

# SECOND READING SPEECH

## LEGISLATION PUBLICATION AMENDMENT BILL 2013

Lara Giddings MP  
Premier

I move – That the Bill now be read for the second time.

Mr Speaker, the Bill amends the *Legislation Publication Act 1996*, the *Rules Publication Act 1953* and the *Rules Publication Regulations 2008* to transfer responsibility for the custody of the following important records to the State Archivist -

1. original copies of Acts – that is Acts printed on vellum paper on which Royal Assent has been signified;
2. original copies of statutory rules – which include things such as regulations, by-laws, proclamations, notices and orders signed by the Governor-in-Council; and
3. original copies of rules made by Judges of the Supreme Court.

As Members would be aware, know once a Bill has been passed by both Houses of Parliament it must receive Royal Assent to become law. Royal Assent involves the Governor signing a copy of the original Act which has been printed on

special parchment, known as “vellum”. Following this the original Act is then sent to the Supreme Court for safe keeping.

This practice was originally set out in the *Acts Custody Act 1858* and is based on the customs of the Parliament of the United Kingdom. The practice of storing the original copies of Acts had actually commenced several years earlier and the Supreme Court hold vellums dating from 1833.

In Tasmania a decision was made to use the Supreme Court as a repository of the law. The Supreme Court was considered the most appropriate custodian of the law given its role in applying and interpreting the law. Also at that time there was no equivalent to the United Kingdom’s Public Records Office.

Similarly, once a statutory rule, for example a regulation has been finalised and signed by the Governor-in-Council the responsibility for storing the original copy of the regulation rests with the Chief Parliamentary Counsel. The rules made by Judges regarding the administration of court and court practices are also retained by the Supreme Court.

The reason for keeping the original copies of Acts, regulations and the rules made by Judges is that it is important to have an authoritative source of the law so that, in the event there is a dispute as to what the statute, regulation or rule might say, recourse may be had to the original document. I understand that there has been at least one occasion that the Tasmanian Supreme Court has called for the production of the original Act to verify the wording of a clause.

However, times move on. Tasmania has a State Archivist and a well-established Tasmanian Archives and Heritage Office. The Office has, in recent times, taken over responsibility for the preservation of many important historical documents such as old maps and early settlement records. These documents have been properly catalogues and digitised for ease of public access and some have formed the basis of public, including online, displays.

Over the years it has become increasingly impracticable for the Supreme Court to continue the storage of the original Acts because of a range of factors such as -

- adequate space;
- specialist preservation of these delicate paper records in the current storage environment;

- the ability to ensure security and create back-up copies;  
and
- the ability to provide public access.

Similar considerations apply to the current arrangements for statutory rules and rules made by the Judges.

Given all these issues and a request by the Chief Justice to look at alternative arrangements it has been agreed by the Supreme Court Registrar, the State Archivist and the Chief Parliamentary Counsel that the Tasmanian Archive and Heritage Office should take over custody of all past and future Acts, statutory rules and rules made by the Judges of the Supreme Court.

This will ensure the ongoing preservation of these records and enhance access arrangements to the original copies.

This Bill makes a number of amendments to current legislative instruments to provide for this change in practice.

As I mentioned earlier, the proposed changes have been supported by all the relevant stakeholders and it is with pleasure I commend the Bill to the House.