding monopolistic policy and revenue concerns) and the need to refocus on online access instead.
- The absence of specialist legislative drafting and publishing skills on any kind of sustainable basis.

The proposed solution is set out in the following Part.

Part 3 Proposed solution and benefits

3.1 Introduction and overview

This Part sets out the basic framework for establishing a sustainable environment and system for consolidating legislation and making it widely available. In essence this translates into the need for a Government-based legislative drafting and publishing capacity, based either in the Crown Law Office or established as a separate unit within the Office of Prime Minister, plus a consolidation and online publishing process and system. It is also proposed that the consolidation process and online publishing system be closely modelled on the recent project successfully implemented by the Republic of Nauru.

3.2 Location

This scoping study was sponsored via the Cook Islands and Australian Parliaments and the source of public access to legislation is currently located entirely within the Parliamentary Services. In addition, the objective of publishing legislation online is included in its current Business Plan.⁷ However, the task of maintaining the Statute Book is traditionally the role of the Government and its legal or specialist drafting arm. The Parliament passes legislation so has a vital role in the process but is not usually the institution that prints or sells the “product” let alone maintains the laws over time. Parliaments do not usually have the legal expertise in-house to draft major items of legislation nor to oversee the consolidation process. Similarly they are not positioned to generate the amending legislation that is required to clean up aspects of the Statute Book as a consequence of a comprehensive consolidation process.⁸ These are the tasks of Government. In the local situation, there are no legally qualified staff in the PS, unlike the CLO which is based upon a core of experienced lawyers. Accordingly, the recommended path is for a closely collaborative approach between the PS and the CLO

⁷ *Parliamentary Services Business Plan 2013-14.*

⁸ During the course of a consolidation process, existing errors, anomalies and things like unincorporable amendments and completely spent items will be discovered and a statute law revision exercise will be required.

but with the CLO responsible for drafting, document control, consolidation and online publishing of legislation (when the pre-requisite resources have been put in place). An alternative approach for the Government to consider would be to establish a separate unit within the Office of Prime Minister and this unit would lead the project in collaboration with the CLO and PS (see 5.2.4).

3.3 Pre-requisites

The essential pre-requisites for a successful system are:

- A sound policy setting for access, so that the focus changes from a monopoly supply of paper legislation to enhancement of the rule of law through free online access.
- Specialist in-house resources, in the form of an experienced legislative drafter and small publication unit located in the CLO or Office of Prime Minister.
- Legislative changes to authorise online content and to enable the making of minor corrections to the Statute Book.

These pre-requisites are so critical that they are explored in greater detail in the separate Part that follows.

3.4 Project design and rationale

The project for the Cook Islands has to be sustainable and affordable. Legislative drafting and publishing systems in the Australian and New Zealand jurisdictions often involve sophisticated technologies such as XML and proprietary document management systems. These require considerable in-house expertise and full-time ICT staff. In cases such as New Zealand, the Commonwealth of Australia, and New South Wales, their highly integrated systems have each cost several million dollars over several years of development and have ongoing licensing and external maintenance costs in six-figure amounts.

The size and resources of the Cook Islands and its volume of legislation clearly do not warrant anywhere near that level of technology or expenditure. Accordingly, smaller jurisdictions with recent and successful online systems were sought as more suitable models. Two recent projects involving integrated drafting and online publishing systems in small jurisdictions can be found in the Isle of Man in Europe and more locally in the Republic of Nauru. The features shared by the two projects were:

- Simple word-processor based systems for drafting and publishing (Microsoft Word and Adobe PDF)
- Open-source document/content management
- Simple open-source-based website
- Locally managed and sustainable
- Low six-figure cost (as opposed to low seven figures)
- Australia-based developers.

The Nauru project scope and deliverables more closely match what is required for the Cook Islands as it combined an extensive consolidation project with a drafting and publishing system. That project is almost complete so the results can easily be observed via its new website [RONLAW](http://ronlaw.gov.nr). The project was funded by NZAID and was split into two major components each lead by a technical expert: the legal consolidation and the ICT-based document management and website. Significantly, the Republic of Nauru is prepared to make its project methodology and system design available to the Cook Islands. In addition, the Consolidation Consultant and the Document Management Consultant for the Nauru project have indicated their willingness to undertake a similar project for the Cook Islands. The adaptation of a recent and successful low-cost project in the region makes for a very compelling business case. The scale of the local project is slightly smaller than the Nauru project as there is the 1994 consolidation and the subsequent Finding Lists to help define and guide the Cook Islands task (the volume and type of legislation is roughly similar). Also, the front-end part of a legislative publishing system has already been partially built by the NZPCO and is being used in the CLO for the drafting of new legislation. The Nauru website is uncluttered and has the main features found on most legislation websites (see 5.5 and Appendix 2). Importantly, it is very intuitive to use and is easy to maintain. On the policy and legislative front, Nauru has made a clear commitment to free online access and has passed legislation to authorise online content and to generally underpin the project.⁹

⁹ See *Legislation Publication Act 2011*; *Administrative Arrangements Act 2011*; *Interpretation Act 2011*; *Statute Law Revision Act 2011* on <http://ronlaw.gov.nr>

These combined factors provide an excellent opportunity to develop and implement a relatively straightforward project that adopts, adapts where necessary, and reuses as many of the Nauru components as possible, but recognising that there will be a small number of local features that need to be accommodated as well as some technical refinements that should be pursued. Accordingly, this study is unconditionally recommending that the Nauru design and approach be followed. There is no justification for re-inventing the wheel and adding layers of risk and potential costs, as legislation and its production processes are very similar across most Westminster-based jurisdictions. In fact, the existence of an effective model based on the Nauru/Cook Islands systems could become a standard for adoption in many small jurisdictions that have not yet established integrated drafting and publishing capacities and systems. A further advantage of a shared system is that future enhancements can also be shared and the costs contained.

3.5 Benefits

The benefits of the proposed solution are clear:

- free online access to Cook Islands legislation in keeping with best practice standards for public access to law (an essential part of the rule of law) and the achievement of a key objective in the current NSDP
- constantly consolidated legislation, both Acts and subsidiary legislation
- improved access to Bills and documents associated with the parliamentary process
- improved legislative drafting and, over time, an improved Statute Book (further enhancing the rule of law)
- a relatively low cost, low risk and sustainable solution
- long-term benefits and savings to the Government and the private sector provided by better law and access to law.

Part 4 Pre-requisites

4.1 Introduction

This Part describes the three essential pre-requisites for a successful and sustainable system to provide access to up-to-date Cook Islands legislation:

- A sound policy setting for access
- Specialist in-house resources
- Legislative changes.

4.2 The case for free online access to law

Since the early use of the Internet by Government in the mid 1990's legislation has become increasingly available online and has replaced paper as the primary means of access. In Australia, the first significant providers of free online legislation were the Australian Government and AustLII. By the early 2000's all Australian jurisdictions were publishing their own legislation free online and, in many cases, have since authorised the online version.¹⁰ The United Kingdom, New Zealand and most Canadian jurisdictions have also followed this path. In some places, an official paper version is no longer produced for sale (eg New South Wales) as the number of subscribers has fallen below sustainable levels. Paper publication is slow and costly at the best of times and when the number of regular subscribers falls to less than 50 it becomes difficult to justify or sustain. More and more traditional libraries are being reduced in terms of their paper holdings and are relying on online materials. In the case of the Cook Islands, paper service clearly falls far short of providing access to law. It is often poor in print quality, expensive and inefficient. Copies are not available in public libraries and it is very costly for individuals to buy (see also 2.2 above).

¹⁰ See Don Colgiuri and Michael Rubacki, '[The long march: pen and paper drafting to e-publishing law](#)' paper presented at the Conference of the Commonwealth Association of Legislative Counsel, Hong Kong, April 2009 and published in *The Loophole* [2010.2] 43.

On the other hand there is a growing use of online services by Cook Islanders¹¹ and these services are only likely to expand and improve, unlike paper publication and traditional library services that appear to be on a steady downward path.

Underpinning the rapid technological changes and user expectations that have dramatically transformed access to law is a very strong public policy argument for free access. This has been very well articulated by the Legal Information Institutes (LIIs) such as AustLII and PacLII. To quote the [Montreal Declaration](#) of 2003:

- Public legal information from all countries and international institutions is part of the common heritage of humanity. Maximising access to this information promotes justice and the rule of law;
- Public legal information is digital common property and should be accessible to all on a non-profit basis and free of charge;
- Independent non-profit organisations have the right to publish public legal information and the government bodies that create or control that information should provide access to it so that it can be published.

Public legal information means legal information produced by public bodies that have a duty to produce law and make it public. It includes primary sources of law, such as legislation, case law and treaties, as well as various secondary (interpretative) public sources, such as reports on preparatory work and law reform, and resulting from boards of inquiry. It also includes legal documents created as a result of public funding.

The Cook Islands Government already promotes transparency and access to Government information¹² and it would be timely for a similar approach to be taken towards providing free online access to legislation, in the same way as the Australasian jurisdictions and Nauru have done. However, an essential counterpart requirement will be the clear ownership, management and promotion of the database. This will provide the policy setting for the establishment of an authorised online database of legislation that is available to the public at

¹¹ The reviewer was assured that Internet access is already possible on all of the major islands.

¹² See *NSDP*, p 20.

large as well as the provision of legislative content to community based and not-for-profit republishers of legislative materials such as PacLII (see also 2.3).

4.3 The case for in-house drafting

Unlike a number of Pacific Island jurisdictions, the Cook Islands has no in-house legislative drafter and legislative drafting does not appear to be locally recognised as a legal specialty. The CLO has the role of co-ordinating legislative drafting for the Government and does some limited drafting work in-house but it is a very lean organisation and its main remit is litigation and advisory work. As a consequence, most drafting work has traditionally been farmed out to overseas drafters working as free-lance consultants, to drafters in Parliamentary Counsel Offices in Australia and New Zealand, or to local legal practitioners. The NZPCO's Pacific Desk has been a useful recent addition to the traditional mix of resources. Similarly, the CLO has taken steps to better regulate the legislative drafting process across Government. However, there are some most compelling reasons for not farming out legislative drafting and there are a number of advantages in these operations being centralised, brought in-house and made a permanent function of Government, as detailed below.

1. Cost.

The expenses involved in the use of overseas consultants and local private lawyers if aggregated across all Ministries and agencies would inevitably far outweigh those involved in developing and maintaining an in-house resource.

2. Confidentiality and conflict of interest.

Legislative drafting involves policy development and formulation, and as such should be at the very heart of Government. A vital requirement of drafting is the total confidentiality of the process, and the absence of any possible conflict of interest on the part of those involved. To be admitted into the process is to be allowed a detailed insight into what the law is to become. In some circumstances that insight would be invaluable to outside interests.

3. Quality.

The preparation of legislation by a plethora of overseas drafters and local private lawyers produces such a diversity of product as to be an embarrassment at times and the Solicitor-General indicated that some legislation in recent years has been very poor in quality.

Legislative drafting is a specialised skill best developed through years of training and mentoring in a dedicated legislative drafting office. This fact is rarely recognised in the selection criteria for external drafting consultants, and as a result, many consultants who are engaged to draft legislation do not actually possess the specialised skill of legislative drafting. This can result in legislation that is not fit for its purpose, and does great harm to the rule of law and the ability of government to administer the law.

4. Government priorities and centralised control.

A Government legislative drafter is ultimately responsible to the Government as a whole rather than to the particular Ministry or agency sponsoring a particular project. The result is that the drafter, supported by the Prime Minister, has the ability to test whether particular issues have the support of the Government as a whole, rather than merely of the agency involved. This would not be achieved if an agency could approach and remunerate an external drafter or private lawyer directly.

When agencies are given direct access to external drafters, there is a substantial risk that they are able to determine legislative priorities without central supervision, so that low priority matters are often promoted (and paid for) when more important matters should be dealt with. Valuable parliamentary time can be squandered, or (if the project is not brought to Parliament) money and time are wasted.

The task of establishing priorities and exercising central control is currently performed by the CLO but it would assist that organisation if an experienced in-house legislative drafter existed and assumed much of that task in close consultation with Cabinet.

5. Dedicated resource.

An in-house legislative drafter can be dedicated to the priorities of the Government, whereas this could not be guaranteed if the work is performed externally.

6. Consistency and quality control.

Another vital requirement is that, so far as possible, the drafting techniques employed at any given time in the preparation of legislation should sound in the same register. Any lawyer concerned with the interpretation of legislation of a period comes to know

the style of that period. Development of drafting techniques is, of course, continually occurring, but legislation drafted at any one point in time is expected by users to exhibit consistency of usage, not the chaos that results from a multiplicity of styles. An in-house legislative drafter can provide a very substantial measure of consistency of policy to the statute book. Also, the language of the statute book can be maintained in as consistent a way as possible.

In addition, a legislative drafter can view the legislative program as a whole, so that different projects being undertaken are not handled in inconsistent or even conflicting ways. Also, they should be able to eradicate any idiosyncrasies of individual officers, at a policy level and a drafting level, whereas this facility would not necessarily be available if agencies were to deal directly with external drafters or private lawyers.

In the many jurisdictions that have a dedicated legislative drafting office, the chief legislative drafter or parliamentary counsel is the guardian of the Statute Book, ensuring that all laws across the statute book are internally consistent, that a consistent style is maintained, that laws do not contradict each other, and that all legislation is consistent with the Constitution. The new position of Crown Counsel (Legislative Drafter) recommended in this study would be a person who possesses the specialised skill of legislative drafting and would be able to fulfil the role of guardian of the Statute Book.

7. Integrated service.

The editorial and publishing functions associated with legislative drafting have to be performed centrally, regardless of where the drafting work is performed, and it is logical that these be conducted under the supervision of an experienced legislative drafter and closely integrated with the drafting work. This is of particular significance now that these functions are likely to all be computerised, within a single integrated IT system controlled by a single office. (The CLO already has a limited in-house capability and an embryonic drafting and publishing system, developed with the assistance of the NZPCO.)

8. Parliamentary benefit.

The existence of an experienced in-house legislative drafter should enhance the services to the Parliament and a drafter's productive capacity should help drive the legislative program, which in turn helps to drive the parliamentary program. In

addition, a legislative drafter would facilitate the preparation of amendments in committee, which often have to be done within a timetable of minutes and under great pressure, traditionally part of the skill set of a legislative drafter.

9. Sustainability and local training.

Legislative drafting is a specialised field that warrants recognition as a complex area with its own principles and that falls outside the role of ordinary legal work. The presence of an experienced legislative drafter should provide the skills transfer to Cook Island lawyers who have limited access to training in this specialty.

4.4 Legislative change

To establish the new system for publishing and providing access to law it will be necessary to make some changes to existing legislation and to enact a new statute. The current *Legislative Services Act 1968-69* is scheduled for repeal and rewriting as it is very out of date and contains significant inconsistencies.¹³ A number of existing provisions give the PS the role traditionally associated with a Government Printer and provide for the print and sale of legislation (sections 29-33). This has been treated as a means of creating a monopoly and mistakenly seen as a serious source of revenue. As described above in 2.4, with the appearance of printer/scanner/copiers in every office, the monopoly situation is no longer enforceable and in any event the size of the market for printed Cook Islands legislation means that it would never generate significant revenue (in fact it would not cover costs).

Amendments to the *Legislative Services Act* in 1993 gave the PS additional powers to do consolidations and make minor corrections to legislation. These powers have not been used and the PS has functioned as a print shop and just reproduced and sold enacted legislation. This is not surprising as it has not had the skilled resources needed to undertake consolidation and revision work. As argued in 3.2 above, the PS is not the appropriate location for the task of maintaining and updating the Statute Book, and that function should be transferred to the CLO (or Office of Prime Minister if that is the preferred option). The provisions relating to consolidation and revision powers need to be removed and should become part of a new

¹³ See the *PS Business Case 2013-14* and precursor reports.

Legislation Publication Act that clarifies the publication and access arrangements for legislation, along the lines set out in Part 2 of the [Legislation Publication Act 2011](#) of Nauru.¹⁴

The amended or hopefully rewritten *Legislative Services Act* does not need to include any sale and revenue references, although it should be stated that the PS has to preserve and make enacted legislation available in printed form (being the versions authorised by the Legislative Counsel and published online). The PS has a modern print facility and should continue to provide Members with Bills and Acts (from the website) etc in paper form as required. It should also produce a very small number of printed copies of enacted legislation and bound annual collections for library and archival purposes (see also 6.2). It might also provide a print service for any casual purchaser, perhaps for those without access to the Internet or a laser printer, by downloading the item from the proposed website (not from paper stocks) and charge a standard fee per page, in the same way as a library would. It should not require specific legislative provision for these minor printing and supply tasks. Potential revenue from this activity will be negligible and continue to fall.

4.5 Conclusions and recommendations

In order for the consolidation and online publishing project to be undertaken, the following essential preparatory steps are recommended:

1. The Government establish the position of Crown Counsel (Legislative Drafter) and a publication unit within the CLO. This will be a precondition for any form of sustainable consolidation project but is clearly justifiable on its own merits in terms of cost, efficiency and good governance. (Job descriptions for these positions are provided in Appendix 3.)¹⁵

¹⁴ See also 2011 [Administrative Arrangements Act](#); [Interpretation Act](#); [Statute Law Revision Act](#).

¹⁵ Or the option of establishing a separate unit within the Office of Prime Minister as described in 5.2.4.

2. The Government make a clear commitment to providing free online access to legislative publications, in keeping with the spirit of the [Montreal Declaration](#) of 2003.
3. The provisions in the *Legislative Services Act 1968-69* relating to the printing, sale and distribution of legislation be repealed and a Bill prepared to clarify the proposed online distribution of legislation and the consolidation and ongoing maintenance of the Statute Book by the CLO or Office of Prime Minister.

Part 5 Consolidation processes and online publishing system

5.1 Overview

This Part describes in some detail the features and processes for the proposed project to consolidate all Cook Islands legislation and then publish it and keep it up-to-date and available online. Both elements of the project are heavily based on the recent Nauru Legal Information Access Project.

5.2 Process review and change

5.2.1 Purpose of process review

The introduction of a major system or new function always provides an opportunity to review existing procedures and practices with an aim to streamline and make the best use of current technology. It was observed that there is a considerable reliance upon traditional practices involving paper documents being copied multiple times and distributed across agencies. The following sections provide a recommended outline for some new work and document management processes and there may be other similar areas that could benefit from review and re-engineering.

5.2.2 Crown Law Office¹⁶

It is anticipated that the CLO, with the establishment of a specialist legislative drafting position and small publishing unit (two paralegal staff), will drive the consolidation project and play a larger role in the preparation of legislation. This changed role should occur in tandem with the main project.

¹⁶ Or the option of establishing a separate unit within the Office of Prime Minister as described in 5.2.4.

In the preparation of new legislation, the paralegal staff should continue to use the templates developed by the NZPCO to prepare draft legislation for Cabinet processes and for presentation to Parliament or the Executive Council (just as the current legal Executive does). These staff should also perform editorial checks on the draft legislation to help maintain consistency, accuracy and overall quality control. The source document (in Word) should stay within the control of the CLO throughout all stages, for version control and integrity reasons, and a rendition in PDF provided via email to all external parties and for printing where necessary. (A more detailed outline of the proposed process for new legislation appears in the following subsection dealing with the PS.)

The paralegal staff under the supervision of the Legislative Drafter and after training by the external Consolidation Consultant should undertake the tasks associated with the consolidation project and its ongoing maintenance:

- locating source material
- scanning, keystroking or formatting legislative text
- assisting with the incorporation of amendments and compilation of annotations
- proofreading and quality control checking
- distributing and managing the movement of legislative documents through all processes.

The templates currently used to prepare draft legislation will need to be further developed to prepare enacted and consolidated legislation and to help manage those documents. The same paralegal skills used in the preparation of new legislation and the main consolidation project will be needed in the ongoing maintenance work of consolidating new amendments and updating the online collection. The volume of this work is unlikely to be high and should enable legislation to be consolidated and available within 24 hours of the amendments taking effect.¹⁷

As part of the role of managing the consolidation project, the Legislative Drafter will, under delegation from the Solicitor-General, authorise the publication of the new consolidations and

¹⁷ The targets in Nauru and most Australian jurisdictions are between 24 hours and 3 working days.

other versions of online legislation as they were completed for publication on the legislation website. The Legislative Drafter will also have the task of drafting the legislation needed to underpin the project and new form of publication, as well as managing the statute law revision material identified and assembled by the Consolidation Consultant as part of the consolidation process. As the consolidation project progresses, the Drafter should have the capacity to take on more of the general drafting work required by the Government.

5.2.3 *Parliamentary Services and document path*

The PS should ideally receive draft legislation from the CLO by way of emailed PDF documents. Advanced copies of Bills are provided for translation into Maori by the PS. If the Bill is subsequently revised, a document compare version should be provided by the CLO to PS to enable the translation to be updated. According to the Standing Orders (SO 221), the long title of all Bills has to be published in the Cook Islands Gazette. This is currently compiled by PS but is not published (and has not been for several years). The Gazette should be published online so that it is more publicly available.¹⁸

Finalised Bills and Explanatory Notes should be forwarded as PDF documents to PS for introduction into Parliament. The PS can then print copies (using its high-speed networked multifunction device) for the House and for sale.¹⁹ On introduction, Bills and their Explanatory Notes should be published immediately on the Parliament website, together with the translated version. In the event of the Bill being amended during the parliamentary process, the text of those amendments should be recorded in a printed schedule, signed off by the Speaker and the Clerk and published on the PS website (at present amendments in committee are not formalised and documented in this way). The schedule should be forwarded in electronic form to the CLO for incorporation in the new Act as well as included in the Assent folder provided to the Queen's Representative. Following completion of the assent process, the CLO can add the assent date and Act number to complete the Bill to Act process and upload the document to the legislation website.

¹⁸ For a separate discussion about the Gazette see 6.4.

¹⁹ The availability of these documents online will probably reduce any paper sales to virtually nil.

A similar work process and document pathway could be developed for the production of subsidiary legislation.

The legislation and Parliament websites should be prominently linked so that the Parliament, Government and public have full access to the legislative process: they should be able to see the long title of the Bill published in the Gazette, the Bill, Explanatory Note, translations, any amendments in committee, and the Hansard on the Parliament website and then link to the legislation website for the enacted and any subsequently consolidated versions of legislation.

5.2.4 *Option of a standalone unit in Office of Prime Minister*

There is an option offered for consideration by the Government that involves the establishment of a separate, standalone unit within the Office of Prime Minister instead of within the CLO. The advantage of this option is that it could be more effective and focused in driving the legislative drafting and publishing programs as well as the consolidation project. Having a dedicated resource within the Office of Prime Minister would also assist in managing the legislative and parliamentary programs. It would relieve the CLO of much of its responsibilities in this area and allow it to concentrate on its core functions. The only disadvantage of this option is that it would be up to 30 percent more expensive. The lead position would have a higher profile, like the Parliamentary Counsel in other jurisdictions, and carry more responsibility (being directly accountable to the Prime Minister rather than the Solicitor-General). Accordingly, the position would require a higher salary and there would be a need for an assistant rather than use part of an existing CLO resource for that role. (If this option is selected the project plans, organisational diagrams and position descriptions in this report will need to be slightly modified.)

5.3 Consolidation materials and source of truth

The primary materials for the consolidation of Acts and subsidiary legislation will be the paper collection of individual Acts and subsidiary legislation passed or made since 1965 and the 1994 ten volume consolidation. Most if not all of this material is held in the Legislation Office in the Parliament building and this will need to be the focus of a fuller audit process during the project initiation phase. Where there are doubts about paper content, the original signed documents held by PS or the CLO may need to be consulted. The identification of titles still in force and any amendment history and repeals should be based on the 1994 consolidation and the latest Finding List. The paper products must inevitably be the source of

truth. It is noted that the CLO and some local practitioners have annotated copies of the Finding List where possible errors have been detected and these should also be sought and collected for consideration.

The process of digitising the collection should be supplemented by using the material already captured electronically: the “as-made” titles held by PacLII (see 2.3) and also the source Word files for new legislation since 2007 held by the CLO, subject to rigorous quality control processes, involving full proofreading against paper originals.

5.4 Size

5.4.1 *As-made collection*

The size of the static, as-made collection is readily revealed in the current Finding List as that publication helpfully includes a chronological table of Statutes from 1965 and a chronological table of subsidiary legislation since 1967. The latter table may not be complete in all respects and there may be some gaps in the paper collection but that will be revealed when the material is being collected during the first stage of the project (see Appendix 1, table 4). Up to the end of 2012, there are 1,028 Statutes and 733 items of subsidiary legislation that will need to be captured to complete the historical as-made collection, together with any items of New Zealand and UK legislation that are considered necessary.²⁰ The spread-sheets and index cards maintained by the PS should provide some guidance in estimating the number of pages involved in the capture process but a rough estimate at this stage would suggest less than 20,000 pages altogether.

The annual volume of new legislation is not high and an average of around 20 new Acts and 20 new items of subsidiary legislation are likely to be added to the collection during each future year.

²⁰ Less than half of these titles have been captured and published by PacLII. The topic of external laws will need reviewing and a revised explanatory note describing the sources of Cook Islands law should be written for inclusion with the online collection.

5.4.2 *In-force collection*

These are the principal Acts and items of subsidiary legislation that have some ongoing practical utility and are likely to be amended from time to time. Appropriation and amending instruments are not included in this collection, which is much smaller than the as-made collection. According to the Finding List updated to the end of 2012 there are some 295 Acts and 260 items of subsidiary legislation that will form the basis of the dynamic in-force collection. However it should be noted that many of these titles are likely to be spent and have no further practical utility. In particular there are 60 extradition orders going back to the nineteenth century included in the 260 items of subordinate legislation and perhaps these could be remade as a single instrument in due course. A rough estimate of this body of work is 7,000 pages. Many of the in-force titles have not been amended so will be relatively straightforward to capture and reproduce although these should be put into the new template format and not appear only as scanned images. A core of amended and more frequently used titles will likely form the major part of the consolidation effort and should be tackled as the first priority. An indicative list of these titles appears in Appendix 1, table 1.

The volume of new legislation is quite low and this should make the ongoing task of consolidating new amendments into existing instruments and adding a small number of new principal instruments each year quite manageable.

5.5 Project tasks

5.5.1 *Identification, collection and management of material*

The first stage of the consolidation project is to create a table listing the known legislation, its source and any amendments that require incorporation in order to identify all source material and what needs to be done with it. This should also provide for indicating priorities and recording quality control processes and any remarks about errors requiring correction etc. The tables can be compiled from the Finding List and cross-checked against lists held by the PS. Corrections and annotations made to the Finding List or other sources held locally should also be consulted. Material will be sourced from PS (1994 consolidation and printed bound or

pamphlet copies), PacLII (scanned PDF documents) and the CLO (Word files for the post 2007 titles).²¹

5.5.2 Data capture

The second stage of the consolidation project is data capture or digitisation.²² The material only available in paper (ie most of the collection) will need to be scanned, OCRd and quality controlled. The static “as-made” legislation will need to be preserved as PDF files and will comprise one collection, corresponding to the bound annual volumes traditionally found on lawyers’ and library shelves. The material already scanned and available from PacLII²³ (approximately 600 titles) will need to be checked and, depending on quality, in some cases may need to be redone.

The existing electronic files for post 2007 material will also need to be quality controlled, especially as they must reflect any changes made as part of the formal legislative process, eg in the Bill to Act process there may have been amendments in committee and there will be assent dates and Act numbers to add.

The principal Acts and other instruments that have an ongoing life cycle and form the basis of the in-force collection need to have the scanned text extracted and then formatted in Word using the templates recently developed by the NZPCO. This process effectively restyles the older legislation giving it the new typographic design and layout.²⁴ After consolidation and quality control checks, the finished file should then be used to generate a PDF document for the website.

²¹ See examples of tables used to identify, size and manage the capture and consolidation processes are provided in Appendix 1.

²² See Appendix 1, figure 1

²³ PacLII has confirmed that it has no issues with its data being used in this way.

²⁴ Some older legislation with irregular components may prove quite difficult to restyle and might need noting for further attention as part of the statute law revision process.

5.5.3 Consolidation and annotation

The third stage is the actual consolidation where amendments are incorporated and annotations compiled for those instruments that have been amended.²⁵ Incorporations will be performed using amending text scanned or rekeyed from the amending instruments. The annotations will then be added as notes at the end of the principal document.

Given that the level of amendments is not high in most cases, it is recommended that multiple iterations of the in-force Acts and items of subsidiary legislation are consolidated. This means that consolidations are prepared incrementally and a discrete version created for each set of amendments made at a particular time. This will create a complete point-in-time collection for legislation in force with a start base date from 1994. A point-in-time collection is of great benefit to the courts where litigation often involves events that need to be considered in the light of a superseded version of legislation in force at the time.

The annotations should follow the style used in most jurisdictions: a list of component Acts or instruments with their commencement details followed by another table providing a clause by clause amendment history. In the case of Cook Islands where the amendment history is not too dense, it should be possible to make the amendment history more granular, down to the subclause level.²⁶

5.5.4 Work processes, quality control and authorisation

The identification and collection process will need to be a collaborative process involving the PS, CLO and PacLII under the day-to-day management of the Legislative Drafter but with the input of the Consolidation Consultant in setting up the process and quality controlling the overall process.

The data capture stage should be undertaken by staff in the PS and CLO using the scanning equipment already in place at the PS²⁷ and if necessary the high-speed scanner located in the

²⁵ See Appendix 1, figure 2.

²⁶ See a sample in Appendix 2.

²⁷ The new high-speed Ricoh multifunction device requires networking and some additional software.

Ministry for Justice, which the Secretary has indicated will be made available for this or any similar project. (An alternative would be to get the bulk of the scanning done off-shore, but this is likely to cost in the vicinity of 30 cents a page if done commercially.) Any rekeying should be done by the proposed paralegal staff in the CLO, possibly supplemented by short-term temporary staff with good keyboard skills if there are sufficiently high volumes. (In the case of very large documents that prove to be too poor to scan, these could be sent to India for rekeying, where bureaus with expertise in this field provide high quality and cost effective services.) These processes will require intensive quality control processes, mainly proof-reading in pairs, to ensure accuracy. The same staff should undertake this task but with an additional layer of checking provided by the Legislative Drafter and Consolidation Consultant.

The consolidation and annotation process needs to be performed by the Consolidation Consultant but with some assistance of the paralegal staff in the CLO (eg simple one-off consolidations) as they will ultimately have the responsibility for the task in future. Consolidations will need to be checked by the Consolidation Consultant if the work has been done by the paralegal staff and by the Legislative Drafter if the Consolidation Consultant has undertaken the work. Errors detected in the legislation or in the incorporability of amendments need to be documented by the Consolidation Consultant and draft amendments to remedy these prepared for the attention of the Legislative Drafter.

The final authorisation for each consolidation is performed by the Legislative Drafter under delegation from the Solicitor-General and should take place when the document is ready to be added to the database and published online.

All stages of the work need to be closely quality controlled and checklists maintained and signed off as each task is completed. The basic rule of “someone does and someone else checks” needs to be adhered to for all tasks.

5.5.5 *Online publication*

The main feature of the online collection will be the in-force Acts and subsidiary legislation, fully consolidated, annotated and searchable. The authorised version will be in PDF, created from the source Word document, which will not be published. The secondary feature will be the static legislation as made, available only in PDF but searchable and authorised in the same way.

5.5.6 *Data supply to PacLII*

The source Word document, saved in RTF (rich text format), of in-force Acts, subsidiary legislation and static as made legislation should be sent to PacLII via email. The HTML pages on PacLII are created from RTF documents and PacLII therefore requires all documents to be in this format for automatic publication on the website. Also, as PacLII will provide access to its existing PDF collection of as made legislation, it will be appropriate to supply it with the missing as made items in PDF when they have been captured.

5.5.7 *Maintenance*

When the database and website are complete, the content needs to be updated on a systematic basis. Whenever a new Act or instrument is assented to or made by the Executive Council it should be added to the as-made collection, on the same day if possible. Whenever a new principal Act or other instrument that has some ongoing practical utility is assented to or made it needs to be added to the in-force collection immediately. Whenever an existing Act or instrument is amended, the amendments should be consolidated and the annotations updated immediately so that the updated version can be published where possible within a day of the amendments taking effect (the consolidation can often be prepared in advance, perhaps when the Bill is in Parliament). A new version must be compiled for every set of amendments (including versions for different commencement dates if these are specified in the amending instrument) as that enables a point-in-time collection to be provided. In addition to the various amended versions, there should also be a home page for each Act and instrument and that needs to be kept up-to-date (see 5.6.7).

5.6 Web content and design features etc

5.6.1 *Overview*

This section is intended to provide a narrative summary of what the proposed website will look like and deliver. Model pages are provided in Appendix 2.

5.6.2 *Website and Intranet*

A separate website solely for legislative content and with an intuitive URL (such as www.legislation.cookislands.gov.ck) is recommended. With the planned greater centralisation of Government ICT resources in Rarotonga it would be worthwhile mirroring the website on a Government Intranet as this would improve performance and reduce

commercial online access costs for Government users (traditionally the highest users of legislation).

5.6.3 *Entry or home page*

This is the first page a user sees and needs to be uncluttered and accessible. The main content should be immediately apparent and not require the user to drill down through multiple menus. The proposed page prominently offers Acts and subsidiary legislation in force and has links to legislation as passed, historical versions, and various lists of legislation and a search feature (Appendix 2).

5.6.4 *Links to related websites*

The proposed website should have prominent links to the home pages of the Parliament, Government, NZ legislation, PacLII and WorldLII websites.

5.6.5 *Information page*

Legislation websites contain relatively complex content so information about the status, extent and currency of the legislative content is essential. An information or status page linked from the home page explaining the background of the collection, its currency and how it is maintained should be provided. Also, it would be useful to include a short and up-to-date explanation about the sources of Cook Islands law, as provided in the 1994 consolidation, or on PacLII.

5.6.6 *Separation of two collections*

Legislation websites usually have two collections, the Acts and subsidiary laws in force and kept up to date on a regular and continuing basis (ie a consolidated collection) and a static collection of the laws as they are passed (an “as-made” collection). These need to be separated to ensure that the inexperienced user does not consult an “as made” and probably out of date version of the law. The model used in Nauru, which puts the as-made collection in a less conspicuous position and includes a warning flag, is recommended (see Appendix 2).

5.6.7 *Home page and linkages for each title*

This feature is common to many legislation websites as it provides a means of presenting currency and status information about the item, administrative details, and links to versions of the item. Importantly, the home page for each individual Act can be used to flag and link to

any subsidiary legislation made under that title. It also provides the means of posting any warnings or notices about a particular item, ie if there are uncommenced provisions or if the item is subject to amendments proposed in a Bill before Parliament (an example of a home page appears in Appendix 2).

5.6.8 *Formats*

As mentioned in 3.4 dealing with technology, a basic drafting and publishing system based on Microsoft Word and Adobe PDF is proposed. The authorised online version for the consolidated in-force collection will be in PDF, generated from the source version created in Word using the new templates. For the as-made collection, the bulk of the collection will be scanned PDF images only but more recent titles already in Word (2007 onwards) could be PDF documents generated from the Word source document.

5.6.9 *Maori language*

The current process for Bills introduced into Parliament is to have a Maori version prepared by the interpreting staff at PS. There is no requirement to provide Maori versions of enacted legislation. However, it may be useful to have some significant items of legislation (both Acts and subsidiary legislation) available in Maori and these could also be published online in PDF in the same way as the English language versions, just from an extra selection on the home page (see Appendix 2).

5.6.10 *Search page*

The Search page should at least allow the user to full-text search within and across the different collections (in force, as made, historical) and limit the search within a year or chosen span of time. The user should be able to search for a term or phrase, either within text or within a title. A search limited to a particular Ministry or administrative unit would also be useful if the necessary metadata can be included in all documents (see Appendix 2).

5.6.11 *User manual*

A detailed manual explaining how to use the website, complete with screen shots, needs to be compiled to accompany the launch of the website.

5.6.12 *Website launch*

The website launch (proposed for mid-2015) will require publicity and training seminars.

5.7 Project management, structures, roles and tasks

5.7.1 Overall design

The project is intended to closely follow the project matrix used in the Nauru project, with necessary adaptations made for the local environment and in particular those associated with the proposed creation of permanent positions.

5.7.2 Management structure²⁸

The project sponsor should be the Prime Minister. The project should be managed from the CLO by the Crown Counsel (Legislative Drafter), (the Project Director), who leads a Project Team consisting of the external consultants and the Legal Publication Unit. The project should also operate under the overall guidance of a Coordinating Committee.

5.7.3 Coordinating Committee

The Committee should be drawn from the key stakeholder groups (see Appendix 3, figure 1). The Committee has a coordinating, guidance and monitoring role. It should receive progress reports from the Project Director and external Consultants, particularly as the scheduled events and milestones fall due (see 5.9) and meet at least quarterly to consider any milestone reports or exception reports, and review progress and expenditure generally. Quarterly reports should be provided to the Prime Minister as sponsor and to the development partner.

5.7.4 Consultative Committee and local participation

There is considerable interest among the local legal community about the project and some practitioners have private collections of consolidations or annotated copies of Finding Lists that may be of assistance to the project. It is recommended that a Consultative Committee be formed as a means of channelling information between the project team and the local user community and keeping them informed of progress. It is suggested that the local Law Society

²⁸ This section is based on the new unit being located in CLO. If the alternative option (see 5.2.4) to establish the unit within the Office of Prime Minister is chosen, the key responsibilities will shift accordingly but the CLO will remain a key stakeholder in the project.

and the Heads of Ministries Group be invited to participate in this way. The committee could meet, with the Legislative Drafter as chairperson, during the initiation phase and then periodically, for updates on progress and exposure to elements of the work in progress. The committee could also be involved in early testing activity.

5.7.5 *Consultant roles and tasks*

The core tasks of designing and building the ICT infrastructure will be the responsibility of the Document Management Consultant, possibly outsourcing some components, and it is recommended that a local ICT developer also be involved in the process in order to expand the options for the ongoing maintenance and development of the systems.

The core tasks of organising and completing the consolidation exercise will be the responsibility of the Consolidation Consultant, with assistance from the PS in the supply of printed material and with the assistance of the new positions in the CLO for the underlying consolidation tasks.

It is anticipated that the external consultants will undertake most of the work from home bases but up to three visits to Rarotonga should be factored into the project, mainly for training sessions but also for the critical events such as project initiation and design finalisation and for the system launch.

5.7.6 *Local staffing structure and roles*²⁹

The proposed legislative drafting and publishing unit within the CLO is perhaps best built on the Office's existing resources as it already has elements of those functions and some suitably skilled and experienced administrative/paralegal staff. However, a detailed training course covering legislative processes and publications and in how to use the associated programs and systems will be required and this should be provided by the external consultants, possibly with the assistance of the NZPCO. A further consideration is that the CLO is and is likely to

²⁹ This section is based on the new unit being located in CLO. If the alternative option (see 5.2.4) to establish the unit within the Office of Prime Minister is chosen, the key responsibilities will shift accordingly but the CLO will remain a key stakeholder in the project. There will also be an additional drafting position required.

remain a very small, multi-skilled and multi-tasking office and that the proposed new paralegal positions may well have to perform some additional core tasks of the office. An organisational chart showing the new positions and job descriptions appears in Appendix 3.

The proposed Crown Counsel (Legislative Drafter) should be an experienced senior legislative drafter and initially will probably have to be recruited from Australia or New Zealand. This position will be responsible to the Solicitor-General for the day-to-day carriage of the consolidation and online publishing project but should also take on significant drafting work personally as well as manage any drafting work being performed externally. An existing Crown Counsel position is proposed as an off-sider and understudy to the Legislative Drafter but would continue to undertake the other legal work of the Office under the direction of the Solicitor-General. This possibly reflects the current arrangement where one Counsel is already undertaking some drafting tasks. Similarly, the proposed Legal Publication Officer would undertake many of the existing tasks in preparing legislation performed in the CLO but with a greater emphasis on consolidation work and data management.

The Legal Publication Assistant is a necessary position to deal with the high volume of work during the early stages of the consolidation work but would be able to assist with other clerical support tasks in the CLO when the main project is completed. There may also be the need for some short-term temporary staff to assist with scanning, key-stroking and proofreading and an amount has been added to the budget for that purpose.

5.8 Equipment

The following equipment is likely to be required for the main project as well as for the ongoing work of the proposed new positions in the CLO. The Document Management Consultant should specify the details for ICT items, together with the server backup and webhosting arrangements, and confirm all prices, as a preliminary task for the project initiation and design stage.

- 1 server for the website
- 2 portable storage devices
- 3 desktop PCs with twin monitors, preloaded with Windows and Office 2010
- 1 multifunction device (scanner, printer, copier), duplexing and networked
- 1 desktop scanner

Adobe Acrobat Professional x 3

Office furniture for 3 staff (desks, chairs, storage cabinets etc).

5.9 Stages, steps and estimated time frames

It is estimated that the project will require full two years to complete if all the necessary project components and resources are in place. The following projections are based on the probably optimistic assumption that the necessary approvals, funding and resources are in place by 1 January 2014 but the time frames will obviously need to be adjusted in the event that these measures are not completed. The three main consolidation stages should overlap to some extent and priority consolidations and the ongoing maintenance of those titles could start in the initial months. A go-live date after 18 months is planned on the basis that all of the Acts should be completed by then and only subsidiary instruments will still be in the consolidation process and can be added progressively later.

Start/end dates	Description	Ref	End dates
2013			
June-December	Government endorsement of policy and project Funding approved, staff and consultants engaged Equipment purchased Legislative changes drafted	4.4, 4.5, 5.11 5.8 4.4	31/12/2013
2014			
January -March	First visit by external consultants, project initiation, audit of source materials, project design finalisation, training	5.3, 5.7	31/3/2014
March-June	Stage 1 Identification and collection of materials	5.4.1	30/6/2014
May-June	Legislation passed	4.4	30/6/2014
March-December	Document management, database and Website: systems build, test and train	5.4, 5.5	31/12/2014
June-July	Possible second visit by external consultants or defer to December 2014	5.7.5	31/7/2014

Start/end dates	Description	Ref	End dates
May 2014-June 2015	Stage 2 Data capture and quality control	5.5.2, 5.5.4, Appendix 1	30/6/2015
June 2014-December 2015	Stage 3 Consolidation and quality control	5.5.3, 5.5.4, Appendix 1	31/12/2015
2015			
January- June	Stage 2 Data capture and quality control continued	5.5.2, 5.5.4	30/6/2015
January-December	Database progressive loading	5.8	31/12/2015
January-December	Stage 3 Consolidation and quality control continued	5.5.3, 5.5.4	31/12/2015
July-August	Website launch, training and publicity Visit by external consultants	5.6.12, 5.9 5.7.5	31/8/2015
August-September	Draft Statute Law Revision Bill to remedy errors etc detected during project	3.2	30/9/2015
November-December	Project completion and review		31/12/2015
December	Complete Stage 3 (remaining, lower priority instruments consolidated) and upload	5.9	31/12/2015

5.10 Costing

These indicative costings (in New Zealand dollars) have been separated into the one-off costs associated with the project set up and the external consultants' fees, followed by the ongoing costs for the new positions to be established in the CLO. The costings, especially for the permanent staff salaries, will need to be reviewed and confirmed locally.

Component	Year 1	Year 2	Year 3
One-off costs			
Equipment as per 5.8	24,000	0	0
Consolidation Consultant	50,000	50,000	0
Document Management Consultant	125,000	75,000	0
Casual keystroking, proofreading staff	15,000	5,000	0
Travel and contingencies	21,000	13,000	0
Subtotal	235,000	143,000	0
Recurrent costs (permanent staff salaries)³⁰			
Crown Counsel (Legislative Drafter) ³¹	140,000	140,000	140,000
Legal Publication Officer	30,000	30,000	30,000
Legal Publication Assistant	20,000	20,000	20,000
Subtotal	190,000	190,000	190,000
Total	425,000	283,000	190,000

5.11 Source of funds

It is anticipated that the consolidation and online publishing components of the project will be funded by one of the major development partners for the Cook Islands. It is noted that NZAID funded the counterpart Nauru project and there may be some logical advantages and

³⁰ If the option for a separate unit in the Office of Prime Minister is chosen, an additional amount of \$80,000 could be required to increase the lead salary by \$20,000 and allow \$60,000 for an Assistant Legislative Counsel position. A minor increase of \$5,000 will be needed for equipment.

³¹ Salary shown includes accommodation allowance of \$20,000.

synergies in the same organisation supporting this project. However, the ongoing funding of the permanent staff will need to be addressed locally although it is likely that there will need to be some significant salary supplementation for the position of Legislative Drafter and this may need to be met externally, perhaps by approaching NZAID which has sector-based funding arrangements on a flexible basis.

5.12 External technical experts: waiver of tender process

As mentioned in 3.4 the Consolidation Consultant and the Document Management Consultant who conducted the recent Nauru project have indicated their availability to undertake the Cook Islands project. As these consultants were selected via an open tender process and as their satisfactory performance has been established, it is recommended that they be engaged again and that any need for a further tender process be waived.

5.13 Options

Alternative options for providing a consolidated Statute Book for the Cook Islands that is sustainable are very limited.

1. To do nothing is hardly an option given the current position is already extreme and the need for change clearly recognised and documented.
2. To increase the print-based resources at the PS (and reduce the charges) will not serve the growing demand for constantly up-to-date and online access to laws.
3. To do a one-off consolidation but without the permanent specialist staff in the public service to maintain the new online consolidation would result in it falling into obsolescence as soon as the first law is enacted post-consolidation and becoming another one-off product like the 1994 printed volumes and the Cook Islands will be back in the same position. This would be an enormous waste of time and resources, and should not be regarded as an option.
4. To outsource the task of one-off consolidation and its ongoing maintenance to a commercial publisher will be too costly and the Cook Islands will lose essential control of its own Statute Book and get no benefits in terms of local skills development.
5. The possible outsourcing of the task to a University-based organisation (ie PacLII) or

even possibly another jurisdiction is unlikely to be an acceptable proposition for the external organisation because of the time and resources it would require, plus the Cook Islands would suffer the same consequences as if it were outsourced to a commercial publisher.

5.14 Risk analysis and management

The proposed strategy of adopting most elements of the recent Nauru project minimises many of the risks associated with the proposed project but there are inevitably levels of risk associated with the local environment and with all multi-component projects.

Event	Probability	Impact	Mitigation strategy
Lack of high level project support from Government	Low	High	Maintain stakeholder pressure and publicity
Lack of substantive material support from Government	Med	High	Prospect of loss of project or failure
Lack of support from key stakeholders (PS and CLO)	Med	High	Provide adequate external support and resources
Lack of support from development partners	Low	High	Increase stakeholder pressure and publicity
Legal and technical issues causing delays	Low	Medium	Provide additional external support via NZPCO Pacific Desk
Budget over-runs	Medium	Medium	Stay within budgeted estimates and Coordinating Committee may need to redefine priorities
Difficulty recruiting suitable Legislative Drafter	Medium	High	Australasian Parliamentary Counsel's Committee to provide assistance locating and selecting suitable candidate and suitably attractive salary and conditions to be offered
Difficulty recruiting suitable clerical staff	Medium	High	Intensive training program and suitably attractive salaries to be provided

5.15 Benefits summary

The benefits flowing from the completion of the proposed project are clear and should prove to be highly visible and significant in terms of good governance and the administration of justice:

- Significant strengthening of the rule of law through making the law accessible and improving the coherence of the Statute Book
- free online access to Cook Islands legislation in keeping with best practice standards for public access to law and the achievement of a key objective in the current NSDP
- constantly consolidated legislation, both Acts and subsidiary legislation
- improved access to Bills and documents associated with the parliamentary process
- improved legislative drafting and, over time, an improved Statute Book
- long-term benefits and savings to the Government and the private sector provided by better law and access to law
- a relatively low cost, low risk and sustainable solution.

Part 6 Associated publishing matters

6.1 Introduction

This Part draws together matters that came to light during field work in Rarotonga and that have a close relationship with the proposed project. A separate report covering these and other organisational matters has been prepared for the PS.

6.2 Printing arrangements, paper records, and B5

6.2.1 *Print not copy*

The current arrangements for printing legislation depend on paper stocks of pamphlet copies. These take up considerable space on open shelves and are subject to deterioration or weather damage. The PS has a new multifunction device that once networked will be able to function as a printer rather than just as a copier. Bills and Explanatory Notes for printing for Members should be received from the CLO as PDF documents, saved on the PS server and then printed out on demand. Similarly, as legislation becomes digitised and available online, copies for Members or the library can be downloaded and printed as required. This will eliminate the need for storage and simplify disaster procedures as there will be no paper stock to be threatened by sea surges.

6.2.2 *Paper copies*

The need for paper copies of legislation in the Parliament should be reduced when the proposed project is complete. It is recommended that a very small number of paper copies be printed and bound in annual volumes, purely for library and archival purposes. For example, at the end of each year, two copies of all new legislation could be printed and bound in-house for the PS holdings and say four for free distribution to the Archives Office, National Library, Office of Prime Minister, and the Queen's Representative. For any casual purchases of printed legislation a copy charge based on cost recovery (just the paper and copy charge for the machine) is recommended.

There should be no real need to print out copies of consolidated legislation as it will be readily available online and printed copies on bookshelves are likely to fall out of date.

6.2.3 *B5 paper size*

Some printing done by the PS is still based on the smaller B5 paper size. This is not consistently observed as many of the publications are produced in the standard A4 size. B5 paper size is a legacy of traditional printing using industrial scale machines. This is no longer the case in most environments that now use standard office stationery (A4 paper) and copying equipment. The PS equipment is all A4 based so the operator has to manually cut down the finished job to B5 size and the paper off-cuts are wasted. Similarly, the equipment will not effectively twin stitch the smaller size so that the pamphlets have to be stapled by hand. There are no sound reasons to still produce B5 documents so the practice should cease, saving time and resources.

6.3 Parliamentary enhancements

The PS currently has a static website that provides some limited information about the Parliament but it needs to be developed to enable the PS to publish a range of Parliamentary documents in a dynamic way: Programs, Notice Papers, Hansard, Bills and Explanatory Notes etc. This need has been identified in a number of studies and will hopefully be addressed as a separate project at the same time as the legislation consolidation and online publishing project.

6.4 The Gazette

The Cook Islands Gazette was formerly compiled by the Office of the Prime Minister and then commercially printed and made available in the traditional manner. This arrangement ended many years ago and the Gazette is now compiled by the PS. Copies are not published but are retained in the PS in loose collections (they are held as bound books up to 2004, but the subsequent sets are loose in wrapped parcels). On rare occasions, usually associated with elections, particular Gazette issues are sought out by members of the public and provided as part of the PS printing and sales service. This is a far from an ideal situation as the Gazette should be more publicly available. The volume of material is not great and it would be simple process to make each issue of the Gazette available free online like any other Government publication.

The compilation and publication of the Gazette are more appropriately the responsibility of Government rather than the PS. As the Gazette contains mainly Government announcements and quasi-legislative documents it is probably more logically situated in the Office of the

Prime Minister or preferably in the CLO where it could be readily published on the proposed legislation website. In the meantime the Gazette could remain with the PS and be published on its website, when that has been sufficiently developed to publish documents. It was observed that notices for the Gazette are just reproduced as is, with a Gazette banner, dates and page details added manually as a paste-up. It would be a simple matter to have a Gazette template and insert the notice within it and then create a PDF for publication. There is no need to compile a paginated publication with volume numbers etc. Each notice can be a single issue with just the date and a unique name.

In any event, when the Cook Islands legislation is all consolidated and searchable, it would be a useful exercise to see what instruments are supposed to be published or notified in the Gazette by law and then reactivate the correct process where necessary.

Part 7 Conclusions and table of recommendations

7.1 Introduction

This part draws together the main findings from the study and provides a table of the key recommendations.

7.2 The problem

The Cook Islands has no effective means of providing access to its legislation. The only consolidated set of laws was published as printed volumes in 1994 and that has fallen completely out of date in the ensuing 19 years. Users of legislation, including Government and private sector lawyers, public service administrators, students and members of the general public have to consolidate their own legislation from the static collection of legislation as it is made, which is sold by the PS at fairly high prices. The only free online access is from PacLII and its collection is less than 50% complete and does not contain consolidations.

It is widely recognised that free online access is the most effective method of publishing legislation and traditional paper sales are dwindling everywhere as a result. The lack of any up-to-date Cook Islands legislation is a poor state of affairs for a relatively advanced and well-educated nation and the need for change has been recognised in the NSDP and a number of other reports.

The problem has its roots partly in the location of the agency providing access to the law being within the Parliament. That organisation does not have the specialist resources to consolidate and maintain legislation. It has remained in the role of being a traditional print shop and treats this as a source of revenue. The other underlying cause is the absence of a viable legislative drafting capacity within Government. That capacity is needed for a number of sound economic and good governance reasons, including the task of consolidating and maintaining the Statute Book on a long-term and sustainable basis.

7.3 The solution

Cook Islands law needs to be accessible and consolidated in an up-to-date form and free online, as is now the case in many counterpart jurisdictions. The solution needs to be proportionate and affordable, but also sustainable at the local level.

By way of pre-requisites, there needs to be a commitment to making legislation freely available online instead of the current monopolistic approach with the printed material. There are also some relatively minor legislative changes to be made to clarify the status of legislation and its organisational context. However, the major change required for a successful consolidation and publishing project is the commitment by Government to the establishment of a permanent specialist legislative drafting position and a small publication unit either within the Crown Law Office or the Office of Prime Minister. This is likely to be the only way that access to consolidated legislation can be maintained into the future and will also help develop some useful specialist skills at the local level. Significantly, a local legislative drafting resource should also prove to be beneficial in terms of cost and efficiency for the Government's legislative program and the overall state of the Cook Islands Statute Book.

The proposed consolidation and online publishing project is based on an affordable and successful project recently completed in Nauru that should be readily adaptable for the Cook Islands, especially given the current availability of the skilled and experienced personnel involved. However, it needs to be stressed that as with all highly specialised, small-scale projects and endeavours, ultimate success will depend on the calibre of the key personnel as well as the material commitment by Government.

There is a great deal of local support for and enthusiasm about the proposal and it is hoped that the support and long-term commitment of the Government and the necessary funding will be forthcoming.

7.4 Table of recommendations

The key recommendations appearing throughout the study are collected in the following table, with links to the text.

No	Recommendation	Ref
1A	The Government establish a specialist legislative drafting position and a publication unit within the CLO. <u>OR</u>	4.4
1B	The Government establish a specialist legislative drafting position and a publication unit within the Office of Prime Minister.	5.2.4
2	The Government make a clear commitment to providing free online access to legislative publications, in keeping with the spirit of the Montreal Declaration of 2003.	4.5
3	The provisions in the <i>Legislative Services Act 1968-69</i> relating to the printing, sale and distribution of legislation be removed and a Bill be prepared to clarify the proposed online distribution of legislation and the consolidation and ongoing maintenance of the Statute Book by the CLO/unit in OPM.	4.5
4	A project for a legislation consolidation process and online publishing system that is closely modelled on the recent project successfully implemented by the Republic of Nauru be endorsed, funded and commissioned.	3.4, Part 5
5	The project be managed by the CLO/unit in OPM, with the structure, roles and committees described in Part 5.7.	5.7
6	On the basis that a successful counterpart Nauru project was funded by NZAID, that organisation be approached as the preferred source of funds.	5.11
7	On the basis that the two external consultants for the successful Nauru project are available and have recently been engaged via an open tender process, any further tender requirement be waived.	5.12
8	A separate legislation website be developed, based on the Nauru model and with the features described in Part 5.6 and Appendix 2 to this report.	3.4, 5.6, Appendix 2
9	The website be mirrored on a Government Intranet when public sector ICT services have been centralised.	5.6.2
10	The PS website be developed to host Bills, Explanatory Notes and other Parliamentary documents (this is likely to be the subject of a separate study and funding bid).	3.5.3, 6.3

No	Recommendation	Ref
11	Iconic or widely used Acts and other instruments be translated into Maori language and included on the legislation website.	5.6.9
12	Document handling processes at the CLO and PS associated with the introduction and passage of Bills be streamlined and strengthened.	3.5
13	The PS abandon its revenue-based monopoly model for printed legislation and set a copy charge based on the number of pages that is no more than cost recovery for paper and copy charge for the machine.	2.2, 6.2
14	The Gazette be revived for its legislative and other government related functions and made readily available, including as a free online publication.	6.4
15	The legislation supply to PacLII be restored immediately and that a supply of complete data from the proposed consolidation and online publishing system be made available in due course and then maintained in a systematic way.	2.3, 5.5.6
16	A local software developer be engaged to assist the Document Management Consultant in the development of systems and the provision of ongoing maintenance.	5.7.5

Appendix 1 Consolidation processes: diagrams and tables

Digitisation Process I (All paper material)

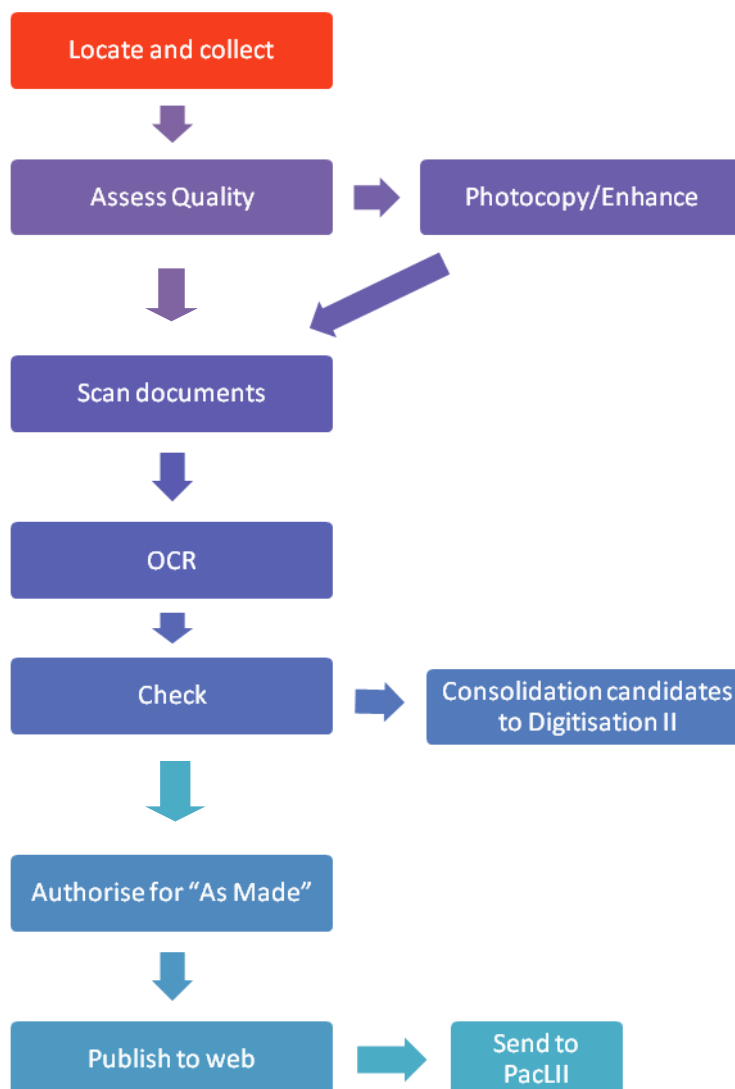


Figure 1

Digitisation Process II (Consolidation Material)

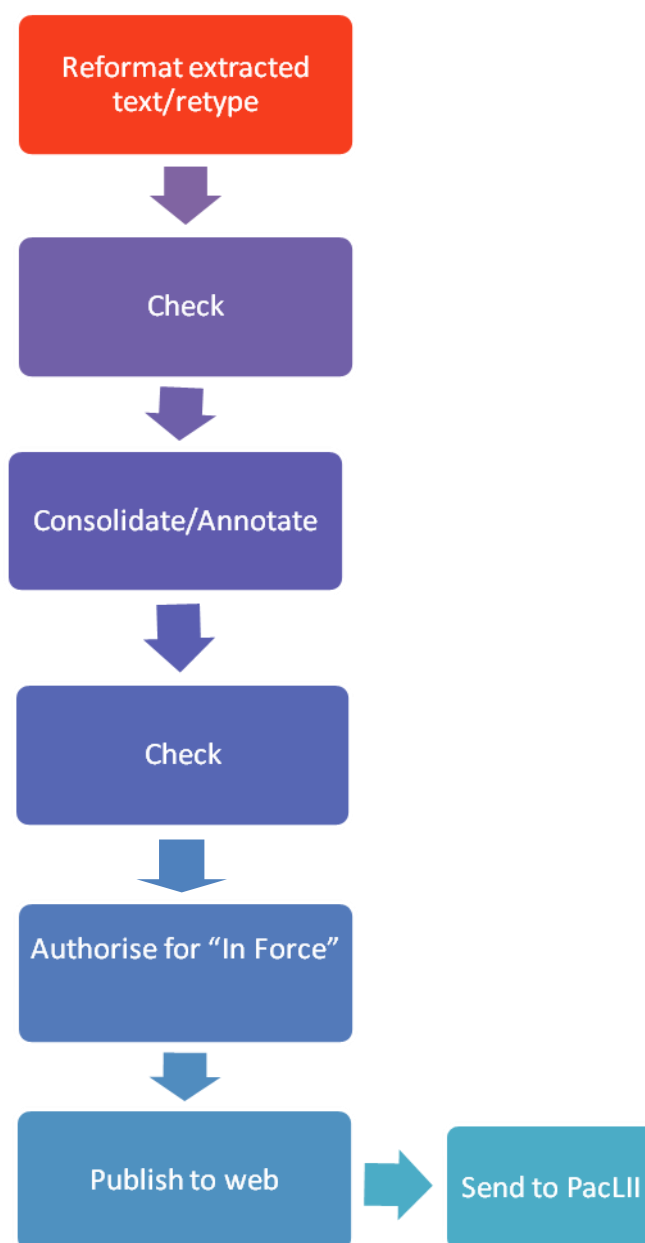


Figure 2

Table 1: Legislation most frequently used by CLO

Notes:

This list is based on one provided by the CLO, with additional high volume sellers reported by the PS. It is reproduced only to provide rough estimates of the size of the items, plus volume of amendments since the 1994 Consolidation.

Acts since 2007 are reported to be in electronic form (as Bills) so they should be easier to check and complete.

Short title	Pages	No of Ams
Crimes Act 1969 No 20	127	4
Judicature Act 1980-81 No 27	27	4
Constitution 1964 No 69	50?	8?
Criminal Procedure Act 1980-81 No 28	71	4
Criminal Justice Act 1967 No 7	14	1
Public Service Act 2009 No 12	29	0
Cook Islands Act 1915	?	4
Ministry of Finance and Economic Management 1995-96 No 21	19	1
PERCA Act 1995-96 No 15	16	0
Evidence Act 1968 No 4	15	2
Mutual Assistance in Criminal Matters Act 2003 No 12	25	2
Proceeds of Crime Act 2003 No 12	54	2
Financial Transactions Reporting Act 2004 No 6	30	1
Ministry of Health Act 1995-96 No 18	8	1
Cook Islands Labour and Industrial Ordinance 1964 No 1	?	1
Transport Act 1996 No 7	77	6
Narcotics and Misuse of Drugs Act 2004 No 17	67	1

Short title	Pages	No of Ams
Entry, Residence & Departure Act 1971-72 No 2	51	3
Gaming Act 1967 No 2	7	2
Income Tax 1997 No 12	89	16
International Companies Act 1981-82 No 26	237	6
International Trusts Act 1984 No 14	11	8
Prevention of Juvenile Crimes Act 1968 No 8	16	5
Te Aponga Uira o Tumutevarovaro 1991 No 17	11	4
Trustee Companies Act 1981-82 No 27	14	5
Value Added Tax Act 1997 No11	34	5
Sale of Liquor Act 1991-92 No 39	41	0

Table 2: Priority Acts Analysis

Notes:

A1 - Principal Acts in force and amended

A2 - Acts (or SL) amending A1 (unless amendments are so short it would be easier to key them in)

B - Principal Acts in force and not yet amended

C1 - Principal Acts repealed

C2 - Acts (or other instruments) amending C1

D - Appropriation and Supply Acts.

Priority	Available in paper only		Available in PDF		Available in Word		Total	
	Number	Pages	Number	Pages	Number	Pages	Number	Pages
A1								
A2								
B								
C1								
C2								
D								
Totals								

Table 3: Priority Subsidiary Legislation Analysis

Notes:

A1 - Principal SL in force and amended

A2 - SL (or Acts) amending A1 (unless amendments are so short it would be easier to key them in)

B - Principal SL in force and not yet amended

C1 - Principal SL repealed

C2 - SL (or Acts) amending C1

<u>Priority</u>	<u>Available in paper only</u>		<u>Available in PDF</u>		<u>Available in Word</u>		<u>Total</u>	
	<u>Number</u>	<u>Pages</u>	<u>Number</u>	<u>Pages</u>	<u>Number</u>	<u>Pages</u>	<u>Number</u>	<u>Pages</u>
<u>A1</u>								
<u>A2</u>								
<u>B</u>								
<u>C1</u>								
<u>C2</u>								
<u>Totals</u>								

Table 4: Analysis of individual Acts (chronological table)

Notes:

CP = Capture Priority (see Table 2)

PP = Number of pages

D = Availability in digital form (Y or N)

DF = Digital Format either PDF from PacLII or Word (W) from CLO

<u>Act No</u>	<u>Short title</u>	<u>CP</u>	<u>PP</u>	<u>D</u>	<u>DF</u>	<u>Remarks</u>

Table 5: Analysis of individual Subsidiary legislation (chronological table)

Notes:

CP = Capture Priority (see Table 2)

PP = Number of pages

D = Availability in digital form (Y or N)

DF = Digital Format either PDF from PacLII or Word (W) from CLO

SL No	Short title	CP	PP	D	DF	Remarks

Table 6: Consolidation Priority List - Acts in force and amended

Notes:

D = Available digitally in PDF or Word (W)

PP = Number of pages

C (D/S) = Consolidation, Done (D) or Started (S)

CQA = Consolidation quality assurance complete (Y)

A = Authorised (Y)

Act title	D	PP	C	CQA	A	Remarks

Table 7: Consolidation Priority List – Subsidiary legislation in force and amended

Notes:

D = Available digitally in PDF or Word (W)

PP = Number of pages

C (D/S) = Consolidation, Done (D) or Started (S)

CQA = Consolidation quality assurance complete (Y)

A = Authorised (Y)

Subsidiary legislation title	D	PP	C	CQA	A	Remarks

Appendix 2 Web design: sample pages

The following pages are based entirely on the [RONLAW](#) website and are reproduced with only minor modifications. Some pages contain Nauru content, so as to demonstrate the main features and design of the proposed Cook Islands legislation website from the user's perspective.

Some Nauruan features that are not on the drawing board for the Cook Islands at this stage have not been included in the pages (a Courts database and a Gazette database) but they could be added to the project in the future.

The permission of the Republic of Nauru to use the web pages in this way is greatly appreciated.

Cook Islands Legislation

www.legislation.cookislands.gov.ck



- Home
- Status of collections
- Constitution of the Cook Islands
- List of laws in force
- List of numbered Acts by year
- Parliament
- Government
- New Zealand legislation
- PacLII
- WorldLII

Browse Acts as currently in force (Last updated 18 March 2013)

By Year:

By letter: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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Browse Subsidiary legislation as currently in force (Last updated 18 March 2013)

18 March 2013)
By Year:

By letter: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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- [AERODROME \(ACQUISITION OF LAND\) ACT 1952](#)
- [AGRICULTURAL QUARANTINE ACT 1999](#)
- [ANIMALS ACT 1982](#)
- [ANTI MONEY LAUNDERING ACT 2008](#)
- [ANTIQUITIES ACT 1935](#)
- [APPEALS ACT 1972](#)
- [APPROPRIATION ACT 2012-2013](#)
- [ASYLUM SEEKERS \(REGIONAL PROCESSING CENTRE\) ACT 2012](#)
- [ATTACHMENT OF EARNINGS AND PHOSPHATE ROYALTIES ACT 1973](#)
- [AUDIT ACT 1973](#)

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Adoption of Children Act 1965

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PDF of Act	Adoption-as_in_force_from_2011-F.pdf (105.64Kb)
Maori translation of Act	Adoption-as_in_force_from_2011-F.pdf (105.64Kb)
Short title	Adoption of Children Act 1965
Status	In force
In force from	15 April 2011
Constituent Acts	<ul style="list-style-type: none"> • Adoption of Children Ordinance 1965 • Executive Council Ordinance 1966 • Ordinances Revision Ordinance 1967 • Family Court Act 1973 • Statute Law Revision Act 2011
Responsible ministers	Minister for Justice and Border Control
Responsible departments	Justice and Border Control
View related documents <ul style="list-style-type: none"> • Subsidiary legislation made under this Act 	

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REPUBLIC OF NAURU

Adoption of Children Act 1965

As in force from 15 April 2011

This compilation comprises Ordinance No. 2 of 1965 as amended and in force from 15 April 2011 (being, at the time the compilation was prepared on 17 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions. The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

[Cover page for updated Act from In Force collection Acts (Nauru content)]

Notes for Adoption of Children Act 1965

Tables of Constituent Legislation

Ordinances and Order

Citation	Number	Made	Gazettal	Commencement
Adoption of Children Ordinance 1965	1965/02	11.03.1965	15.03.1965	29.03.1965 (GN 52/1965)
Executive Council Ordinance 1966	1966/03	14.02.1966	17.02.1966	17.02.1966
Ordinances Revision Ordinance 1967	1967/25	29.12.1967	29.12.1967	29.12.1967 (GN 316/1967)
Adaptation of Laws Order 1969	GN 188/1969	09.10.1969	13.10.1969	31.01.1968

Acts

Short title	Number	Certification	Commencement
Family Court Act 1973*	1973/14	01.11.1973	03.10.1977 (GN No. 390/1977)
Statute Law Revision Act 2011	2011/08	15.04.2011	15.04.2011

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed
rs. = repealed and substituted om. = omitted os. = omitted and substituted

Provision affected	How affected
Section 1	Rs. by Act 2011/08
Section 2	Am. by Act 2011/08.
Section 3	Am. by GN 188/1969, Act 2011/08.
Section 4	Subs. (1) am. by GN 188/1969, Act 2011/08. Subs. (2) am. by GN 188/1969, Act 2011/08.
Section 5	Subs. (1) am. by GN 188/1969, Act 2011/08. Subs. (2) am. by GN 188/1969, Act 2011/08.
Section 6	Subs. (1) am. by GN 188/1969, Act 2011/08. Subs. (2) am. by GN 188/1969, Act 2011/08.
Section 7	Subs. (1) am. by GN 188/1969, Act 2011/08. Subs. (2) am. by GN 188/1969, Act 2011/08. Subs. (3) am. by GN 188/1969, Act 2011/08. Subs. (4) am. by GN 188/1969, Act 2011/08.

As in force from 15 April 2011

[Historical tables at end of in force Act (Nauru content)]



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PDF of Act	Legislation_Publication_Act_2011-M.pdf (59.38Kb)
Maori translation of Act	Legislation_Publication_Act_2011-M.pdf (59.38Kb)
Status	As passed
Act number	7 of 2011
Bill	Legislation Publication Bill 2011
Act type	Principal
Certification Date	15 April 2011
Commencement information	Commenced on 15 April 2011
Responsible ministers	President
Responsible departments	Not available
Amends/repeals/affects	None
View related documents <ul style="list-style-type: none">• Subsidiary legislation made under this Act	

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REPUBLIC OF NAURU

Legislation Publication Act 2011

Act No. 7 of 2011

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Police
Transport
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Nauru OPC 11 March 2013

Aerodrome (Acquisition of Land) Act 1952

Aerodrome (Acquisition of Land) Ordinance 1952 – 6/52 (principal)
Ordinances Revision Ordinance 1967 – 25/67 (repealed by 8/11)
Aerodrome (Acquisition of Land) Act 1968 – 9/68
Statute Law Revision Act 2011 – 8/11

Agricultural Quarantine Act 1999

Agricultural Quarantine Act 1999 – 5/99 (principal)
Interpretation (Consequential Amendments) Act 2011 – 18/11
Plant and Animal Quarantine Regulations 2004
Agricultural Quarantine (Animal Import) Regulations 2008

Animals Act 1982

Animals Act 1982 – 6/82 (principal)
Animals (Forms) Regulations 1982
Animals Regulations 2000
Animals (Amendment) Regulations 2008

Anti Money Laundering Act 2008

Anti Money Laundering Act 2008 – 13/08 (principal)

Antiquities Act 1935

Nauru Antiquities Ordinance 1935 – 3/35 (principal)
Executive Council Ordinance 1966 – 3/66 (repealed by 8/11)
Ordinances Revision Ordinance 1967 – 25/67 (repealed by 8/11)
Statute Law Revision Act 2011 – 8/11

Appeals Act 1972

Appeals Act 1972 – 1/72 (principal)
Appeals (Amendment) Act 1974 – 15/74
Appeals (Amendment) Act 1976 – 12/76
Statute Law Revision Act 2011 – 8/11
Appeal (Forms) Rules 1972
Appeals to the High Court (Legal Aid) Rules 1977

Attachment of Earnings & Phosphate Royalties Act 1973

Attachment of Earnings & Phosphate Royalties Act 1973 – 20/73 (principal)
Attachment of Earnings (Consolidated Attachment Orders) Rules 1974

Audit Act 1973

Audit Act 1973 – 17/73 (principal)
Director of Audit (Salary) Regulations 1977

Bank of Nauru Act 1976

Bank of Nauru Act 1976 – 17/76 (principal)

Banking Act 1975

Banking Act 1975 – 4/75 (principal)
Banking (Amendment) Act 1975 – 11/75
Banking (Amendment) Act 1977 – 5/77

[Sample page Alphabetical Index of Acts in Force showing amending Acts (Nauru content)]

Nauru OPC 7 February 2013

ACTS PASSED BY THE PARLIAMENT OF NAURU SINCE 1968

Act No	Title of Act	Date of Certification	Repeal/ amendment?
1968			
1 of 1968	Dangerous Drugs Act	09-04-1968	Repealed by 12/04
2 of 1968	Ordinances Repeal Act	09-04-1968	Repealed by 8/11
3 of 1968	Parliamentary Salaries and Allowances Act	14-06-1968	Repealed by 4/71
4 of 1968	Public Services Act	14-06-1968	Repealed by 5/98
5 of 1968	Supply Act	14-06-1968	6 of 1968
6 of 1968	Nauru Phosphate Royalties (Payment & Investment) Ordinance Amendment Act	12-07-1968	
7 of 1968	Registration of Shipping Act	12-07-1968	Amended by 8/11
8 of 1968	Nauru Housing Fund Supply Act	12-07-1968	Repealed by 8/11
9 of 1968	Aerodrome (Acquisition of Land) Act	16-10-1968	
10 of 1968	Public Service Act (No. 2)	16-10-1968	Repealed by 5/98
11 of 1968	Sporting Pools Act	16-10-1968	
12 of 1968	Superannuation Act	08-11-1968	
13 of 1968	Finance Act 1968-69	16-10-1968	
14 of 1968	Nauru Local Council Guarantee Act	08-11-1968	Repealed by 8/11
15 of 1968	None (Due to an error in printing the Act)		
16 of 1968	Phosphate Industry Finance Act	10-12-1968	Repealed by 8/11
1969			
1 of 1969	Nauru Phosphate Corporation Act	04-03-1969	Amended by 5/78 and 2/82; repealed by 3/05
2 of 1969	Finance Act (No. 2)	07-03-1969	
3 of 1969	Supply Act, 1969-70	20-06-1969	Repealed by 4/69
4 of 1969	Finance Act, 1969-70	22-08-1069	
5 of 1969	Salvage of Derelict Wreck Act	19-12-1969	Amended by 8/11

[Sample page Chronological Index of Acts passed showing amendments and repeals (Nauru content)]

Appendix 3 Organisation charts and job descriptions

Legislation Consolidation and Online Publishing Project Key Stakeholders



Figure 1

Organisational Chart

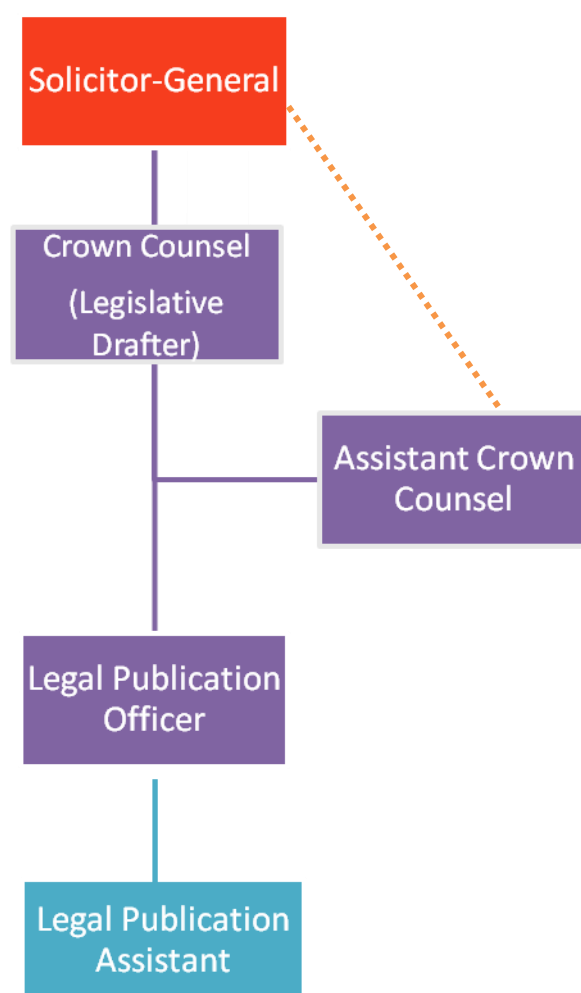


Figure 2



CROWN LAW OFFICE

Job Title: Crown Counsel (Legislative Drafter)	Department: Crown Law Office
Reports to: Solicitor-General	Job Grade:

Position Overview

The Crown Counsel (Legislative Drafter) is based in the Crown Law Office and is responsible to the Solicitor-General for the legislative drafting and related functions of that Office. In addition the position is responsible for the Legal Publication Unit and the consolidation, ongoing maintenance and accessibility of Cook Islands legislation.

Key Accountabilities and duties

- Draft legislation for introduction into Parliament or for making by the Executive Council.
- Draft amendments in committee required for the Parliamentary process.
- Provide advice on proposed legislation and on legislative processes.
- Manage the drafting of legislation being prepared externally.
- Supervise and train junior Crown Counsel in drafting work.
- Supervise and train the Legal Publication Officer.
- Manage the Legislation Consolidation and Online Publishing Project.
- Authorise legislation for online publication.

Selection Criteria

Essential

1. Legal qualifications from a recognised jurisdiction
2. Advanced written and oral communication skills
3. At least 5 years' experience in legislative drafting at a senior level
4. Demonstrated skill in managing drafting programs
5. Demonstrated skill in supervising legislative drafting
6. Demonstrated training skills
7. Well-developed knowledge of word processing technology and good keyboard skills
8. Understanding of statute law revision programs and processes
9. Understanding of legislative publishing processes and online technology

Desirable

1. Familiarity with project management methodology.
2. Understanding of the legislative processes of the Cook Islands or similar jurisdiction.



CROWN LAW OFFICE

Job Title: Legal Publication Officer	Department: Crown Law Office
Reports to: Crown Counsel (Legislative Drafter)	Job Grade:

Position Overview

The Legal Publication Officer is the team leader for the Legal Publication Unit. This unit is responsible for the management of the Legislation Database and Website. The unit also assists with the formatting, proofreading and preparation of legislative material, including Bills, Acts of Parliament and subsidiary legislation. The Unit is responsible for training users in the features and functions of the Legislation Database and Website. The Unit also acts as a contact with PacLII.

Key accountabilities and duties

The Legal Publication Officer reports to the Crown Counsel (Legislative Drafter) and has the following key accountabilities and duties:

- Ensuring that the Legislation Database and Website are kept up to date and accurate
- Keystroking, formatting and proofreading documents in accordance with Drafting Manuals and other guidelines
- Day-to-day supervision of the Legal Publication Unit
- Communicating with Parliament, Government departments and the public in relation to the Database and Website
- Communicating with PacLII and other organisations that need access to electronic versions of Cook Islands legislation
- Other tasks assigned by the Crown Counsel (Legislative Drafter).

Selection Criteria

Essential

1. Experience in working with IT systems (eg Microsoft Office)
2. Well-developed keyboard skills
3. Good written and oral communication skills
4. Ability to lead and work as part of a team
5. Ability to train users in new IT systems
6. Attention to detail

Desirable

1. Experience using document scanners
2. Experience in working with database systems
3. Familiarity with legislative process of Cook Islands



CROWN LAW OFFICE

Job Title: Legal Publication Assistant	Department: Crown Law Office
Reports to: Legal Publication Officer	Job Grade:

Position Overview

The Legal Publication Assistant is based in the Legal Publication Unit. This unit is responsible for the management of the Legislation Database and Website. The unit also assists with the formatting and preparation of legislative material, including Bills, Acts of Parliament and subsidiary legislation. The Unit is responsible for training users in the features and functions of the Legislation Database and Website. The Unit also acts as a contact with PaCLII.

Key accountabilities and duties

The Legal Publication Assistant reports to the Legal Publication Officer and has the following key accountabilities and duties:

- Managing data stored on the Legislation Database
- Scanning hard copy documents to be stored on the Legislation Database
- Keystroking, formatting and proofreading documents in accordance with Drafting Manuals and other guidelines
- Other tasks as assigned by the Legal Publication Officer and Legislative Drafter

Selection Criteria

Essential

1. Experience in working with IT systems (eg Microsoft Office)
2. Well-developed keyboard skills
3. Good written and oral communication skills
4. Ability to work as part of a team
5. Attention to detail

Desirable

1. Experience using document scanners
2. Experience in working with database systems
3. Familiarity with legislative process of Cook Islands

Appendix 4 Informants and contacts

Cook Islands Parliamentary Services

Nikki Rattle, Speaker

Tupuna Rakanui, Clerk of the Parliament

Paul Allsworth, Clerk of Committees

Ina Pierre, Finance and Corporate Manager

Isaac Solomona, Senior Editor

Tangi Mataio, Senior Finance Officer

Tepaeru Thompson, Legislation/Records Officer

Unuia Unia, Technical Support and Publications

Crown Law Office

Kim Saunders, Solicitor-General

Catherine Evans, Crown Counsel and Deputy Solicitor-General

Vai Taikakara, Legal Executive

Other Government

Tingika Elikana, Secretary, Ministry of Justice

Emma Ferguson, Cook Islands Technical Assistance Fund Manager,

Office of Public Service Commissioner

Hazel Kirkham, Consultant, Office of Public Service Commissioner

Katy Le Roy, Parliamentary Counsel, Republic of Nauru

Peter McHugh, Clerk of the Legislative Assembly, West Australian Parliament

Pua Hunter, ICT Director, Office of the Prime Minister

George Panaini, Archivist, Government Archives

Tauepa, Acting Cabinet Secretary, Department of Prime Minister and Cabinet

Russell Thomas, Public Service Commissioner

Odile Urirau, Library Officer, National Records and Information

Richard Wallace, Parliamentary Counsel, Parliamentary Counsel's Office, New Zealand

Tom Weston, QC, Chief Justice of the Cook Islands

Elizabeth Wright-Koteka, Chief of Staff, Prime Minister's Office

Private or non-Government

Tony Angelo, Professor of Law, Victoria University of Wellington New Zealand

Ravi Corea, ICT Consultant and Director, Link Asea Pty Ltd, Melbourne

Catherine Evans, President, Law Society

Lenore Hamilton, PacLII, Vanuatu

Tony Manarangi, Barrister and Solicitor

Brian Mason, Barrister and Solicitor, Mason PC

Jean Mason, Library Manager, Cook Islands Library and Museum Society

Michael C Mitchell, Barrister and Solicitor

Marvin Paquis, Photocopier Specialist, Cook Islands Printing Services Ltd

Graham Powell, Legislative Drafter, attached to Office of Public Services Commission

Calida Smylie, Reporter, Cook Islands News

John Tangi, former MP and Leader of the House.

Ano Tisam, Software Developer and CIO Whupi Ltd

Tangata Vainerere, CEO PLPG

Mathias Wittwer, Consultant, IT Division, HiTech Limited

Appendix 5 References

Cook Islands Country Report for 2011 PILON AGM.

Cook Islands Parliamentarians Induction Seminar 2011: Outcomes Statement.

Guide to Preparing Instructions for the Drafting of Legislation (as at 1 June 2012). CLO.

Interpretation Act 2011 (Nauru)

Laws of the Cook Islands 1994

Laws of the Cook Islands 1994-1997

Legislation Publication Act 2011 (Nauru)

Legislative Services Act 1968-69

Nauru Consolidation of Legislation and Development of Coordinated Systems for

Management of Legal Information Project. Project Design Document 2010 (and other project documentation)

Parliamentary Needs Assessment, Parliament of the Cook Islands-final report. Russell Chafer, House of Representatives, Canberra, January 2013.

“Plans for Cooks’ laws to go online” *Cook Islands News*, Wednesday 27 February 2013.

Report on Mapping Exercise for the Parliament of the Cook Islands. PLPG, December 2010.

Solicitor-General’s Legislative Drafting Directives for the Cook Islands (as at 1 June 2012). CLO.

Standing Orders of the Parliament of the Cook Islands

Statute Law Revision Act 2011 (Nauru)

The Cook Islands Laws: A finding list as at 19 April 2011. Compiled in the Faculty of Law, Victoria University of Wellington, by A H Angelo and N Stephens.

[*The Cook Islands National Sustainable Development Plan 2011-2015.*](#) Prepared by Elizabeth Wright-Koteka, Central Policy and Planning Office, Office of the Prime Minister, Cook Islands.

Don Colgiuri and Michael Rubacki, ‘[The long march: pen and paper drafting to e-publishing law](#)’ paper presented at the Conference of the Commonwealth Association of Legislative Counsel, Hong Kong, April 2009 and published in *The Loophole* [2010.2] 43.