

*Oifig an Ard-Aigbne*

THE OFFICE OF THE ATTORNEY GENERAL



GOVERNMENT OF IRELAND

## Value for Money and Policy Review

### Maintenance of the electronic Irish Statute Book (eISB)

February, 2009

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## Executive Summary

This Report is a review of the maintenance of the electronic Irish Statute Book (eISB) that has been conducted under the provisions of the Value for Money and Policy Review (VFMPR) Initiative.

The Value for Money and Policy Review Initiative (formerly the Expenditure Review Initiative) was launched in 1997 and forms part of the modernisation of public administration in Ireland under the Strategic Management Initiative. Its basic aims are to analyse the efficiency and effectiveness of Government programmes, to assess the achievement of value for money, reaffirm the continuing justification of the allocation of public money to the programmes and consider the potential for efficiency and cost savings. The initiative was renamed "Value for Money and Policy Review Initiative" in May 2006.

The Core Review Team (the team) in this Review comprised

- Colm Dunne, Project Manager, Director, Epsilon Consulting;
- Fiona Carroll, Lead Evaluator, Assistant Parliamentary Counsel;
- Gerry Matthews, Systems Analyst, IT Unit;
- Muireann Dempsey, Systems Librarian, Library and Know-how Unit.

The evaluation criteria for the Review were as follows:

- identify the objectives of the eISB;
- examine their current validity and their compatibility with the strategy of the Office;
- define the Project outputs and identify their level and trend;
- examine the extent to which the objectives have been achieved, and assess the causes of any ineffectiveness;
- identify the level and trend of costs and resources to determine the efficiency with which the Project has achieved its objectives;
- evaluate the degree to which the objectives warrant the allocation of public funding on a current and ongoing basis and to examine the scope for alternative policies;
- specify potential future performance indicators that might be used better to monitor the performance of the Project.

The conclusions for each of the above criteria are shown at the end of each of the relevant Chapters and are brought together in a Conclusions and Recommendations Table in Chapter 6.

### Main Highlights

The eISB is concerned with the electronic publishing through a website and CD ROM (CD) of Statutes (Acts), Statutory Instruments and the Legislation Directory (formerly known as the Chronological Tables).<sup>1</sup> The eISB serves the needs of the Attorney General, the Office of the Attorney General (AGO), other Departments and Offices, the legal profession and the public. It also satisfies Ireland's contribution to EUR-Lex.

None of the original content of the eISB is produced by the AGO. The Acts are now available electronically in XML format from the Parliamentary Workbench Content Management System (PWB) in the Houses of the Oireachtas. The electronic Statutory

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<sup>1</sup> The Chronological Tables of the Statutes were renamed the Legislation Directory by the Law Reform Commission, which took over responsibility for their production in 2007. For ease of reference, the term Legislation Directory will be used throughout this Review including for the pre-2007 period.

Instruments System (eSIS) produces electronic Statutory Instruments in XML and PDF format and the Legislation Directory is now produced by the Law Reform Commission.

The production of the eISB by the Office originated on the initiative of the then Attorney General in 1996. On a number of occasions since 2002, the Office has voiced its concerns that it has neither the remit nor the resources to take ultimate responsibility for the production of the eISB. The Review finds that an alternative responsible body or Office with the appropriate resources and competencies should be found for the production and maintenance of the eISB in consultation with the Department of the Taoiseach, the Office of the Attorney General, the Office of the Houses of the Oireachtas, the Government Supplies Agency (GSA) and the Law Reform Commission. Nonetheless, the AGO will continue, subject to availability of resources, to produce the eISB and publish it online as it currently does, with every effort made to bring it up to date with the addition of Acts, Statutory Instruments and the Legislation Directory, in as timely a manner as possible. It will do so until such time as the most appropriate strategic owner, who can develop functionality and enhance the system, is identified and takes up the role.

The estimated cost of supporting the eISB during the Review period (2001 to 2006) was €1.76 million excluding VAT. This covers staff, external inputs and information technology expenditure. No permanent staff are assigned to the work but significant time is devoted to the project by some members of the IT Unit, Library and Know-How Unit, the Office of the Parliamentary Counsel to the Government (OPC) and senior management. A further €394,000 was spent in 2007 and €350,000 in 2008.

The updates to the eISB are produced at irregular intervals. The accuracy and frequency of update of the eISB during the Review period did not meet the standards desired by the main users.

There have been important recent improvements in the technological basis for producing the eISB. The availability of the statutes in XML format since 2004 from the Offices of the Houses of the Oireachtas has increased the level of accuracy and the efficiency of production of the statutes. A system for the electronic production of Statutory Instruments was successfully piloted in early 2007 and is now fully operational following a Government decision on 19<sup>th</sup> June 2007. The Legislation Directory is now the responsibility of the Law Reform Commission and a system to produce the Directory electronically is currently being investigated.

Some data errors were identified in the eISB in 2006 arising from an erroneous hyper-linking process. These errors have since been corrected. Responses to a questionnaire issued in November 2006 for the Review indicate that there is a good level of satisfaction with the current product. Nonetheless, the level and quality of functionality could be improved. The Office, on its own, is not capable of increasing the standard of output to the level demanded. The recent improvements further support the view that the production of the eISB is essentially a legislation publishing exercise beyond the core competency of the Office.

A comparison was made with the arrangements in place for production of the equivalent product in the United Kingdom jurisdictions (England, Scotland, Wales, Northern Ireland) and in British Columbia, Canada. This pointed to opportunities for a higher standard of output and better use of technology. In all these jurisdictions, the government printer has the lead responsibility for producing the electronic statutes. A Government branch or agency with legal and drafting experience in many EU states is responsible for publishing the legislation.

## Main Recommendations

There should be a single official website of the Acts, Statutory Instruments, Legislation Directory, Restatements and translations into Irish where available. Consideration should be given to extending the content of the eISB to include material such as explanatory notes and relevant parliamentary debates.<sup>2</sup> The functionality of the eISB requires review and improvement. Technological solutions for the standards of accuracy and frequency of output should be established. A separate budget line and fulltime resources should be allocated to eISB activity, which should be regarded as a legislation publishing exercise. A small set of performance indicators covering content accuracy, frequency of update and user satisfaction should be used to monitor the quality of output.

The Office of the Attorney General is no longer responsible for any of the original content of the eISB. The production of the eISB has become a legislation publishing exercise for which the AGO is not the most appropriate strategic owner. The resources of the Office are fully consumed in carrying out its core functions and it is therefore unable to develop the eISB in the manner recommended by this Review.

The Office does not, however, advocate the establishment of a new agency to fulfil this role. It is recommended the Department of the Taoiseach convene a Group to determine the appropriate Agency to develop the eISB in the longer-term. In the absence of an immediate sponsor and in the light of the views expressed by the stakeholders<sup>3</sup>, the AGO will continue, subject to availability of resources, to produce the eISB and publish it online as it currently does, with every effort made to bring it up to date with the addition of Acts, Statutory Instruments and the Legislation Directory in as timely a manner as possible. It will do so until such time as the most appropriate strategic owner, who can develop functionality and enhance the system to the standard set out in the Conclusions and Recommendations in Chapter 6, is identified and takes up the role.

The eISB should continue to serve as the primary free source of Irish legislation to the EU N-Lex Project.

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<sup>2</sup> The AGO does not have any responsibility or control over Parliamentary Debates. Dáil and Seanad Debates are currently published incrementally by the Office of the Houses of the Oireachtas throughout each sitting day.

<sup>3</sup> In this context and at paragraphs 2.20, 2.22 and in Chapter 6, 'stakeholders' mean the Department of the Taoiseach, the Law Reform Commission, the Office of the Houses of the Oireachtas, the Department of Finance and the Government Supplies Agency. In other contexts 'stakeholders' or 'external stakeholders' mean users of the eISB.

# 1. Introduction

## The Office of the Attorney General

1.1. The Attorney General is the legal adviser to the Government and a constitutional officer.

1.2. The mission statement of the Office of the Attorney General (the Office) is to provide the highest standard of professional legal services to Government, Departments and Offices. The clients of the Attorney General and of his Office are the executive branch of Government, that is to say the Government as a whole, its individual members and the Departments they head. Because of the doctrine of the separation of powers, the Attorney General does not, as a general rule, furnish legal advice to other branches of Government, i.e. the legislative or judicial branches, or to the President. Nor does the Attorney General furnish legal advice to members of the public. By virtue of Article 30.1 of the Constitution and Section 6 of the Ministers and Secretaries Act 1924 and the ninth part of the schedule to that Act, the Attorney General has control and responsibility for the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office.

1.3. The main functions of the Office are:

- To provide legal advice to Government, Departments and Offices.
- To draft legislation.
- To provide litigation services.
- To provide solicitor services, including conveyancing and other transactional services.

1.4. The role of the Office, including all its officers, is to assist and advise the Attorney General in carrying out the functions of advising Government and in performing the functions specifically conferred by the Constitution and legislation.

## The eISB

1.5. The 'Irish Statute Book' is the unofficial term for the body of statute law which encompasses primary legislation and consists of the Acts of the Oireachtas. The term includes secondary or delegated legislation known as Statutory Instruments and also the Legislation Directory (formerly known as the Chronological Tables) of the Statutes. The Legislation Directory details whether a statutory provision (for example a section in an Act) has been amended or affected in any way. A Directory indicating the amendments to secondary legislation is not prepared. Thus the 'Irish Statute Book' (ISB) has three components: Acts of the Oireachtas, Statutory Instruments (SIs) and the Legislation Directory. The electronic Irish Statute Book (eISB) is the electronic version of the ISB. The eISB produced by the Office currently exists in two formats, an online web version which is now updated periodically and a Compact Disc (CD) which is not updated as frequently.

## History

1.6. Traditionally the Office of the Attorney General produced the Legislation Directory in hard copy format in various annual supplements which covered 1922 to the end of 1988, by what was then known as the Office of the Parliamentary Draftsman, now the Office of the Parliamentary Counsel to the Government. Although kept up to date internally for the benefit of the Office, it was not until 1995 that the Directory was updated again, in paper

format. During that time the Office had no involvement in the publishing of legislation, primary or secondary, in any way.

1.7. In 1996, the then Attorney General directed that the Office compile and make available an electronic version of the Irish Statute Book. In February 1998 the Report of the Review Group of the Law Offices of the State adopted by the Government concluded that the Statute Book should be as accessible as possible to all users. In December 1998 the Office published the Irish Statute Book 1922-1997, excluding the Legislation Directory, on CD with the stated objective of making the Statute Book readily accessible to all users, whether Government Departments and Offices, the legal profession, the education sector, the business community or the public.

1.8. While the Office continued to update the Legislation Directory, it was only available to Office staff on an internal Lotus Notes database. A second updated version of the CD was made available in August 1999 which included the Legislation Directory up to 1998 and a third CD was published in 2002 that contained Acts, Statutory Instruments and the Legislation Directory to 2001. A fourth CD was produced in July 2008 containing the Acts to 2007, Statutory Instruments to mid-2005 and the Legislation Directory up to 2005. The CD was circulated to all Government Departments and Offices and some Government Agencies.

1.9. The first website version that included the Legislation Directory was released in November 2002 along with the Acts and Statutory Instruments for 1922-2001. This release constituted the first online publication of the electronic Irish Statute Book (eISB) in its current form and brought the online content in line with the CD data.

1.10. In December 2004 the Office published an update to the online statute book to add Acts, Statutory Instruments and the Legislation Directory up to 2003.

1.11. In August 2006, the Office published an online update comprising the Acts to the end of 2005, Statutory Instruments to number 350 of 2005 and the Legislation Directory to the Statutes to the end of 2004.

1.12. The eISB website was redesigned to comply with Public Service Guidelines on web accessibility and usability and this update went live in March 2007.

1.13. In December 2007 the eISB was updated with the Acts for 2006 and the Legislation Directory for 2005. The Acts for 2007 were published in July 2008, followed in August 2008 by the first 12 Acts for 2008. The Acts (13 to 17) for 2008 were published in October 2008. The responsibility for the updating of the Legislation Directory was accepted by the Law Reform Commission from 2007 for legislation enacted from 2006 onwards.

1.14. The original capture of the 1922-1998 dataset involved the scanning and processing into electronic text of the hard copy Acts and Statutory Instruments. From 1999 onwards the method used to capture original content was changed to "double-keying" which involved the re-keying of the original hard copies twice and a comparison process to ensure accuracy. Since 2004 the Acts have been available electronically in XML format from the Parliamentary Workbench Content Management System (PWB) in the Houses of the Oireachtas. The electronic Statutory Instruments System (eSIS) has produced electronic Statutory Instruments in XML and PDF format from 2007.

1.15. The AGO is undertaking a project to publish these eSI XML files and the missing Statutory Instruments from No. 351 of 2005 onwards. In the meantime, the 2007 and 2008 Statutory Instruments are available in PDF format. The 607 electronic SIs for 2008, as well as 695 (out of a total of 869) for 2007 are published in PDF format along with the

first 12 SIs for 2009 and are available from a link on the eISB home page. Acts 18 to 22 of 2008 are also to be included in the eISB website update.

1.16. There are a number of differences between the two eISB published formats, as shown in Box 1.

**Box 1 – Differences between eISB CD and Website.**

CD	Website
<p><b>Content</b></p> <p>eISB CD contains Acts 1922-2007, Statutory Instruments 1922- number 350 of 2005 and Legislation Directory 1922-2005</p>	<p>eISB website contains Acts 1922-2008, Statutory Instruments 1922- number 350 of 2005 and Legislation Directory 1922-2005. There is a link to the Statutory Instruments produced in PDF format through the eSI System for 2007, 2008 and 2009.</p>
<p><b>Functionality</b></p> <p>CD offers more added-value in terms of its functionality, including:</p> <ul style="list-style-type: none"> <li>• advanced searching facility</li> <li>• additional and more flexible printing options</li> <li>• additional viewing options</li> <li>• an option for users to customize the CD on their desktop, for example, in relation to viewing and printing</li> </ul>	<p>Current functionality on the web is more limited:</p> <ul style="list-style-type: none"> <li>• phrase searching for exact legal phrases not possible</li> <li>• poor printing options</li> <li>• navigation less sophisticated</li> </ul>

1.17. The eISB users are Government Departments and Offices, the legal profession, the education sector, the business community and the public, domestic and worldwide.

## Value for Money Reviews

1.18. The Public Service Management Act 1997 and the Comptroller and Auditor General (Amendment) Act 1993 set the background for Value for Money Reviews (VFMRs). The initiative was renamed the "Value for Money and Policy Review Initiative" in May 2006. The objectives of a VFMPR review are to analyse Exchequer spending in a systematic manner and to provide a basis on which more informed decisions can be made. It is one of a range of modernisation initiatives aimed at moving public sector management away from the traditional focus on inputs to concentrate more on the achievement of results.

1.19. The aims of the reviews of programmes are

- *to provide a systematic analysis of what is actually being achieved by expenditure in each programme; and*
- *to provide a basis on which more informed decisions can be made on priorities within and between expenditure programmes.*

The review process involves examining objectives, considering the extent to which these objectives remain valid and warrant resource allocation on the current and planned scale, and checking how far objectives have been achieved and how efficiently this has been done.

## **Objectives of the VFMR**

1.20. This is the third VFMR to be undertaken in the Office of the Attorney General.

1.21. The overall objective of this Review is to consider the value for money derived from current arrangements for the maintenance of the eISB, the continued need for the eISB and what changes might be made to improve the organisation of the maintenance of the eISB.

1.22. More specifically, the Terms of Reference for the Review were based on a standard template for all reviews carried out under the VFMR initiative with appropriate modifications and were notified to the Expenditure Review Central Steering Committee (ERCSC). The Terms were to:

- identify the objectives of the Project;
- examine their current validity and their compatibility with the strategy of the Office;
- define the Project outputs and identify their level and trend;
- examine the extent to which the objectives have been achieved, and assess the causes of any ineffectiveness;
- identify the level and trend of costs and resources to determine the efficiency with which the Project has achieved its objectives;
- evaluate the degree to which the objectives warrant the allocation of public funding on a current and ongoing basis and to examine the scope for alternative policies;
- specify potential future performance indicators that might be used to better monitor the performance of the Project.

## **Scope of the Review**

1.23. The Review examined expenditure on the Project between 2001 and 2006. The full cost of the eISB project for this period is estimated at €1,755,974. A further €394,000 was spent in 2007 and €350,000 in 2008.

## **Approach**

1.24. This Report was drafted under the guidance of the Steering Committee which met on a total of six occasions between March 2006 and October 2008.

1.25. The Steering Committee comprised

- Pat O'Sullivan, Chairperson, Head of Administration;
- Colm Dunne, Project Manager, Director Epsilon Consulting;
- Fiona Carroll, Lead Evaluator, Assistant Parliamentary Counsel;
- Gerry Matthews, Systems Analyst, IT Unit;
- Muireann Dempsey, Systems Librarian, Library and Know-how Unit;
- AnneMarie Flynn, Secretary, former Private Secretary to the Director General;
- Joseph Brady, Professional Accountant; and
- Paul Gibney, Head of Change Management Unit.

1.26. A separate Working Group (the Core Review team) was formed comprising Fiona Carroll, Muireann Dempsey, Gerry Matthews and Colm Dunne which was actively involved in the drafting process. This team met on 18 occasions.

1.27. The approach adopted to evaluate the efficiency and effectiveness of the eISB Project comprised a number of activities, namely:

- the collation, research and analysis of information and data within the Office, including income and activity data for the period 2001 to 2006;
- the review of the strategic objectives, internal management and annual business plans for that period and assessment of performance;
- the launch of a survey by the compilation of a detailed questionnaire designed to elicit effectiveness and efficiency feedback from all our stakeholders, the analysis and evaluation of the survey and the presentation of the findings, in order to highlight the key data from the analysis including strengths, comparisons and priority issues,
- the examination of comparable systems in similar legislative jurisdictions in order to assess current legislative publishing environments to form a basis for compiling recommendations for change and/or improvement.

1.28. Relevant documents detailing the origin of the Project were considered. The files of the Statute Law Revision Unit (SLRU), the Information Technology Unit and the Reports and Minutes of the electronic Irish Statute Book Group within the Office were also considered. Data on the expenditure was extracted from the accounting records of the period under review and from underlying systems. A detailed questionnaire was devised in order to conduct a survey to determine customer satisfaction and the results of that survey were analysed.

1.29. Consultations were held with relevant AGO personnel and officials involved with the electronic publishing of legislation. In order to assess and determine the scope for making recommendations for the future, it was also necessary to consider comparative systems used elsewhere. (See para 1.32)

1.30. A public survey was launched by issuing a questionnaire on the website of the Office in November 2006. The questionnaire was specifically designed to find out about the eISB user community and obtain independent external views on aspects of efficiency and effectiveness of the current eISB output. The questionnaire was also sent to mailing lists of library discussion lists<sup>4</sup>, and to Assistant Secretaries of Departments and Offices and selected law firms. One of the reasons for this targeting was to try to reach those who used the CD exclusively and not the web. The fact that the questionnaire was issued on the website meant that it reached every web user during the exposure period. There was no equivalent way of targeting all known CD users. Accordingly, it was impossible to avoid some element of sample bias and it is not possible to isolate the degree of bias in the questionnaire results. We do not believe this negates the use of the questionnaire results in the review.

1.31. A total of 330 replies was received which is considered to be a sufficient basis to draw observations for the purposes of the review. 304 replies were received in respect of the web version and 79 replies were received in respect of the CD version. This may reflect the relative usage of the eISB outputs. The full results of the questionnaire are presented in Appendix 4. Extracts from the questionnaire results are also presented in the relevant chapters.

1.32. Website research was conducted to establish the approach to the public provision of the Statute Book in the United Kingdom. Information on the arrangements for

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<sup>4</sup> *The Library Association of Ireland, Irish Section of the British and Irish Association of Law Librarians, Government Library Section of the Library Association of Ireland*

electronic printing of legislative information in British Columbia, Canada was received from the Queen's Printer for the Government of the Province of British Columbia, Canada.

## **Format of the Report**

1.33. The remainder of the Report is organised in five Chapters covering the expenditure review objectives.

- Chapter 2 examines the rationale and continued relevance of the eISB project by studying its objectives;
- Chapter 3 considers the inputs and outputs of the eISB project;
- Chapter 4 outlines the current impact of the availability of the eISB and considers an alternative approach to providing this information in another jurisdiction;
- Chapter 5 proposes a small set of performance indicators suitable to monitor the project going forward; and
- Chapter 6 outlines the Conclusions and Recommendations.

The Report is supported by 5 Appendices.

## 2. Rationale and Continued Relevance

### Introduction

2.1. This Chapter is divided into three parts. The first part identifies and examines the origin, original objective and perceived benefits of the eISB Project. The second part assesses the continuing relevance of the eISB. Finally, the Chapter examines the compatibility of the project with the overall strategic objectives of the Office, discusses the issue of the governance of the eISB and formulates a conclusion.

### 1. ORIGINAL RATIONALE

#### Origin

2.2. In 1996, the then Attorney General Mr Dermot Gleeson S.C. decided that a project should be put in place to seek to have the Irish statutes published in 'electronic form'. A number of factors supported his decision:

- There was an increasing interest in the electronic publication of legal materials, both in Ireland and in the European Union;
- The 'information society' was emerging. In November 1995, IBEC called for the Government to make 'all Government publications, essentially all documentation that can be purchased at the Government Publications Sales Office' (including Acts and Statutory Instruments) available online at a charge not greater than the printed version';<sup>5</sup>
- The Taoiseach had initiated a review of the Office of the Attorney General.<sup>6</sup> The Review Group noted that work on the Legislation Directory had fallen into arrears since 1987. This situation was remedied and by 1996 the Office had updated and published a hard copy version of the Directory (1922 to 1995). The subject index was still however out of date.

2.3. There was no Irish publication purporting to be a comprehensive statement of the law, unlike the position in the U.K. (Halsburys Laws of England and Wales) and a number of other jurisdictions where properly indexed, digested and edited editions of statute law were available. In Northern Ireland, the Statute Law Revision Committee had twice (in the 1940s and 1980s) re-published chronologically all the statutes in force. The hard copies of the Irish statutes were made available in annual volumes or in individual loose-leaf format. The post-1922 statutes alone took up approximately 15 feet of shelf space. Access to them and to the statutory instruments was very limited unless one had access to a good law library. The problem of access was twofold, the physical laying of hands on a document but also ascertaining what legislation was actually relevant. The lack of a subject index was seen as a serious issue and the desire for some form of coherent Statute Book with an imposed order was evident. All those interviewed in support of the Leith review on this subject were adamant that the situation was untenable.<sup>7</sup>

2.4. Under section 51 of the Copyright Act 1963 (No.10 of 1963) and section 168 of the Industrial and Commercial Property (Protection) Act 1927 (No.16 of 1927), the copyright in Irish legislation belonged to the Government for a period of 50 years from the date of first publication. Efforts were made to secure the ability and right to publish the legislation electronically and in March 1997 the Government consented to the reproduction of these materials in any medium (printed, electronic and microfilm) free of

<sup>5</sup> *Electronic Information and Transactions – A Call to Government, IBEC Nov 1995.*

<sup>6</sup> *Report of Review group on Office of the Attorney General January 1995*

<sup>7</sup> *Dr Phillip Leith, The Communication of Legislative Information in Ireland, December 1996.*  
[http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1997\\_2/leith1](http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1997_2/leith1)

charge. As a result of the Copyright and Related Rights Act 2000 (No.28 of 2000) copyright is now vested in the Oireachtas. This removed an impediment to publishing legislation on the internet.

### **Original objective for the eISB**

2.5. The principal objective of the eISB project was driven by the perception that easy availability of the law to the public should be a basic public service (that is, a public good). The legal system imputes knowledge of all laws to those within its jurisdiction. This assumes that the laws in question have been properly published and distributed in accordance with whatever convention exists to do so. Up to 1996, to satisfy this convention, the State relied solely on making hard copy legislation available for sale to the public through the Government Publications outlet.

2.6. The aim of improvement in the publication of law (and therefore its accessibility to the public) is documented in correspondence from the mid-1990s. In April 1996, the Attorney General wrote to the Taoiseach<sup>8</sup> and expressed his views about 'promulgation of the law'.

*"The position is much worse now than in the middle of the last century. The State makes a lot of law and operates on the basis that ignorance on the part of a citizen is no defence. It does virtually nothing however to make the laws known... We should put the Statutes on the Internet. The purpose of this letter is to invite your consideration for the proposal that the State should no longer treat the Statutes as something which should only be republished by the State. I think there would be a symbolic significance as well; the idea that people can readily access recent legislation would I think be attractive."*

2.7. The Taoiseach formally agreed with the sentiments expressed by the Attorney General<sup>9</sup> and the result was the continuation of a project that had been initiated within the Office and which has evolved into the 'eISB'. The State was beginning to undergo an 'electronic transition' and evident in the emergence of this was a failure up to that time, for any other source to produce a comprehensive electronic version of the statutes. The intervention by the Attorney General as a result of this failure was an opportune reaction.

2.8. The original implicit objective of the eISB can be stated in simple terms as "to improve public access to the statutes of the State by electronic means".

### **Perceived benefits of the eISB**

2.9. There were perceived benefits to electronic publishing<sup>10</sup> for a number of key stakeholders, as listed below:

#### *Benefits to the Office of the Attorney General:*

- to provide e-searchable access to the Statute Book;
- to facilitate the location of precedents relevant to the preparation of particular drafts of legislation;
- to assist Parliamentary Counsel to draft consolidated legislation.

#### *Benefits to Government Departments and Offices, the Government Supplies Agency (GSA), legal practitioners and the public:*

- to provide e-searchable access to the Statute Book;
- to reduce their need to hold paper stocks;

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<sup>8</sup> Letter 2/04/1996 Dermot Gleeson S.C. Attorney General to the Taoiseach

<sup>9</sup> Letter 3/04/1996 Private Secretary to the Taoiseach to Dermot Gleeson S.C. Attorney General

<sup>10</sup> AGO Working Group Dec 1995.

- to facilitate the reproduction of official versions of the Statutes for production in, and reliance upon by, a court of justice; (see para 3.26)
- to assist Departments and Offices to prepare consolidated legislation;
- to enable the GSA to print, publish and make available to the public on demand an official bilingual version of any Irish Statute enacted since 1922 in order to discharge any statutory duty or other legal obligation in that regard.

2.10. In response to the initiative of the Attorney General in 1996, the Office engaged consultants who were experts in the area of electronic publishing. Due to the inaccessibility of the materials, the original initiative for electronic publishing of the statutes was limited to post-1922 legislation. The preparation of an up to date subject index was fully explored but it was felt that it would be extremely resource intensive (and therefore beyond the available resources of the Office) and that the powerful search facilities available on the CD would provide an effective substitute. The proposal to produce a revised or annotated set of Statutes was not proceeded with due to the inordinate amount of time the project would take, the resources needed and the prohibitive cost.

## 2. CONTINUING RELEVANCE

### The current benefits

#### *Benefits to stakeholders*

2.11. In the survey conducted for this review, the views of respondents on the current benefits (usefulness) of the service were sought. The responses are summarised below.

#### **Box 2: Continuing benefit of the eISB**

Survey question 7: How useful is the eISB website or CD for your purposes? Please select one answer only from each column as appropriate.		
Number of questionnaire respondents	304	79
	eISB website	eISB CD
(a) Essential	44%	27%
(b) Very useful	46%	14%
(c) Useful	9%	9%
(d) Could manage without it	1%	27%
(e) Not useful	0%	9%
No reply to the question	0%	14%
<b>Total</b>	<b>100%</b>	<b>100%</b>

2.12. The survey response clearly shows that 90% of website users and 41% of CD users consider the service to be either "very useful" or "essential". The low percentage for CD users may arise from those who use both the website and CD. 23% of survey respondents indicated they used both forms of output. The working group consider that this analysis confirms that the eISB continues to perform a valued public service and meets the objective of being a "public good".

2.13. All beneficiary groups continue to rely on the eISB on a daily, weekly or monthly basis. The survey conducted for this review confirms this. In particular, electronic access to up to date legislation is vital for the work of the Office of the Parliamentary Counsel. One of the obvious requirements for the accurate drafting of legislation is the capacity to ascertain the current status of the law. Similarly, Advisory Counsel within the AGO benefit enormously from the availability of the eISB as do public servants within the

Chief State Solicitor's Office, the Office of the Director for Public Prosecutions and other public servants involved in the administration and development of the law. The web server usage statistics also confirm a relatively high use of the web version of the eISB by international visitors.

#### *European Union perspective*

2.14. The introduction of online EU legislation resources began in 1998 with the Celex and EUR-Lex databases. These were merged in 2004 into the current freely available EUR-Lex database which is the official database for EU law containing the Official Journal, legislation in force and consolidated texts. Recent developments include N-Lex which seeks to provide a common access portal to national law across all EU member states and future developments include better access from EUR-Lex to national implementation measures. The eISB project contributes to these European level initiatives.

#### *Continuing need for the Legislation Directory*

2.15. The Legislation Directory was not originally part of the eISB but was included in the first Web release. In the absence of a fully revised set of Statutes, it is impossible to ascertain what amendments are in existence without this Directory. The Office has prepared or supervised the preparation of the Directory since the foundation of the State and its inclusion in the eISB was considered essential. It was a priority, in the absence of revised Statutes, that the effects of changes to legislation be readily accessible to the Office for its daily work. Nothing in the external environment has altered the demand for the availability of the Legislation Directory within the eISB and it remains an essential component.

### **Better Regulation Agenda**

2.16. In 2002, the necessity to make the Statute Book more coherent and accessible was emphasised in *Towards Better Regulation*<sup>11</sup>, published by the Department of the Taoiseach. The report drew attention to the lack of consolidated or revised legislation, but noted that access to legislation 'had been made easier in recent years'. In January 2004, the Government White Paper *Regulating Better*<sup>12</sup>, also published by the Department of the Taoiseach set out six principles of Better Regulation. Under the principles of 'necessity' and 'transparency', the AGO in co-operation with Departments and Offices was given the task of ensuring 'greater accessibility' of legislation and the 'further development of a web-based service to allow citizens full electronic access to legislation...'

### **eLegislation**

2.17. The overall eLegislation project is the electronic streamlining of the lifecycle process of legislation from initial drafting to enactment or commencement.<sup>13</sup> Examples of completed eLegislation projects include the Parliamentary Workbench Content Management System (PWB) in the Houses of the Oireachtas and the standard document format for electronic interconnectivity (known as Document Template Definitions or DTDs) for Acts and Statutory Instruments. These standard formats were developed by both the Houses of the Oireachtas and the Office of the Attorney General with the co-operation of various Departments. A system for the electronic production of Statutory Instruments (eSIS) is now fully operational following a Government decision on 19<sup>th</sup> June 2007.

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<sup>11</sup> [www.betterregulation.ie](http://www.betterregulation.ie)

<sup>12</sup> [www.betterregulation.ie](http://www.betterregulation.ie)

<sup>13</sup> *This is how the AGO interprets eLegislation, there is no standard agreed definition*

### 3. COMPATIBILITY WITH AGO STRATEGY

#### Statements of Strategy

2.18. In the 1999-2002 AGO Statement of Strategy, one of the five key objectives was 'to contribute to effective public service by encouraging and assisting in the co-ordination of the legal services of the State'. The strategy to *"continue to publish the Statutes and Statutory Instruments on CD-ROM and the Internet"* was listed as one activity contributing to this key objective. The planned addition of the Legislation Directory to the internet and CD was noted in the 2003-2005 Statement of Strategy.

2.19. In the Statements of Strategy (2006-2008 and 2008-2010), one of the strategies of the Office of the Parliamentary Counsel is *"to contribute to the ongoing process of making the Acts of the Oireachtas more accessible and easier to produce"*. The 2008-2010 Statement includes a performance indicator of *"participating in collaborative initiatives that promote accessibility and coherence of the eISB"*. The AGO is not in a position to prioritise the function of producing and improving the eISB as a primary goal or strategy. The current performance indicator recognises that the Office is only one of several contributing stakeholders to the eISB and is consistent with the opinion of the AGO that it is not exclusively responsible for the eISB.

2.20. The role of the AGO is to give legal advice to and draft legislation for the Government. This is a role that must remain its overriding priority and has become more demanding over time. There is no spare capacity for the AGO to take on the job of producing the enhanced eISB that is now desired. (Paras 3.25, 3.36) The initiative taken to produce the eISB combined with the emerging demand from external stakeholders, from the EU and the more recent Better Regulation Agenda, confirms that the continued availability of the eISB is an important public good. The nature of this activity however has changed since the mid-1990s to the extent that the Office no longer produces any of the original data content for the eISB. The production of the eISB (as outlined in later Chapters of this Report) has become a legislation publishing exercise for which the AGO is not the most appropriate strategic owner. There is a lack of consensus in relation to which appropriate body should assume authority for the eISB and it is clear that its future production will be an inter-departmental collaborative project. In the meantime, the AGO will, subject to availability of resources, continue to update and upgrade the eISB. The AGO will engage further with stakeholders<sup>14</sup>, Offices and Departments to discuss a revised approach but does not consider that it is the appropriate future leader of this project.

#### Conclusions

2.21. The original objective of the eISB continues to reflect the common good purpose "to improve public access to the statutes of the State by electronic means". The original perceived benefits have been borne out by the high satisfaction rate demonstrated by the survey results. All beneficiary groups continue to rely on the eISB on a daily, weekly or monthly basis.

2.22. The need for the eISB, and its use, has evolved to cover a wide group of stakeholders that now extends beyond professionals working in the production of legislation and the legal environment to society at large. This is reflected in recent developments in the Better Regulation agenda, eLegislation and developments elsewhere in the European Union. This evolution and the survey results confirm the continuing

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<sup>14</sup> See footnote 3, page 3

relevance of the eISB objectives, the need for its maintenance but more importantly, its improvement.

2.23 Successive Statements of Strategy for the Office have correctly positioned the production of the eISB as a non-core activity of the Office of the Attorney General. The Office no longer produces any of the original data content for the eISB. The production of the eISB has become a legal publishing exercise for which the AGO is not the most appropriate strategic owner. In the absence of an immediate sponsor and in the light of the views expressed by the stakeholders<sup>15</sup>, the AGO will continue, subject to availability of resources, to produce the eISB and publish it online as it currently does, with every effort made to keep it up to date with Acts, Statutory Instruments and the Legislation Directory in as timely a manner as possible. It will do so until such time as the most appropriate strategic owner, who can develop functionality and enhance the system to the standard, set out in the Conclusions and Recommendations in Chapter 6, is identified and takes up the role.

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<sup>15</sup> See footnote 3, page 3

### 3. Outputs Produced and Resources Consumed

#### Introduction

3.1 This Chapter is concerned with the outputs of the eISB and the resources used to produce these outputs. The outputs to date are summarised, and management and operational issues with the production of the outputs are analysed. The resources consumed to produce the eISB are then compiled and analysed.

#### eISB OUTPUTS

3.2 The outputs of the eISB are summarised in the Box below

#### Box 3 – Outputs of eISB

Date	Web	CD
<b>Period prior to the review</b>		
December 1998	Statutes published with limited functionality on the Office website in 1998	Release 1 - Acts 1922-1997
August 1999		Release 2 – Acts/SI/Legislation Directory (1922-1998)
September 2000	Acts/SI 1922-1998 (excluding Legislation Directory)	
<b>Period covered by the review</b>		
November 2002	Acts/SI/Legislation Directory (1922-2001)	Release 3 – Acts/SI/Legislation Directory (1922-2001)
December 2004	Acts/SI/Legislation Directory (1922-2003)	
August 2006	Acts 1922-2005 SI 1922- No 350 of 2005 Legislation Directory 1922-2004	
<b>Period post review</b>		
December 2007	Acts 1922-2006 SI 1922- No 350 of 2005 Legislation Directory 1922-2005	
July 2008	Acts 1922-2007	Release 4 – Acts 1922-2007 SI 1922- No 350 of 2005 Legislation Directory 1922-2005
August 2008	Acts 1922-2008 (Acts 1-12 of 2008)	
October 2008	Acts 2008 (Acts 13-17 of 2008)	

#### Analysis of attributes of Output

#### Volume and content of output

3.3 Issues concerning the volume and content of output are the Statute Law Revision Project (Pre-1922 legislation), the need for an overhaul of the Legislation Directory, the Restatement Programme underway in the Law Reform Commission, the positioning of the Irish language in the eISB and the connectivity with the EU N-Lex project.

### *Statute Law Revision Project (Pre-1922 Legislation)*

3.4 The current eISB database contains the text of all of the Public and Private Acts from 1922 to 2008 (to Act 17 of 2008) and all the SIs from 1922 to No. 350 of 2005.<sup>16</sup> When the project was initiated it was decided to restrict the content of the eISB to the post-1922 legislation due to the inaccessibility of some of the earlier legislation and the need to re-key a significant amount of text.

3.5 In relation to the current situation regarding the pre-1922 Statutes, the policy of the Government is that all of the public general statutes which survived the enactment of the Statute Law Revision Act 2007 (i.e. the pre-1922 public general Statutes that continue to be in force) will be repealed in a rolling programme of repeal and re-enactment. It is hoped therefore that all such pre-1922 legislation will eventually be repealed, any necessary provisions of that legislation having been re-enacted in modern up to date form. Pending the completion of this repeal and re-enactment process, which realistically will take many years to achieve, consideration should be given to making the limited number of such public general statutes which remain in force electronically available.

### *Need for overhaul of the Legislation Directory*

3.6 The Legislation Directory details the amendments to the Statutes. Their production was managed under the supervision of the Office of the Parliamentary Counsel until the Law Reform Commission (LRC) took over responsibility in 2007 for the preparation of the Directory from 2006 onwards. As long as the policy of the Government is to continue to publish the Acts without initiating a project to consolidate them, it is essential that the work involved in preparing this Directory continues. The Directory is due a substantial review, both in relation to content and format, having been in existence in its current format since long before the foundation of the State. In July 2008, the LRC published a Consultation Paper<sup>17</sup> as part of a review carried out in relation to the Directory. That paper is intended to provide a focus for public discussion on how the Directory can best serve its user base in terms of content provision and accessibility. The LRC also wished to share its initial views in relation to its future plans.

### *The Restatement Programme*

3.7 The Statute Law (Restatement) Act 2002 enables the Attorney General to make available and certify updated versions of Acts in a readable form. Restatements contain all the amendments that have been made to an Act since it came into force. The certified version can then be presented in a single text. This is an innovative and modern method of displaying Acts which may have been amended many times over a considerable number of years. Variations on this concept already operate very effectively in other common law jurisdictions such as Canada and Australia.

3.8 These Restatements do not alter the law in any way. They combine Acts and their amendments in a reader-friendly up-to-date version. They can however be cited in court as *prima facie* evidence of the law set out in them. Four Restatements were prepared by the AGO and made available on the Office website under the heading of Statute Law Revision. The model used most closely resembled procedures implemented in New South Wales in 1972. The Law Reform Commission took over over the function of preparing Restatements pursuant to a Government decision of May 2006. A Consultation Paper was published in July 2007<sup>18</sup> and the Statute Law Restatement Report was subsequently published in July 2008<sup>19</sup>.

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<sup>16</sup> See para 1.15 re availability of SIs in PDF format

<sup>17</sup> LRC CP 49 - 2008

<sup>18</sup> LRC CP 45 - 2007

<sup>19</sup> LRC 91 - 2008

3.9 These Restatement texts are prepared by a combination of consulting the Acts and the Legislation Directory, relying on both the hard copy versions for authenticity and the electronic versions for ease of reference and reproduction. The Law Reform Commission has decided to undertake a First Programme of Restatement covering the period July 2008 to December 2009, which includes 45 Acts and 6 groups of Acts. The LRC have stated that they will seek to arrange for the online publication of Restatements with the custodian of the eISB. The AGO agrees that Restatements should be included on the eISB.

#### *Irish language version*

3.10 The eISB includes Irish language versions of Acts which were passed in the first official language (Irish) or in both official languages (Irish and English). Translations into Irish of Acts passed in English only are not included on the website, although they may be included on the Houses of the Oireachtas website (<http://www.achtanna.ie>)

#### *Connectivity with EU N-Lex project*

3.11 N-Lex is a common access portal for sources of national law currently being developed by the EU Publications Office. The objective of this project is the development of a single harmonised multilingual search interface that will facilitate access to legislation across the European Union. The eISB website is the source database for Ireland. The N-Lex project requires member states to provide electronic access to legislation on a non-fee basis. The site is currently available on an experimental basis at <http://eur-lex.europa.eu/n-lex/>.

3.12 The eISB is currently connected to the EU N-Lex service by way of HTTP connectors. In order to maximise the search and retrieval interface and functionality of the N-Lex system it has been recommended by the EU Office of Publications that future connectivity be facilitated by the implementation of web-services. It would be efficient to perform this work in parallel with any future update of the eISB data or functionality.

#### **Timeliness of production of output**

3.13 During the Review period there were a number of issues affecting the timely publishing of legislation online namely

- availability of data;
- conversion of the data into electronic format;
- processing of the captured data to provide added value functionality such as indexing and the application of hyper-links to allow easier and more effective navigation;
- frequency of update.

3.14 It has not been possible to update the legislation on the website as regularly as desired or as needed with the limited level of resources available to the Office, and due to the issues in relation to the availability and accessibility of the data. The eSIS system for the delivery of electronic Statutory Instruments and the availability of the Primary Legislation in XML format, through the Oireachtas PWB system, has transformed the publication process.

#### *Availability of the data*

3.15 The original source of the Acts and Statutory Instruments was the hard printed copy available from the Government Supplies Agency. This was the method needed for sourcing Statutory Instruments prior to the implementation of the electronic Statutory

Instrument System (eSIS) in 2007. The resources needed in sourcing and collating a full set of Statutory Instruments for any particular period were quite high.

3.16 The production of the Legislation Directory was previously outsourced on a preceding year basis. Specialist indexers used the hard printed copy of an Act and Statutory Instrument as the source material. Each indexer entered data directly to a replica of the master database held in the AGO. The last update using this system was for the 2005 Directory. The LRC is now responsible for updating the Directory for Statutes passed from 2006 onwards.

#### *Conversion of the data into electronic format*

3.17 The original capture of the 1922-1998 dataset involved the scanning and processing into electronic text of the hard copy Acts and Statutory Instruments. From 1999 onwards the method to capture original content was changed to “double-keying” which involved the re-keying of the original hard copies twice and a comparison process to ensure accuracy. Since 2004 the Acts have been available electronically in XML (eXtensible Markup Language) format from the PWB system in the Houses of the Oireachtas. This system ensures the integrity of the data as it is processed through various amendments.

3.18 The difficulties in sourcing a complete set of Statutory Instruments for any given year and the high volume of Statutory Instruments produced yearly has contributed to the high cost of re-keying the hard copy into electronic format.

3.19 In April 2005, the Director General of the Attorney General’s Office requested the Better Regulation Group<sup>20</sup> to co-ordinate an arrangement which required all Statutory Instruments to be produced and supplied in a standard XML format. The Implementation Group of Secretaries General established a High Level Group to examine options to allow for the production of Statutory Instruments in suitable electronic format to facilitate more timely and accurate updating of the online Irish Statute Book. The High Level Group consisted of representatives from across the main Departments and Offices as well as the Government Supplies Agency and the Houses of the Oireachtas.

3.20 A pilot project was established to deliver the Statutory Instruments in electronic format back to Departments and Offices for publication. This project led to a Government decision in June 2007 to approve production of all Statutory Instruments in this way, known as eSIS – electronic Statutory Instrument System. One of the benefits of this process is the delivery of an XML format Statutory Instrument for incorporation into the eISB. The new process solves a fundamental problem with the publishing of Statutory Instruments by negating the need for re-keying data and facilitates the more timely publishing of this legislation. The work of the Group highlighted the need for, and the benefits of, close cross-agency co-operation in the area of electronic legislation publication.

#### *Processing of the captured electronic format*

3.21 The electronic data is processed to deliver added value functionality including search facilities and cross reference hyper-linking within the data. All new Acts and Statutory Instruments must be indexed to allow for fast searching. All references to other Acts or Statutory Instruments as well as references to sections within Acts must be identified and hyper-links added. A process of quality assurance in relation to accuracy is also required to ensure that the integrity of the data is not compromised during the processing involved in implementing any value added functionality. These activities affect the timely updating of the outputs.

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<sup>20</sup> Letter to Philip Kelly, Department of the Taoiseach 29 April 2005

*Frequency of update*

3.22 It is clear from the table of outputs that the updating of both the website and the CD occurs at infrequent intervals every few years. Accordingly, the eISB in its current form is out of date at any given point in time, in relation to all three components, Acts, Statutory Instruments and the Legislation Directory. The eISB is not a 'live' website with daily updating, however there is scope to improve the frequency of updates with source data in XML format now available from the relevant systems.

3.23 The survey conducted for the review sought the views of respondents on how often the eISB should be updated. The results are shown below.

**Box 4 Survey question 11**

<b>11. How often do you think the eISB website should be updated?</b> Please select one answer only.	
Total questionnaire responses received	304
	Responses
(a) Constant updating (as soon as new legislation is available)	73%
(b) Weekly (as soon as new legislation is available)	08%
(c) Monthly (as soon as new legislation is available)	08%
(d) Quarterly (as soon as new legislation is available)	03%
(e) Yearly	00%
(f) Other – please give details in the comments box at question 15	01%
No answer to this question	07%
<b>Total</b>	<b>100%</b>

**Box 5 – Survey question 12**

<b>12. How often do you think the eISB CD should be produced?</b> Please select one answer only	
Total questionnaire responses received	79
	Responses
(a) Quarterly (as soon as new legislation is available)	19%
(b) Yearly (as soon as new legislation is available)	18%
(c) Other (Please give details in the comments box at question 15)	02%
(d) I don't believe there is a need for a CD	37%
No answer to this question	24%
<b>Total</b>	<b>100%</b>

3.24 The responses to the questionnaire clearly show a high demand for a more frequently updated eISB than is currently provided. The questionnaire also shows that there is considerably less demand for the CD which is interesting as it has higher user functionality than the website. This finding however is known to be subject to a degree of sample bias in the questionnaire responses.

3.25 In terms of the overall timeliness of production, there is a clear message that user expectations are not met by the current production arrangements.

## Quality of Output

### *Authenticity of the output*

3.26 *Prima facie* evidence of Acts and Statutory Instruments may be given in Court by production of a paper copy produced by the Government Publications Sales Office (formerly known as the Stationery Office) or, in the case of Statutory Instruments, by the production of Iris Oifigúil containing the Statutory Instrument in question (Documentary Evidence Act 1925 (No. 24 of 1925) sections 2, 3 and 4). While very few jurisdictions have confirmed that the electronic version may be considered an official version, anecdotal evidence suggests that reliance on the eISB in court is in fact commonplace. Despite any such informal reliance, a judge can insist on the production of official hard copies. It would require primary legislation to change these rules so as to allow the electronic version to be judicially noticed in court. Before such a change in the law could happen it would be essential to proofread the entire database. This is not contemplated at present but should be considered as a suitable topic for future development. There are also significant technical implications (for example, the security of the data) that would need to be addressed if the current position were to be changed.

### *Accuracy of the output*

3.27 The original capture of the 1922-1998 dataset, through the scanning and processing of the hard copy Acts and Statutory Instruments into electronic text, included accuracy checks to detect the errors that can occur during the scanning process. However, errors can also occur during the processing of the scanned data. The “double-keying” method in use since 1999 (para 3.17), has a potential data accuracy level of 99.995%. Since 2004 the Acts have been available electronically in XML format from the PWB system in the Houses of the Oireachtas. This system ensures the integrity of the data as it is processed through various amendments and offers a 100% accuracy level. The electronic Statutory Instrument System (eSIS) delivers an electronic Statutory Instrument in XML format that can be used by the eISB. This will benefit the production of the eISB by ensuring a 100% accuracy level as with the electronic Acts. The missing statutory instruments (351 to 926 for 2005 and 1 to 911 for 2006) needed to be double-keyed and the AGO is currently arranging for the publication of these SIs.

3.28 Until late 2007 there was an informal procedure for the management of errors which was time consuming and labour intensive. The procedure was performed to the extent made possible by the allocated resources. The absence of sufficient resources means there are no official policies in place to ensure, for example, a centralised system for the notification of eISB errors by users of the eISB, the verification and collation of errors, the verification of the correction of errors and the monitoring and tracking of errors. An internal eISB project team is addressing this issue and in late 2007, as a first step, a database for the collation of notified errors was developed.

3.29 The original CD publication (1922–1998) involved the scanning of the data and its conversion into digital format. This process led to quite a few typographical errors that have been corrected as they have been reported to the Office. A proof-reading exercise of the entire data-set would be required to eliminate these errors completely. Subsequent capture of data by employing a double-keying process has improved accuracy. The production of legislation through a standards based authoring system to digitally capture content at source ensures that these typographical conversions are not repeated.

### *Section data error in 2006*

3.30 In August 2006, the Office published an update to the web version comprising the Acts to the end of 2005, SIs to No. 350 of 2005 and the Legislation Directory to the end of 2004. During the update process, it was noted that a systematic 'section data error' error had occurred on a selection of the data for the period 1922 to 1998. This was caused by the insertion of hyperlinks (direct clickable links to referenced parts of an Act or S.I.) during the process of publishing the CD version of the eISB in 1999. No such section data errors were located in post 1998 data. The Office commissioned an external Legal Publishing company, Thomson Round Hall, to directly amend the electronic text. This project was completed in October 2007.

### *Other errors*

3.31 Errors in the eISB (as distinct from the section data error described above) are notified to the Office or to the eISB Helpdesk by AGO staff and by external users of the eISB. These errors may be divided into two types: errors in the legislative content (Acts and SIs) and errors in the Legislation Directory.

3.32 The procedure for the correction of an error in the legislative content is as follows:

- The text of the electronic version and the official hard copy legislation are compared in order to verify the error. Verified errors are corrected, however those errors which appear on the official Government Publications Sales Office version are not corrected on the electronic version.
- Details of errors were previously entered on a spreadsheet. Since October 2007 a database is used to record all errors notified. The errors continue to be sent for correction to the publishers of the eISB together with the official hard copy legislation, for comparison purposes.

3.33 The procedure for correction of an error in the Legislation Directory prior to the transfer of responsibility to the LRC was as follows:

- errors were emailed to the indexing team for correction,
- corrections were made to the Lotus Notes database,
- the corrected database was included in the subsequent web update.

Errors in the legislative content and Directory on the CD cannot be corrected until there is a new CD release.

3.34 The preparation of the Legislation Directory is an exercise involving the examination and interpretation of amending legislation. It was carried out by a team of contract Indexers (Barristers from the Law Library) employed by the AGO prior to the handover of responsibility to the Law Reform Commission. The possibility existed of data being incorrectly entered, incorrectly amended, overlooked or misinterpreted. Errors cannot be easily identified from viewing the data. A re-checking of the legislative text of the amendment in question itself would have to be undertaken in order for the mistake to come to light.

### **Accessibility**

3.35 The eISB website was updated in line with Public Service Guidelines on web accessibility and usability in March 2007. The website now conforms to level Double-A of the W3C Web Content Accessibility Guidelines 1.0. Any future upgrade of the eISB will have to ensure that this level at least is achieved. However, there is scope also to investigate the implementation of other assistive technologies e.g. software such as

Browsealoud, which allows the content of web pages to be read aloud, to ensure that the eISB service is fully accessible to all users.

### Functionality of the Output (search, print and navigation)

3.36 There is currently a basic search interface on the eISB website. The site is basic in terms of sophistication, design and functionality. The limitations are borne out by the questionnaire results and anecdotal evidence including queries received by library staff in the AGO. Some examples of these limitations are: a basic search interface, poor phrase searching in particular for legal users, unsophisticated navigation and basic printing and viewing options. Many users (legal and non-legal) are familiar with more sophisticated and powerful search and retrieval options and the eISB does not meet user expectations in this regard. The site does not compare favourably in relation to search functionality with the websites from some of the jurisdictions reviewed.

3.37 The user survey was used to obtain feedback on current satisfaction levels with the available functionality. The responses received are shown in Box 6.

#### Box 6 – Survey question 8

8. How do you rate the functionality on the eISB website or CD?						
Web responses = 304 CD responses = 79	Excellent %	Very good %	Good %	Adequate %	Poor %	Not rated %
<b>SEARCHING</b>						
eISB Web	18	37	26	12	6	1
eISB CD	15	22	20	11	8	23
<b>NAVIGATING</b>						
eISB Web	18	37	26	11	4	4
eISB CD	4	25	19	13	9	30
<b>PRINTING</b>						
eISB Web	12	23	25	20	15	5
eISB CD	1	20	20	14	9	36

3.38 The questionnaire responses show a relatively even distribution of views on functionality. The search and navigating functionality appears to be satisfactory for both forms of output. There appears to be less satisfaction with the printing capabilities of the web version. The fact that the CD has better functionality than the web version is not reflected in the responses to the questionnaire. The low level of responses from users of the CD and the level that did not supply ratings make the overall picture for the CD less reliable than is provided for the web version due to sample bias. (Para 1.30) The dissatisfaction with the printing functionality is supported by the questionnaire results. (See Appendix 4).

### Cost of Output (resources consumed)

#### Resources to produce the eISB

3.39 The examination of the resources currently used to produce the eISB is organised under the following headings:

- Direct non-staff expenditure
- Staff resources

- Technology used to deliver the eISB on the Internet and CD

3.40 A summary of the estimated total cost of the project for the review period (2001 to 2006) is shown in Box 7.

#### Box 7 – Estimated total costs from 2001 to 2006

Expenditure	2001	2002	2003	2004	2005	2006	Total
	€	€	€	€	€	€	€
Non staff	59,116	315,601	171,141	44,804	146,375	167,235	904,272
Staff	156,999	130,683	69,286	113,674	165,880	215,180	851,702
Total project	€216,115	€446,284	€240,427	€158,478	€312,255	€382,415	€1,755,974

#### Direct non-staff expenditure

3.41 The accounting records for the period were reviewed and expenditure, including VAT, directly related to the eISB was extracted and compiled. The main expenditure was for legal staff to assist with the Legislation Directory, the Propylon contract for the provision of bespoke software, the acquisition, installation and maintenance of hardware and various general consultancies.

#### Staff Resources

3.42 An estimate of the staff inputs to the eISB project as a whole (i.e. including the production of the Legislation Directory) in the years 2001 to 2006 was compiled by referring to diary and other time records. The time spent was costed in accordance with the Department of Finance 1995 guidelines. This provides for an increase to the direct salary costs to take account of the notional cost of pension entitlements and associated indirect overheads. By making this adjustment, the figures are assumed to represent a full project cost.

3.43 The high average cost per person day in 2001 is explained by the high proportion of Parliamentary Counsel time spent in that year. The estimate is as follows:

#### Box 8 – Estimate of staff costs from 2001 to 2006:

	2001	2002	2003	2004	2005	2006
Senior Management	17.0	11.0	3.0	5.0	9.0	21.0
IT	210.0	150.0	50.0	127.0	250.0	250.0
Parliamentary Counsel	104.5	58.5	56.5	64.0	81.0	100.0
Library	8.0	36.0	6.0	6.0	11.0	54.0
Other staff	6.0	6.0	6.0	7.5	5.5	4.0
<b>Total days</b>	<b>345.5</b>	<b>261.5</b>	<b>121.5</b>	<b>209.5</b>	<b>356.5</b>	<b>429.0</b>
<b>Cost</b>	<b>€156,999</b>	<b>€130,683</b>	<b>€69,286</b>	<b>€113,674</b>	<b>165,880</b>	<b>€215,180</b>

3.44 The Office has relied on contracted staff as the flow of work is not constant and the project itself is not set up with full time dedicated resources. The main value for money issue that arises from the cost analysis is whether the costs could be reduced through a greater or reduced reliance on contract staff to support the project. The technology enhancements and the migration of responsibility for the Legislation Directory to the Law

Reform Commission increasingly make the production of the eISB a legislation publishing exercise outside the core functions of the Office of the Attorney General.

### Technology used to deliver the eISB on the Internet and CD

3.45 The Office does not have an internal information technology capability to support the continuing development of the technology needed to produce and maintain the eISB. It relies considerably on contracted external assistance for systems maintenance and for the actual technical production of the eISB. A summary of the main contracts awarded for the technology needed to produce the eISB is set out below.

#### Box 9 – Main eISB contracts 2001 - 2006

RFT Issued	Contractor	Updates delivered
19 <sup>th</sup> April 2001 Update of eISB for 1999, 2000, 2001 (options for 2002 & 2003)	Propylon Ltd. awarded the contract following a tendering process.	Re-keying and XML mark-up of data. CD Release 3 published. eISB on the Web updated.
5 <sup>th</sup> Sep. 2005 Update of eISB for 2004, 2005 & 2006.	Propylon Ltd. awarded the contract following a tendering process.	Re-keying and XML mark-up of data. eISB on the Web updated.

3.46 Following a tender process Propylon Ltd. was awarded the contract for the update of the eISB with data for 1999, 2000, 2001 with options for 2002 and 2003. This involved the electronic capture of the eISB data from hard printed copy by re-keying and XML mark-up of captured data. The Legislation Directory data was sourced from the Office produced Lotus Notes database. Release 3 of the CD (1922-2001) was published in November 2002 using Folio database.

3.47 The website-based eISB was updated with 1922-2001 data in November 2002 and with 1922-2003 data in December 2004. A frame based non-dynamic website was delivered using the PLS Search engine. The website is externally hosted at the Local Government Computer Services Board (LGCSB). The hosting server's operating system is Sun Solaris version 10 using the Apache web server.

3.48 Propylon Ltd. was also awarded the contract for the update of the eISB with data for 2004 and 2005. This involved the electronic capture of the Statutory Instruments from hard printed copy by re-keying and subsequent XML mark-up of the captured data. The Acts were sourced from the Houses of the Oireachtas PWB system in XML format. The Legislation Directory data was sourced from the Office produced Lotus Notes database. The website-based eISB was updated with 1922-2005 data in August 2006 using the same technology platform as the 2001 update.

### XML Document Type Definition

3.49 In November 2003 the Office commissioned Propylon Ltd. to develop a Document Type Definition (DTD) for Statutory Instruments that would enable the electronic capture of a Statutory Instrument in a standard XML format. This was to aid connectivity and processing requirements across disparate systems. This DTD complemented the Bill DTD that was produced as part of the Oireachtas PWB system. The SI DTD produced was used as a template for the now operational electronic Statutory Instrument System (eSIS).

## **Conclusions**

### **Efficiency of Outputs**

3.50 The survey results demonstrate that the degree of frequency of updating the eISB expected by users is not delivered by the current production arrangements. (Para 3.25) A substantial majority, 73% of the participants, were of the view that constant updating is necessary, i.e. that the legislative texts should be added to the website as soon as the new legislation is available. The basic search functionality is only rated as satisfactory with a desire for an enhanced facility. (Para 3.36) Users' expectations are therefore not being met by the current output efficiency and updating the website at infrequent intervals every few years is no longer acceptable.

### **Resources consumed**

3.51 The estimated cost of producing the eISB in the period 2001 to 2006 is €1.76 million. Internally, this resulted in a considerable strain on staff resources drawn from various components of the AGO, including IT, Library/Know-How, Administration and both the Drafting and Advisory divisions. The Office was also obliged to fully outsource the actual technical production and maintenance of the eISB, which is standard practice, but this delegation was required to be managed internally which included IT policy and evaluation to current technical standards.

### **Resources Conclusion**

3.52 The technology enhancements i.e. the availability of Primary Legislation in XML format and the electronic production of SIs by the eSIS system, combined with the migration of responsibility for the Legislation Directory to the LRC have made the production of the eISB a legal publishing exercise outside the current core strategic and operational responsibilities of the Office. The AGO is fully engaged with its core functions and does not have sufficient resources to improve the functionality of the eISB to the degree required by its users and set out in the Conclusions and Recommendations in Chapter 6. This would be a project requiring significant additional technical, financial and staffing resources. Prior to entering into such a process, detailed research would have to be carried out to assess fully the requirements and priorities of users. The AGO does not however, advocate the necessity for establishing a new agency, body or Office in order to fulfil this role.

## 4. Effectiveness and Impact

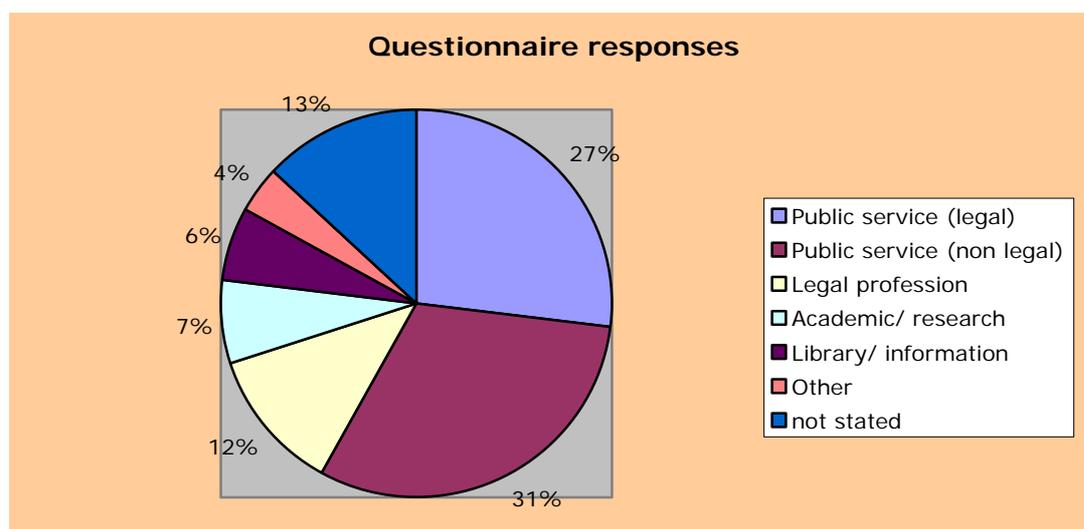
### Introduction

4.1 This Chapter considers effectiveness and impact – the degree to which objectives are achieved – and potential alternative approaches to reaching the same objectives. Effectiveness and impact deal with external perspectives of the eISB project. The main sources of material for the Chapter come from the questionnaire, information received from other jurisdictions and the website traffic analysis. The full analysis of responses to the questionnaire is set out in Appendix 4. The information received from British Columbia is presented in Appendix 5.

### The respondents to the questionnaire

4.2 A total of 330 responses were received to the questionnaire issued in November 2006. An analysis of the respondents shows that a reasonable cross section of user was reached. 58% work in the public service and a further 12% work in the legal profession.

Chart 1



4.3 The questionnaire was designed to capture relevant information about the web version of the eISB and the CD version. 304 respondents answered the questions about the web version and 79 respondents gave answers to the CD questions. 69% of respondents use the website, while 23% use both the website and the CD. Only 1% of respondents use the CD alone<sup>21</sup>. 6% of respondents indicated they use neither format. It means that information presented on the CD questions is from a significantly lower population of responses than for the web version. As previously stated, this introduces an unquantifiable degree of sample bias into the questionnaire results which should be taken into account when considering the analysis presented in this chapter.

### The Web Log Analysis

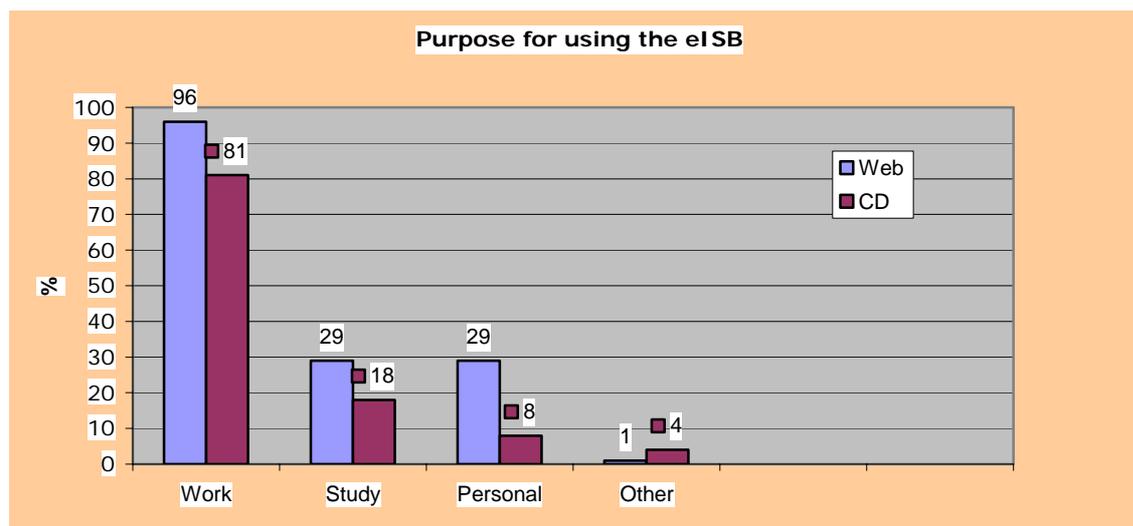
4.4 Further information on users of the web version of the product is available from the statistics of visitors to the website. Website traffic was analysed over different periods in 2006, 2007 and 2008 and indicative data contained in the traffic reports is set out in Appendix 3. Taking into account that certain months, such as during the summer, would

<sup>21</sup> This low percentage result was expected as the majority of responses were automatic replies from the website.

tend to show lower usage, the average number of website visits per day is in excess of 9,400 which is a very positive reflection of the popularity of the site. Other figures show relatively high numbers of repeat visitors, which would indicate familiarity with the site and its continued usefulness. The results also show a relatively high level of international interest which was one of the original drivers for the early work in the mid 1990s<sup>22</sup>.

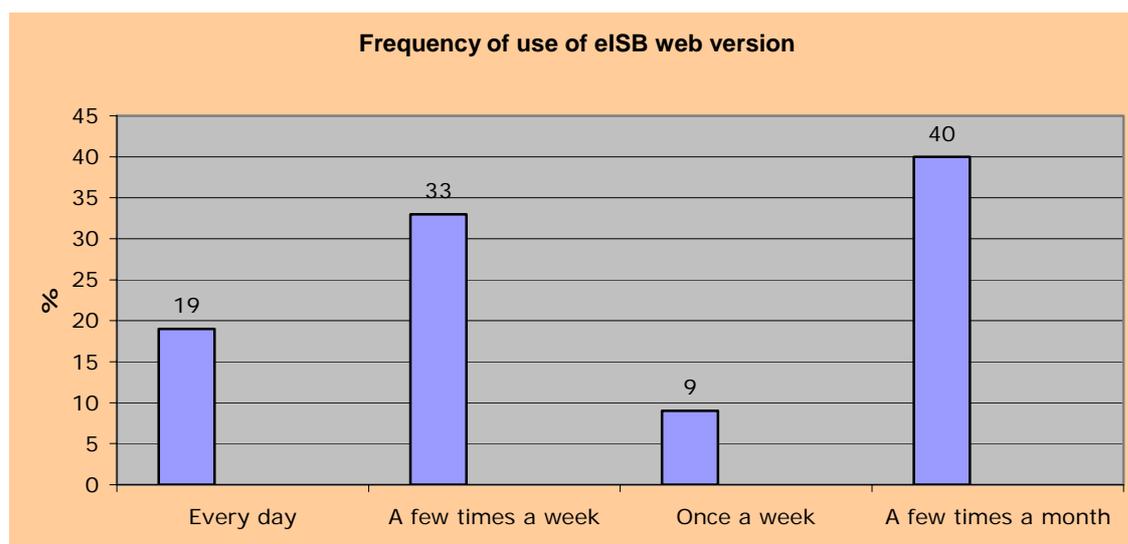
4.5 When asked about the purpose for using the eISB, the vast majority of respondents indicated that they use the eISB for work related reasons. A significant minority indicated they use it for either study purposes or for personal or general knowledge.

**Chart 2**



4.6 The frequency of use of the website ranged from daily use to occasional use per month. Over 50% of respondents use the website at least once a week. The pattern of use reflects that the eISB is an actively used reference tool.

**Chart 3**



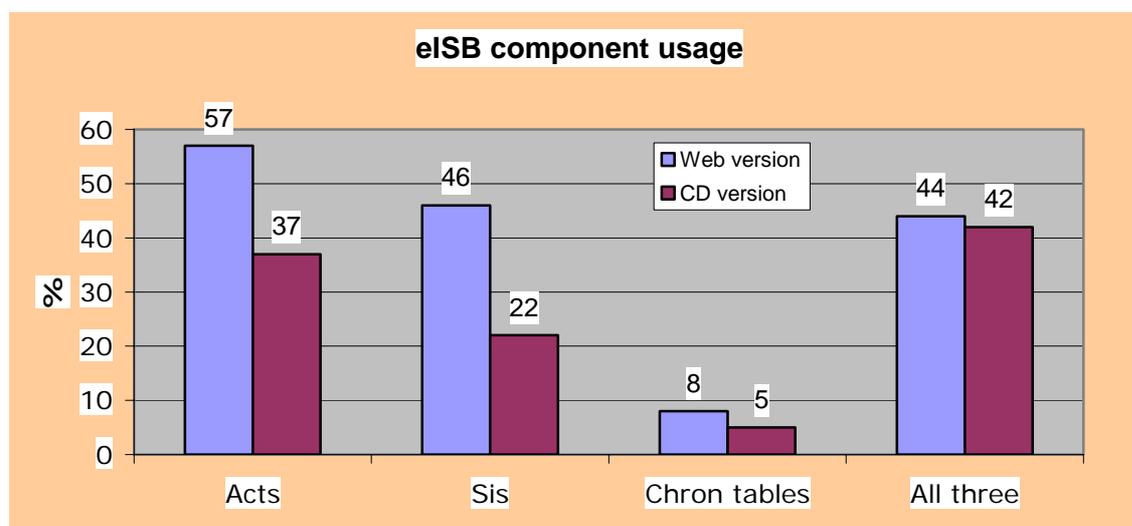
<sup>22</sup> In 1997, prior to the release of the first CD Rom, the Attorney General wrote: "The availability of the eISB to foreign investors can certainly only add to the 'common good'."

## Use of the eISB outputs

4.7 The questionnaire responses indicate a much higher usage of the web version of the eISB than the CD version. There is an element of survey bias in this finding as the questionnaire was issued through the Office website. Nevertheless, the questionnaire findings show that there is a clear preference for the web version and that the level of demand for the CD needs further evaluation.

4.8 The questionnaire results show that there is a strong demand for each of the three components of the eISB. In terms of respondents, 44% of web users and 42% of CD users indicated that they use all three components (Acts, Statutory Instruments and Legislation Directory). 46% of web users and 22% of CD users indicated that they use the Statutory Instruments.

**Chart 4**

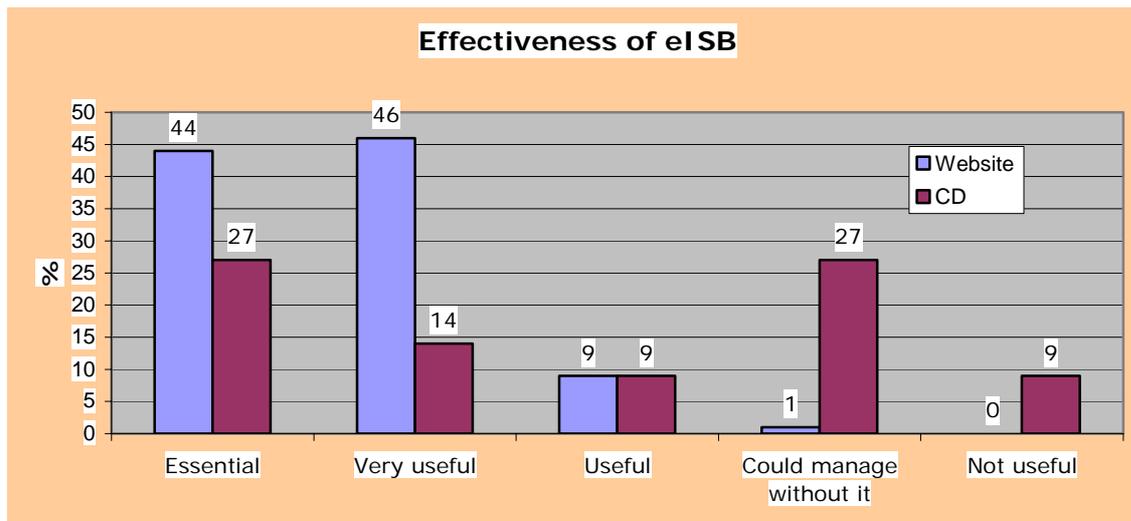


4.9 In relation to web output, there are a small number of other electronic sources of Irish legislation, none comprehensive. However, the production of a CD is exclusive to the Office.

## Effectiveness of the eISB

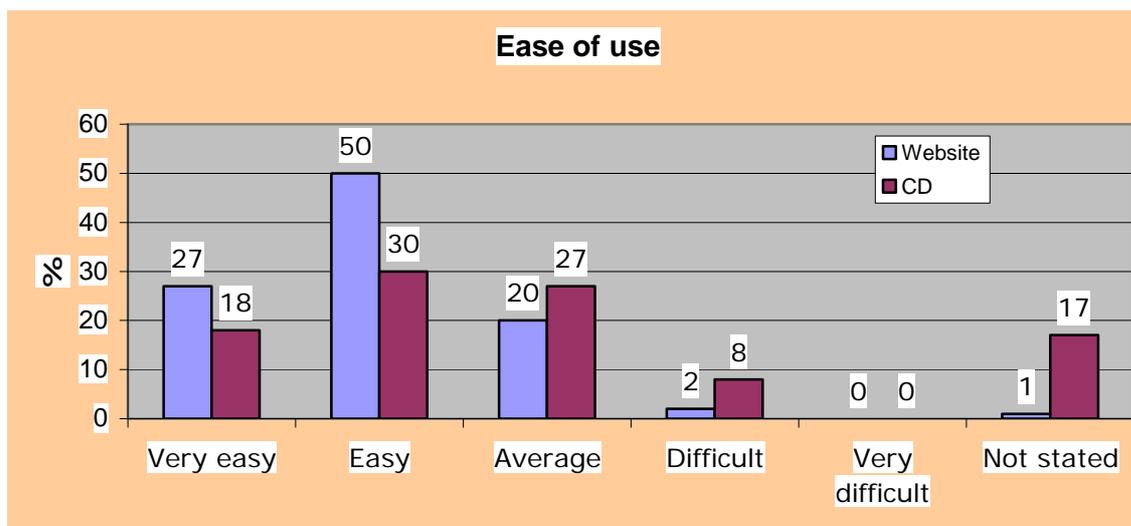
4.10 The level of effectiveness of the eISB was assessed by asking a question about the usefulness of the eISB outputs. The responses generally confirm a satisfactory level of effectiveness, particularly with the web version. 90% of respondents indicated that the eISB website was either very useful or essential for their purposes. 41% of respondents considered the CD version either very useful or essential, although, as stated earlier, this result should be treated with some caution. The responses in respect of the CD indicate a need for further study of the need for this version.

Chart 5



4.11 The effectiveness of the eISB was further considered by asking about the ease of use of the outputs. The results reveal a consistent trend. 77% of respondents found the website either easy or very easy to use, while only 48% of respondents found the CD version easy or very easy to use.

Chart 6



### Alternative sources of legislation

4.12 A significant proportion of respondents to the questionnaire indicated that they also refer to other sources of Irish legislation, as set out in Chart 7. The other free sources for electronic legislation mentioned in the questionnaire were as follows:

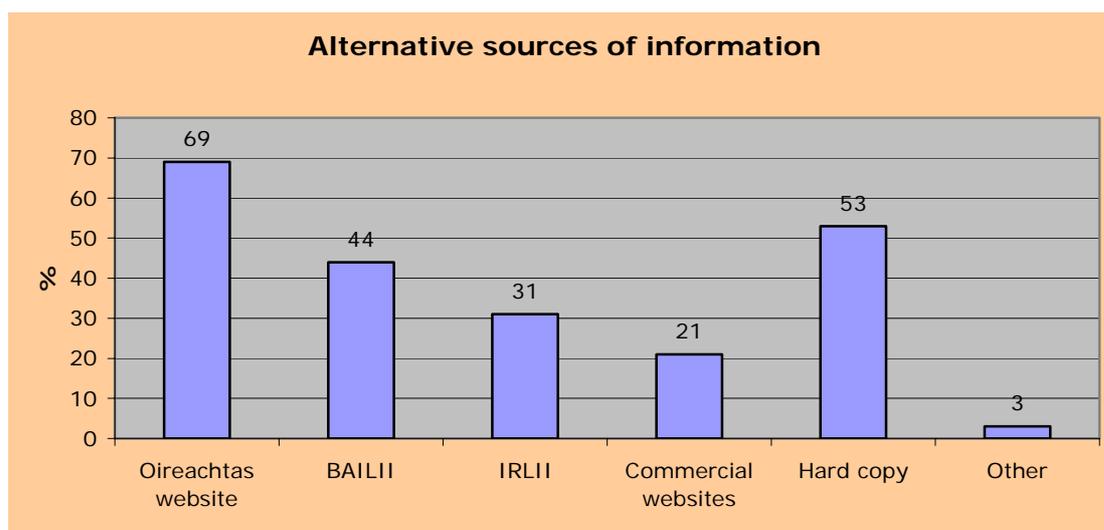
The Oireachtas website <http://www.oireachtas.ie/ViewDoc.asp?fn=/home.asp> The site includes Acts of the Oireachtas in PDF version 1997-2009, Acts of the Oireachtas bilingual text 1922-2003 and Bills and Explanatory Memoranda 1997-2009. This site also includes links to the text of the Parliamentary debates on Bills and to Bill amendments.

BAILII: the British and Irish Legal Information Institute <http://www.bailii.org/> The Irish content on this site includes Acts of the Oireachtas 1922-2008 and Statutory Instruments 1922-2008 (excluding 2006).

IRLII: the Irish Legal Information Institute <http://www.ucc.ie/law/newirlii/index.php> This includes Acts of the Oireachtas 1999-2007 and Statutory Instruments 2002-2007. There is also an option to view Statutes with related SIs (from 1999-2007).

4.13 The popularity of the Oireachtas website may be related to the availability of Acts in PDF format from 1997-2009 as well as Dáil debates etc. However, it does not include Statutory Instruments, the Legislation Directory or pre-1997 Acts. There are also no cross reference hyper-links in the legislation. Accordingly, the Oireachtas website is not a substitute for the added value provided by the eISB but there are Value for Money possibilities by migrating the eISB to the Oireachtas website.

**Chart 7**



4.14 The separate Oireachtas produced bilingual site (<http://www.act.ie>) is closer in design and functionality to the eISB and makes use of the eISB data from 1922-2003. The novel use of a split screen design to allow synchronised browsing between Irish and English versions of Acts is the main difference. However this database has not been updated in line with eISB updates. Again, there is an argument for merging this information source into one site with the best of all functionalities.

4.15 The functionality issues and the availability of the Legislation Directory are also arguments in favour of a required functionality that is not provided by hard copy legislation or by other websites.

### **Alternative approaches to producing the eISB**

4.16 The legislative process involves many Departments and Offices. A key tenet of the Information Society and the eGovernment initiative is that Government services and information should be presented in a client-centred fashion, i.e. clients should not have to know the mechanics of producing legislation or visit a number of different sites to gain access to the information they require. It should all be available in an integrated and user-friendly fashion in a single official location that can be relied on. The main questions to be resolved are where that single location should be and what value-added services it might provide (Acts, SIs, EU legislation, subject indexes, Legislation Directory, pre-1922 material, web, CD/DVD etc).

4.17 The review has already concluded that the AGO is not a suitable hosting location for the eISB as it does not have a sufficient allocation of resources for the job, it is not a primary contributor of content for the eISB, it does not have the requisite ICT and

publishing expertise and it has no authority to impose production standards on the producers of eISB content. Responsibility for producing the Legislation Directory has already transferred to the Law Reform Commission. A more suitable organisation for producing the eISB is a body with electronic publishing expertise operating within the ambit of the Better Regulation Agenda with the supportive collaboration of the other suppliers of eISB content.

4.18 The eLegislation project, already effective in the Houses of the Oireachtas as the PWB System, is aimed at having a single integrated system to handle the various elements of legislation as it passes through its lifecycle from initial drafting to final publication. This system provides suitable electronic source material to whatever body is deemed appropriate for producing the eISB.

### **Experiences of Other Jurisdictions**

4.19 A comparison was made with the arrangements for the public availability of information equivalent to the eISB in other jurisdictions. The Review Team gathered information from the United Kingdom (including the arrangements for Scotland, Wales and Northern Ireland) and from British Columbia, Canada. These countries and regions were chosen as they deal with the same original base of law and follow the Westminster legislative approach.

#### **United Kingdom**

##### **Statutory Law Database (SLD)**

4.20 The Statute Law Database (SLD) is the official revised version of the statute book for the United Kingdom in electronic form. The UK 'statute book' is a term used to mean all the primary legislation of a public general nature in force at any particular time. The SLD is published 'by Authority', which means that it is published with the authority of the Crown. It was previously accessible only to a limited number of users in government, but the SLD was made publicly available online, free of charge, from 20 December 2006.

4.21 Most types of primary legislation made in the United Kingdom (broadly speaking, those of a public general nature) are held on SLD in revised form. Other primary legislation and secondary legislation from 1991 onwards is held on SLD only in unrevised ('as enacted') form. The extent of information held is wider than in Ireland and the functionality available is more advanced than the Irish website version.

4.22 For pre-1991 legislation held and revised on SLD, the earliest version is the revised text as it stood at 1 February 1991 (the base date). Legislation wholly repealed before the base date is not carried. Some Acts that were still in force at the base date but which were superseded by consolidations in 1991 or 1992 are not carried on SLD. Also, certain categories of Public General Acts enacted before the base date are not carried (subject to a few exceptions).

4.23 Primary legislation of the following types is held and maintained on SLD in revised form:

- Public General Acts of the United Kingdom Parliament (1801 to date)
- Acts of the Parliament of Great Britain (1707 – 1800)
- Acts of the English Parliament (1267 – 1706)
- Acts of the pre-UK Parliaments (1424 – 1707)
- Acts of the Scottish Parliament (1999 to date)
- Acts of the Irish Parliament (1495 – 1800)
- Acts of the Parliament of Northern Ireland (1921 – 1972)
- Measures of the Northern Ireland Assembly (1974)

- Orders in Council made under the Northern Ireland Acts (1974 to date) (effectively the primary legislation for Northern Ireland under Direct rule, though in the form of Statutory Instruments)
- Acts of the Northern Ireland Assembly (2000 – 2002 and 2007 to date)
- Church of England Measures (1920 to date)

4.24 Secondary legislation of the following types made since 1 January 1991 is held on SLD but is not revised:

- UK Statutory Instruments (including instruments made by the Welsh Assembly)
- Scottish Statutory Instruments (1999 to date)
- Statutory Rules of Northern Ireland
- Church Instruments

**Office of Public Sector Information** (<http://www.opsi.gov.uk>)

4.25 The Office of Public Sector Information (OPSI) operates from within the National Archives and is at the heart of information policy, setting standards, delivering access and encouraging the re-use of public sector information. The OPSI provides a wide range of services to the public, information industry, government and the wider public sector relating to finding, using, sharing and trading information.

4.26 Operating from within OPSI, Her Majesty's Stationery Office (HMSO) continues to exist and fulfil its core activities including responsibility for the publication of legislation and the management of Crown copyright. The OPSI website also offers notification of new Acts and Statutory Instruments through Really Simple Syndication (RSS) technology as well as information on applying to re-use Crown copyright information.

4.27 This website provides the following legislation:

- Acts of the UK Parliament and Explanatory Notes -
- UK Statutory Instruments and Explanatory Memoranda - including links to all published Statutory Instruments from 1987 onwards.
- Church Measures - Measures of the General Synod of the Church of England -
- Acts of the Scottish Parliament and Explanatory Notes including links to the full text of all Acts of the Scottish Parliament as they were originally enacted.
- Welsh Statutory Instruments - links to the full text of all Statutory Instruments made by the National Assembly for Wales (from 1999) under powers granted by the Government of Wales Act 1998.
- Acts of the Northern Ireland Assembly and Explanatory Notes - this page provides links to the full text of all Acts of the Northern Ireland Assembly as they were originally enacted by the Assembly (from 2000), and the Explanatory Notes to the Acts.

**UK Parliament Website** (<http://www.parliament.uk>)

4.28 This website contains all the information on the UK parliament including parliamentary questions and debates as well as information on public and private Bills before Parliament and progress of Bills.

**Office of the Queen's Printer for Scotland** (<http://www.oqps.gov.uk>)

4.29 The Office of the Queen's Printer for Scotland (OQPS) provides access to Scottish legislation and delivers a range of services to the public, information industry and government relating to the re-use of information created by the devolved government for Scotland, the Scottish Executive. The Queen's Printer for Scotland reports to Scottish Ministers.

## **British Columbia, Canada**

4.30 The Electronic Publishing Department (EPD) is Queen's Printer for British Columbia. It is dedicated to government electronic publishing from Federal, Provincial and Municipal governments. The EPD employs a range of staff needed to make the legislation available electronically, including, drafters, lawyers, support staff at the Legislative Counsel, and printing staff, technicians and IT specialists. The EPD works closely with other relevant government offices like the Attorney General's Office and with parliament.

4.31 The (EPD) publishes all British Columbia legislation on a website. (See Appendix 5). Legislation includes statutes as enacted, revised statutes, regulations (equivalent to SIs), and Directory of amendments. In addition, the EPD also publishes regulation bulletins, archived consolidations of regulations, defunct regulations, full text of orders in council, rules of court, government bills, Hansard (the official report of debates of the legislative assembly) and corporate registry notices. This content can be considered the equivalent of the combined output of the eISB and the publications of the Office of the Houses of the Oireachtas.

4.32 The consolidated statutes and regulations are published on a free website for everyone. The data on this site is kept current to the printed version, which is generally about one year out of date. The EPD also provides QP LegalEze, a subscription based service that is kept up to date on a daily basis and sold by yearly or monthly licence or by a ten day or one day pass. QP LegalEze is available free of charge through public libraries, educational facilities, government agents and courthouse libraries. The QP LegalEze is a service that is beyond that provided by eISB. Such an approach would need to be researched to establish if there was a public demand and to establish the viability of a fee for service basis. The printed version of legislation is the official version. This is the same position as exists in Ireland.

## **Conclusions**

4.33 The survey results indicate a strong demand for the eISB and a satisfactory level of its effectiveness in meeting the general needs of users. The website traffic analysis also demonstrates high levels of both national and international use of the product. Although many eISB users also use other sources of electronic legislation, (both free and on a fee paying basis) this does not diminish the need for the eISB due to its functionality. On this basis, the objectives clearly warrant the continued allocation of public funding.

4.34 The other jurisdictions referred to for the review provide at least an equivalent public service, involving free access to legislation that is predominantly web based and seeks to be provided on a timely basis. Some of these websites have additional functionality or more detailed content, which should be available in an integrated, user friendly single location.

4.35 In each jurisdiction considered, the government printing body plays a central role in the provision of electronic access to statutory information. Other relevant bodies such as the National Archives Office also have a role but the equivalent of the Office of the Attorney General does not have a primary role. The other jurisdictions show the potential for a further enhanced eISB if it were produced by a specialist publisher.

## 5. Potential Performance Indicators

### Introduction

5.1 This chapter is concerned with the specification of potential future performance indicators that might be used to better monitor the performance of the Project.

The chapter approaches the subject of project indicators by first establishing the topography of project monitoring and evaluation indicators. Then it refers to the criteria used in the review to identify an appropriate set of indicators for the project. A small number of issues arising from the consideration of indicators are then discussed.

### General topography of indicators

5.2 A performance indicator framework for the eISB project needs to support a number of different potential uses of the indicators. The basic topography of indicators is shown below.

#### Box 10 - Monitoring and Evaluation Indicators

Monitoring indicators	
Resource indicators	reflecting the financial, human and technical and data inputs to the eISB project
Activity/output indicators	reflecting the actual outputs of the eISB project and the activities that produce those outputs
Result indicators	Short-term effect of the availability of the eISB on the work capabilities of users. This is the user satisfaction.
Impact indicators (where measurable)	the wider contribution that the availability of the eISB makes to the legal, political and administrative environments in Ireland and internationally.
Evaluation Indicators	
Economy indicators	indicators of the mix of and relative cost of inputs
Efficiency indicators	indicators of productivity, timeliness and accuracy of output
Effectiveness indicators	indicators of the achievement of targets/objectives (including impact indicators).

### Potential indicator set for the eISB project

5.3 A possible set of monitoring and evaluation performance indicators for the eISB project is set out in Box 11. The indicators identified are drawn from the analysis in Chapters 3, 4 and 5 of this review and from the survey used.

**Box 11 – Possible performance indicators**

	<b>Possible indicators</b>
<b>Resource indicators</b>	<ul style="list-style-type: none"> <li>• Total direct expenditure on the eISB project</li> <li>• Total staff cost and person hours or days consumed per year</li> <li>• Analysis of external inputs</li> </ul>
<b>Economy indicators</b>	<ul style="list-style-type: none"> <li>• Average cost per person day</li> <li>• Project administrative cost as % of total costs</li> </ul>
<b>Activity/output indicators</b>	<ul style="list-style-type: none"> <li>• Number of Acts/ SIs/ Leg Directory pages produced per year</li> <li>• Time within which newly enacted laws are updated</li> <li>• Known error rate and time taken to correct errors</li> </ul>
<b>Efficiency indicators</b>	<ul style="list-style-type: none"> <li>• Cost per page of output</li> </ul>
<b>Result indicators</b>	<ul style="list-style-type: none"> <li>• Number of active users (Irish versus overseas) of the eISB product</li> <li>• Satisfaction levels of eISB users with the content, timeliness and functionality</li> </ul>
<b>Effectiveness/ Impact</b>	<ul style="list-style-type: none"> <li>• Comprehensiveness of the content and functionality of the eISB to meet user needs</li> <li>• Extent of wider availability of eISB and its use in EU related product suites</li> <li>• Acknowledged public good recognition for the eISB</li> </ul>

**Issues with the use of monitoring and evaluation indicators for the eISB**

5.4 Some adjustments to data capture of financial information may be needed to support the production of routine cost or expenditure reports for the eISB project.

5.5 At present, there is no full-time staff, and the time input from staff was arrived at through estimation. It is desirable that the level of time input should be tracked to support the determination of the full cost of output. This information would be needed if it was proposed to introduce a fee based service like QP LegalEze in British Columbia.

5.6 An occasional questionnaire of users of the eISB is needed to provide information on results, effectiveness and impact.

5.7 More use could be made of the information available from the website management system to provide performance information on the different categories of visitor to the website.

**Conclusion**

5.8 The current arrangement for indicators for the eISB is underdeveloped, as systems to gather data on activity, outputs, results and impact have not been fully established.

## 6. Conclusions and Recommendations

### Introduction

6.1. The chapter is divided into two parts. In the first part, a set of key recommendations that flow from the conclusions reached in Chapters 2 to 5 is presented in a table format. The second part builds on the key recommendations by presenting more detailed strategic and technical recommendations that seek to enhance the Value for Money of the eISB product. These recommendations flow from the analysis of efficiency and effectiveness issues in the earlier chapters of the report.

### Part 1 - Conclusions and Recommendations

**Box 12 – Conclusions and Recommendations table**

	Conclusions	Recommendation	Action by
<i>Rationale and continued relevance</i>			
1 and 2	<p>The original and continuing objective of the eISB can be stated in simple terms as "to improve public access to the statutes of the State by electronic means". (Para 2.21)</p> <p>The survey conducted for the review confirms that all beneficiary groups continue to rely on the eISB. (Para 2.21)</p> <p>Web server usage statistics further confirm a relatively high use of the web version by international visitors. (Para 2.13)</p> <p>The importance of the eISB is underpinned by the Better Regulation Agenda, eLegislation developments and initiatives at European Union level (EUR-lex). (Para 2.22)</p> <p>This evolution confirms the relevance of the eISB objectives and reinforces a need for the continuing maintenance and improvement of the eISB. (Para 2.22)</p>	<p>The Department of the Taoiseach should convene a Group to determine the appropriate agency to develop the eISB in the longer-term.</p>	<p>Dept of Taoiseach.</p> <p>Suggested deadline – within 3 months of adoption of recommendation.</p>
3	<p>Successive Statements of Strategy for the Office have correctly positioned the production of the eISB as a non-core activity of the OPC/AGO. (Para 2.23)</p> <p>The nature of this activity has changed to the extent that the Office no longer produces any of the original data content for</p>	<p>The development of the eISB should be a core function of a responsible body with primary accountability for the production and operation of the eISB as a core activity. The appropriate body may be one of the existing stakeholders or an alternative Office with sufficient resources who is willing to accept responsibility for the eISB.</p>	<p>Future alternative responsible body/ Office.</p> <p>Suggested deadline – within 9 months of adoption of recommendation.</p>

	<b>Conclusions</b>	<b>Recommendation</b>	<b>Action by</b>
	<p>the eISB. The production of the eISB has become a legal publishing exercise for which the AGO is not the most appropriate strategic owner. (Para 2.23)</p> <p>Nonetheless, the AGO will continue, subject to availability of resources, to produce the eISB online as it currently does, with every effort made to keep it up to date with Acts, Statutory Instruments and the Legislation Directory in as timely a manner as possible. The AGO will do so until such time as the most appropriate strategic owner, who can develop functionality and enhance the system to the standard set out in these Recommendations is identified and takes up the role. (Para 2.23)</p>	<p>The eISB production organisation structure should consist of:</p> <ol style="list-style-type: none"> <li>an Inter-Departmental Steering Committee</li> <li>a Project Sponsor with ultimate responsibility for the eISB</li> <li>a Legal Publishing Expert</li> <li>an internal Project/ operations Manager</li> <li>a small full- time core team to work alongside the Manager.</li> </ol> <p>See detailed strategic and technical recommendations set out at paras 6.2 – 6.15.</p>	<ol style="list-style-type: none"> <li>The Group recommended to be convened by the Department of the Taoiseach.</li> <li>Dept of the Taoiseach/future responsible body</li> <li>– e. for future determination by responsible body.</li> </ol> <p>Suggested deadline – ongoing.</p>
<i>Efficiency</i>			
4	<p>The accuracy and frequency of updating the eISB expected by users is not delivered by the current production arrangements. (Para 3.24)</p> <p>Advances in technology will facilitate a speeding up of the production of eISB updates and have already increased the accuracy rate due to the elimination of a need for re-keying data. (Paras 3.26-3.28)</p>	<p>There should be a single official website of the Acts, Statutory Instruments, Legislation Directory and Restatements together with translations into Irish where available.</p> <p>Standards for accuracy and the frequency of output should be established. Further investment in technological solutions to support accuracy and timeliness is needed. This includes the conversion of the entire eISB dataset to standard XML mark up format.</p> <p>Consideration should be given to extending the content of the eISB to cover material included in other jurisdictions such as explanatory notes and the related parliamentary debates.</p> <p>See detailed strategic and technical recommendations. (Paras 6.2 – 6.15)</p>	<p>Future alternative responsible body/ Office</p> <p>Suggested deadline – ongoing.</p>
5	<p>The cost of the eISB in the period 2001 to 2006 is approximately €1.76 million. (Para 3.39)</p> <p>The technology enhancements and the migration of</p>	<p>A separate budget line and full-time staff resources should be allocated to eISB activity. The budget should be based on an annual operating plan. The future production of the eISB should be regarded as a legislation</p>	<p>Future alternative responsible body/ Office.</p>

	<b>Conclusions</b>	<b>Recommendation</b>	<b>Action by</b>
	<p>responsibility for the Legislation Directory to the Law Reform Commission increasingly make the production of the eISB a publishing exercise outside the core functions of the Office. The implication is that there should be cost savings from transferring responsibility for eISB to an office with dedicated capacity and competency. (Para 3.43)</p> <p>The AGO is fully engaged with its core functions and does not have sufficient resources to develop the eISB as expected by users. It does not however advocate the necessity for establishing a new agency/body/Office. (Para 3.51)</p>	<p>publishing exercise.</p> <p>See detailed strategic and technical recommendations. (Paras 6.2 – 6.15)</p>	<p>Suggested deadline – from 2009.</p>
<b>Effectiveness, impact and alternative methods of production</b>			
6	<p>The survey results indicate the eISB is effective in meeting the general needs of users. The website traffic analysis also demonstrates high levels of both national and international use of the product.</p> <p>Although many eISB users also use other sources of electronic legislation, (both free and on a fee paying basis) this does not diminish the need for the eISB due to its functionality. On this basis, the objectives clearly warrant the continued allocation of public funding. (Para 4.33)</p>	<p>The functionality of the eISB should continue to be updated. The eISB should continue to act as the primary free source of Irish legislation to the EU N-Lex Project.</p>	<p>Future alternative responsible body/ Office.</p> <p>Suggested deadline – ongoing.</p>
7 and 8	<p>The other jurisdictions referred to for the review provide at least an equivalent public service, involving free access to legislation that is predominantly web based and seeks to be provided on a timely basis. Some of these websites have additional functionality or more detailed content that should be available in an integrated, user friendly single location.</p> <p>In each jurisdiction considered, the government</p>	<p>See conclusion and recommendation number 3. The responsibility for production of the eISB should be transferred to a responsible body with the required capacity and competency that is willing to accept responsibility for the production of the eISB as a core activity.</p>	<p>Future alternative responsible body/ Office.</p> <p>Suggested deadline – within 9 months.</p>

	<b>Conclusions</b>	<b>Recommendation</b>	<b>Action by</b>
	printing body plays a central role in the provision of statute book information. Other relevant bodies like the National Archives Office also have a role but the equivalent of the Office of the Attorney General does not have a primary role. The other jurisdictions show the potential for a further enhanced eISB if it was produced by a specialist publisher. (Paras 4.34 to 4.35)		
<b>Performance indicators</b>			
9	The current arrangement for performance indicators for the eISB is underdeveloped, as systems to gather data on activity, outputs, results and impact have not been fully established. (Para 5.8.)	All strategic and associated plans should include appropriate performance indicators for content, timeliness and quality of output with regular monitoring of user satisfaction with functionality. Performance reports on the development and use of eISB should include a small set of resource, output, result and impact indicators.	Future alternative responsible body/ Office.  Suggested deadline - from transfer of responsibility.

## Part 2 - Detailed Strategic and Technical Recommendations

### Strategic Recommendations

#### Future vision

6.2. The medium to longer term vision of the eISB could mirror the development of more established electronic legal portals in Europe. This would involve the eISB evolving into an Irish legal portal, an "IRL-Lex", with up to date primary and secondary legislation, Legislation Directory, bi-lingual content, links to social and international agreements and treaties and links to general legislation resources. An example of this can be found on the Finnish portal "FINLEX" at <http://www.finlex.fi/>.

#### Strategic Plan

6.3. A two to five year strategic plan should be produced to consolidate the role of the eISB as an output responding to a public need. The plan should include the following;

- (a) Current situation and requirements analysis
- (b) A review and implementation plan for the list of recommended updates and improvements.
- (c) Preparation of a financial plan and budget for delivery of the identified requirements on a phased basis. This should include the feasibility of developing a fee for service product following the British Columbia example.

#### EU Obligations

6.4. The eISB should continue to act as the primary free source of Irish legislation to the EU N-Lex project (common access portal for sources of national law currently being developed by the EU Publications Office). The on-going improvements to this connectivity by the implementation of web services technology should be integrated into the eISB. Additional value added functionality such as links between EUR-Lex and national implementation measures of EU directives should be investigated.

#### Performance indicators

6.5. The strategic plan and associated action plans should include appropriate targets for the content, timeliness and quality (accessibility, functionality) of output. The level of user satisfaction should be monitored through a review of website traffic and through occasional surveys. Performance reports, including a report of full project costs should be made periodically to the steering group and should be referred to in the Annual Report of the lead Office for the project.

#### eISB Project Governance

6.6. An eISB project organisation structure should be produced showing clear lines of reporting and responsibility and containing the following resources;

- A Project Sponsor or Sponsors
- A Legislation Publishing expert (probably external, on a draw down contract basis)
- An internal Project Manager
- A dedicated and focused internal core team to work alongside the project manager/external expert

6.7. Some full-time allocation of resources should be made. This should not involve a major financial expense as the review has shown that the eISB project is already consuming these resources on a less efficient basis. A dedicated back-up team with focused expertise to work on the project when required subject to a service level agreement endorsed by the project sponsor(s) is also needed.

## Technical Recommendations

### eISB output - updates and improvements

#### *Technical platform*

6.8. The eISB project should develop a modern content management function to allow for speedier and efficient production and publishing of the eISB especially taking advantage of new and emerging systems that output electronic legislation in standard xml format.

6.9. A review of hardware and software to be used including the hosting of the eISB web server should be produced.

6.10. A plan for the conversion of the entire eISB data set to standard XML mark-up format should be developed. The current underlying format of the data-set is split into two i.e. 1922-1998 is in SGML format and 1999-2005 is in xml format. While it is possible to convert the underlying SGML to XML this does not mean that there is a standard source format across the entire data-set.

#### *Accessibility*

6.11. In all future updates or developments the eISB website should at least conform to level double-A of the W3C Web Content Accessibility Guidelines 1.0. It is recommended to also investigate the implementation of other assistive technologies to ensure that the eISB service is fully accessible to all users. Planned accessibility audits of the eISB should be included to ensure external certification of conformity.

#### *Search functionality*

6.12. A complete review of search functionality should be undertaken to ensure that the most comprehensive search technology, suitable for user needs, is applied to the eISB. The comparative studies, VFM report questionnaire responses and stakeholder input will inform the requirements for this issue.

6.13. An investigation into the possibility of combining the Houses of the Oireachtas bi-lingual website (<http://www.acts.ie> or <http://www.achtanna.ie>) with the eISB.

6.14. An error reporting and management policy should be developed to ensure that any errors are corrected and verified in a timely manner. This should also include the analysis of errors to detect patterns across the data.

6.15. The quality of printing functionality should be addressed.

## Appendix 1: What is the ‘Irish Statute Book’?

The Irish legal system comprises a number of ‘sources’ of law, including Statute law (legislation), Common law (case law), Constitutional law and the laws of the European Union. Irish legislation includes laws enacted prior to and after the founding of the State in 1922.

### **Legislation**

Legislation is divided into two categories, primary and secondary. Primary legislation consists of Acts, historically known as statutes. Proposals for legislation (or Acts) are initiated in the Dáil in the form of Bills. Legislation enacted by the Oireachtas commenced in 1922 but there is a substantial body of pre-1922 statutory law<sup>23</sup> comprising a complex mosaic of Acts of Irish, English and British Parliaments and Parliaments of the United Kingdom<sup>24</sup>.

The legislation made available on the eISB website and CD comprises post-1922 public and private legislation. The current Website contains the texts of 3,311 Acts enacted by the Oireachtas from 1922 up to number 17 of 2008. The large volume and inaccessibility of the pre-1922 legislation made it unsuitable for consideration for inclusion in the original database.

A number of projects concerning pre-1922 statutes are under way in the Office in relation to this body of legislation. Research initiated in 2003 culminated in the repeal of 206 pre-1922 Acts. There are approximately 60,000 pre-1922 “Public General”, “Private” and “Local and Personal” Acts passed by the various parliaments that had authority over Ireland, albeit that many of these Acts will be found, after examination, not to have applied to Ireland.

The most recent project in relation to pre-1922 legislation is the Statute Law Revision Project (formerly called the Pre-Independence Project) which has been underway since early 2005. It has examined more than 26,370 public general statutes enacted by Irish, English, British and UK parliaments. Of these, 4,589 have been found to have applied to Ireland and not to have been repealed. 3,225 of these Acts have, after careful examination and consultation with relevant Government and outside bodies, been found to be obsolete and these have been expressly repealed in the Statute Law Revision Act 2007.

This Statute Law Revision Act 2007 also adopts the novel approach of listing the 1,364 statutes pre-dating independence which are not being repealed. This is the first time an authoritative list has been produced containing all the Public General laws which continue to have force in Ireland. It is the policy of the Government that all of these 1,364 statutes retained by the new Act will ultimately be repealed by way of a rolling programme of repeal and re-enactment. The next steps for the Statute Law Revision Project is to examine the 33,627 “Private” and “Local and Personal” statutes which had not previously been comprehensively examined. The intention is to bring forward a further bill in 2009-10 relating to the repeal of such of those statutes as are now obsolete or unnecessary. A consultation process has also been initiated seeking information regarding pre-1922 Statutory rules, orders and charters.

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<sup>23</sup> *The principal sources of this legislation consisting of public general statutes are divided into different periods during which the law was enacted by different Parliaments.*

<sup>24</sup> *In summary, there are two vast periods, pre-Union Acts of the various Parliaments that sat in Ireland and England before 1800 (1235 – 1800) and post-Union Acts of the Parliament of the United Kingdom of Great Britain and Ireland (1800 to 1922)*

The work programme concerned with pre-1922 legislation is separate from the eISB project.

Secondary legislation is the substantial body of 'law' known as subordinate or delegated legislation. Secondary legislation is law laid down by a body or person to whom the superior legislature has delegated by Statute to make such laws. They generally take the form of Orders, Regulations, Rules, Schemes and Bye-laws and are collectively known as "Statutory Instruments".

The 'electronic Irish Statute Book' is a title of convenience for the Acts and Statutory Instruments. For the purposes of the 'eISB', the Legislation Directory of the Statutes is also included. (The Legislation Directory was formerly known as the Chronological Tables of the Statutes.)

#### The Irish Statute Book

Content of the ISB	What it contains
Acts	Primary legislation
Statutory Instruments	Secondary legislation (Orders, Rules, Regulations, etc)
Legislation Directory	Index of amendments to the statutes

#### **Legislation Directory**

The electronic database of the Legislation Directory is the third component available on the eISB website. The database thus enables users of Irish statutes to identify whether a particular provision has been amended or otherwise affected by any primary or secondary legislation enacted in the period from 6 December 1922 to 31 December 2005<sup>25</sup>.

The Legislation Directory comprises a set of indexes setting out changes to legislation since enacted. The changes include amendments and repeals. Legislation on an area of law is frequently spread across a series of Acts. To make changes to the law, an Act may have been subsequently amended on several occasions. To ascertain definitively the up to date law, the indexes setting out the changes to that legislation, known as the Legislation Directory, must be consulted. The indexes will reveal whether an Act has been affected in any way by another Act or Statutory Instrument. Practitioners frequently rely upon a variety of sources such as legal journals, continuing legal education programmes, media exposure, Departmental knowledge or information from colleagues to update them as to the current legislative status of a particular Act. However, there is no real substitute for the Legislation Directory. Responsibility for the updating of the Legislation Directory was accepted by the Law Reform Commission from 2007 for legislation enacted from 2006 onwards.

The current database contains -

- A list of abbreviations;
- A chronological Table of the Public General Acts enacted from 6 December 1922 to 31 December 2005;

<sup>25</sup> Although pre-1922 Acts are omitted from the database, nonetheless those pre-1922 Acts that have been amended post-1922 are included in the Directory. The database does not refer to amendments effected prior to 1922, as earlier hard copy Directory must be consulted.

- An alphabetical list of Acts in force which were brought into operation, either in part or in whole, by Order;
- An alphabetical list of Orders made under section 6 (1) of the Ministers and Secretaries (Amendment) Act 1939 on or before 31 December 2005;
- A chronological list of Regulations made under section 3 of the European Communities Act 1972 on or before 31 December 2005;
- A chronological Table of the Private Acts from 6 December 1922 to 31 December 2005.

The Legislation Directory also includes amendments to the following legislation as affected by any primary or secondary legislation enacted from 6 December 1922 to 31 December 2005 namely –

- Pre-Union Irish Statutes (1236 - 1800);
- English Statutes (1226 - 1707);
- Pre-Union British Statutes (1707- 1800);
- British Public Statutes (1801- 1922);
- British Local and Private Statutes (1801- 1922);
- The Local Government (Application of Enactments) Order 1898, and
- The Local Government (Adaptation of Irish Enactments) Order 1899.

The database also contains an alphabetical list of Acts in the Directory and an alphabetical list of Acts by decade, as affected, and a table of expressions used.

## Appendix 2: eISB Programme Logic Model

### Objectives

The objective of the Electronic Irish Statute Book is to provide access to Irish Legislation in suitable electronic media to a domestic, European and global user-base in an accessible and usable manner incorporating added value functionality such as the chronological index of the statutes and appropriate searching and retrieval techniques.

Inputs	Activities	Outputs - Intermediate	Outputs - Final	Outcomes
- Money	- Indexing of the Statutes	- Legislation Directory to the Statutes updated	- Updated ISB in electronic form (CD & Web)	- Electronic Access to Irish Legislation available
- Staff time	- Replicating and updating of Legislation Directory to in-house master database	- Acts and SIs data captured electronically		
- External resources (hiring of indexers)	- Hiring and managing external indexers for the Legislation Directory up to 2005			
	- Preparation and management of Request for Tender process including collation of source material, RFT process, contract agreement			
	- Internal Project management of data updates			
	- Internal management of data correction process			

## Appendix 3: Website Traffic Reports

(This Appendix contains Reports from 5 different periods)

### Website Traffic August 2006

Web Log Analysis Custom Date Range Report

Report Range: 01/Aug/2006 - 31/Aug/2006



<b>Visit Summary</b>	
Visits	278,553
Average per Day	8,985
Average Visit Length	00:19:24
Median Visit Length	00:07:43
International Visits	34.45%
Visits of Unknown Origin	61.64%
Visits from Your Country: Ireland (IE)	3.91%

<b>Page View Summary</b>	
Page Views	1,937,987
Average per Day	62,515
Average Page Views per Visit	6.96

<b>Visitor Summary</b>	
Unique Visitors	62,553
Visitors Who Visited Once	50,725
Visitors Who Visited More Than Once	11,828
Average Visits per Visitor	4.45

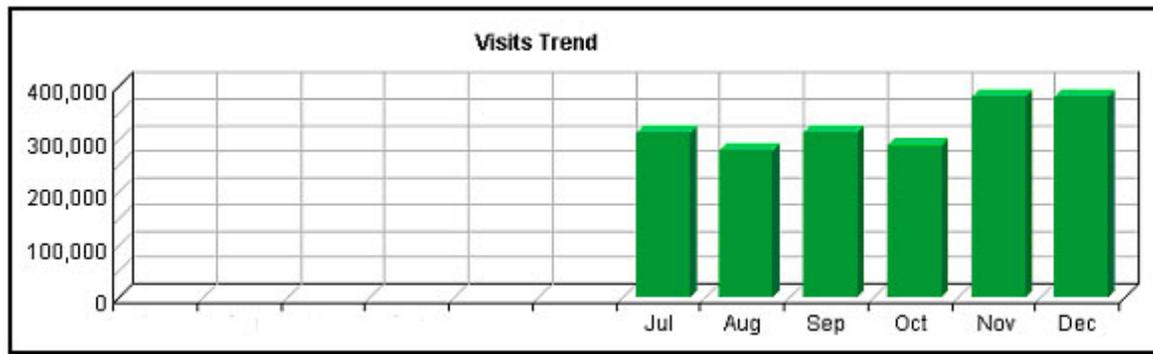
<b>Hit Summary</b>	
Successful Hits for Entire Site	4,543,637
Average Hits per Day	146,568
Home Page Hits	38,109

*This report was generated by WebTrends(R) Wednesday November 1, 2006*

## Website Traffic July - December 2006

### Web Log Analysis Custom Date Range Report

Report Range: 01/Jul/2006 - 31/Dec/2006



<b>Visit Summary</b>	
Visits	1,951,013
Average per Day	10,603
Average Visit Length	00:18:18
Median Visit Length	00:08:21
International Visits	38.22%
Visits of Unknown Origin	58.21%
Visits from Your Country: Ireland (IE)	3.57%

<b>Page View Summary</b>	
Page Views	10,835,460
Average per Day	58,888
Average Page Views per Visit	5.55

<b>Visitor Summary</b>	
Unique Visitors	417,090
Visitors Who Visited Once	337,418
Visitors Who Visited More Than Once	79,672
Average Visits per Visitor	4.68

<b>Hit Summary</b>	
Successful Hits for Entire Site	27,410,647
Average Hits per Day	148,970
Home Page Hits	225,808

*This report was generated by WebTrends(R) Friday January 5, 2007*

## Website Traffic February 2007

### Web Log Analysis Custom Date Range Report

Report Range: 01/Feb/2007 - 28/Feb/2007



<b>Visit Summary</b>	
Visits	348,408
Average per Day	12,443
Average Visit Length	00:17:41
Median Visit Length	00:07:37
International Visits	33.16%
Visits of Unknown Origin	63.19%
Visits from Your Country: Ireland (IE)	3.66%

<b>Page View Summary</b>	
Page Views	1,841,839
Average per Day	65,779
Average Page Views per Visit	5.29

<b>Visitor Summary</b>	
Unique Visitors	81,740
Visitors Who Visited Once	65,805
Visitors Who Visited More Than Once	15,935
Average Visits per Visitor	4.26

<b>Hit Summary</b>	
Successful Hits for Entire Site	5,012,394
Average Hits per Day	179,014
Home Page Hits	36,374

This report was generated by WebTrends(R) Friday September 21, 2007

## Website Traffic Jan – March 2008

Web Log Analysis Custom Date Range Report

Report Range: 01/Jan/2008 - 31/Mar/2008



<b>Visit Summary</b>	
Visits	953,293
Average per Day	10,832
Average Visit Length	00:17:39
Median Visit Length	00:08:38
International Visits	56.87%
Visits of Unknown Origin	38.45%
Visits from Your Country: Ireland (IE)	4.68%

<b>Page View Summary</b>	
Page Views	4,439,200
Average per Day	50,445
Average Page Views per Visit	4.66

<b>Visitor Summary</b>	
Unique Visitors	169,487
Visitors Who Visited Once	123,730
Visitors Who Visited More Than Once	45,757
Average Visits per Visitor	5.62

<b>Hit Summary</b>	
Successful Hits for Entire Site	10,704,553
Average Hits per Day	121,642
Home Page Hits	N/A

**WEBTRENDS**

This report was generated by WebTrends(R) Friday October 3, 2008

## Website Traffic July – September 2008

Web Log Analysis Custom Date Range Report

Report Range: 01/Jul/2008 - 30/Sep/2008



<b>Visit Summary</b>	
Visits	388,381
Average per Day	4,221
Average Visit Length	00:14:00
Median Visit Length	00:03:08
International Visits	35.83%
Visits of Unknown Origin	49.15%
Visits from Your Country: Ireland (IE)	15.02%

<b>Page View Summary</b>	
Page Views	3,050,391
Average per Day	33,156
Average Page Views per Visit	7.85

<b>Visitor Summary</b>	
Unique Visitors	200,916
Visitors Who Visited Once	163,334
Visitors Who Visited More Than Once	37,582
Average Visits per Visitor	1.93

<b>Hit Summary</b>	
Successful Hits for Entire Site	9,100,464
Average Hits per Day	98,918
Home Page Hits	N/A

**WEBTRENDS**

This report was generated by WebTrends(R) Thursday October 2, 2008

## Appendix 4: Questionnaire Results - 31 Jan 2007

### Electronic Irish Statute Book (eISB) Value for Money Review Questionnaire on the eISB as published on the website of the Office of the Attorney General and on CD-ROM (CD)

Total number of Questionnaires received - 330

#### 1. Have you ever used the eISB?

Please select one answer only.

<b>69%</b> (a) Yes, website <b>01%</b> (b) Yes, CD <b>23%</b> (c) Yes, both <b>06%</b> (d) Neither	<b>Results based on:</b> 330 Total Received 92% Website - 304 replies 24% CD - 79 replies
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#### 2. If you answered 'neither' (d), to question 1 above please indicate your reasons below.

More than one answer may be selected.

%	
2	(a) I have no need for the eISB
2	(b) I use an alternative source for electronic legislation
0	(c) I think the eISB is an unreliable source
1	(d) The eISB is not updated regularly enough
0	(e) The eISB is not user friendly
1	(f) I use hard copy legislation (as published by the Stationery Office)
1	(g) Other reason (please give details in the comments box at question 15)

#### 3. Which category of eISB user most closely applies to you?

Please select one answer only.

%	
27	(a) Public Service (in a legal capacity)
31	(b) Public Service (not in a legal capacity)
12	(c) Legal profession (other than Public Service legal)
02	(d) Member of the business community
02	(e) For private or personal use
07	(f) Academic / Research / Study use
06	(g) Library / Information sector

**4. For what purpose have you used the eISB website or CD?**

More than one answer may be selected.

eISB website	
%	
96	(a) Work related
29	(b) Study related
29	(c) Personal interest or general knowledge
1	(d) Other (please give details in the comments box at question 15)

eISB CD	
%	
81	(a) Work related
18	(b) Study related
08	(c) Personal interest or general knowledge
04	(d) Other (please give details in the comments box at question 15)

**5. How often have you used, or do you currently use, the eISB website or CD?**

Please use the closest option from below.

eISB website	
%	
19	(a) Every day
33	(b) A few times a week
09	(c) Once a week
40	(d) A few times a month
00	(e) Once a month
00	(f) Less often

eISB CD	
%	
10	(a) Every day
13	(b) A few times a week
00	(c) Once a week
58	(d) A few times a month
00	(e) Once a month
00	(f) Less often

**6. Which component of the eISB website or CD have you used?**

More than one answer may be selected from each column as appropriate.

eISB website	
%	
57	(a) Acts of the Oireachtas
46	(b) Statutory Instruments
08	(c) Legislation Directory
44	(d) All three components

eISB CD	
%	
37	(a) Acts of the Oireachtas
22	(b) Statutory Instruments
05	(c) Legislation Directory
42	(d) All three components

**7. How useful is the eISB website or CD for your purposes?**

Please select one answer only from each column as appropriate.

eISB website	
<b>44</b>	(a) Essential
<b>46</b>	(b) Very useful
<b>09</b>	(c) Useful
<b>01</b>	(d) Could manage without it
<b>00</b>	(e) Not useful

eISB CD	
<b>27</b>	(a) Essential
<b>14</b>	(b) Very useful
<b>09</b>	(c) Useful
<b>27</b>	(d) Could manage without it
<b>09</b>	(e) Not useful

**8. How do you rate the functionality on the eISB website or CD?**

	Excellent %	Very good %	Good %	Adequate %	Poor %
<b>eISB WEB</b> Searching	<b>18</b>	<b>37</b>	<b>26</b>	<b>12</b>	<b>6</b>
<b>eISB WEB</b> Navigating	<b>18</b>	<b>37</b>	<b>26</b>	<b>11</b>	<b>4</b>
<b>eISB WEB</b> Printing	<b>12</b>	<b>23</b>	<b>25</b>	<b>20</b>	<b>15</b>
	Excellent %	Very good %	Good %	Adequate %	Poor %
<b>eISB CD</b> Searching	<b>15</b>	<b>22</b>	<b>20</b>	<b>11</b>	<b>8</b>
<b>eISB CD</b> Navigating	<b>4</b>	<b>25</b>	<b>19</b>	<b>13</b>	<b>9</b>
<b>eISB CD</b> Printing	<b>1</b>	<b>20</b>	<b>20</b>	<b>14</b>	<b>9</b>

**9. Do you find the eISB website or CD easy or difficult to use?**

Please select one answer only from each column as appropriate.

eISB website	
<b>27</b>	(a) Very easy
<b>50</b>	(b) Easy
<b>20</b>	(c) Average
<b>02</b>	(d) Difficult
<b>00</b>	(e) Very difficult

eISB CD	
<b>18</b>	(a) Very easy
<b>30</b>	(b) Easy
<b>27</b>	(c) Average
<b>08</b>	(d) Difficult
<b>00</b>	(e) Very difficult

**10. Do you understand the function of the Legislation Directory?**

Please select one answer only.

<b>68%</b> (a) Yes
<b>21%</b> (b) No

**11. How often do you think the eISB website should be updated?**

Please select one answer only.

%	
73	(a) Constant updating (as soon as new legislation is available)
08	(b) Weekly (as soon as new legislation is available)
08	(c) Monthly (as soon as new legislation is available)
03	(d) Quarterly (as soon as new legislation is available)
00	(e) Yearly (as soon as new legislation is available)
01	(f) Other – please give details in the comments box at question 15.

**12. How often do you think the eISB CD should be produced?**

Please select one answer only.

%	
19	(a) Quarterly (as soon as new legislation is available)
18	(b) Yearly (as soon as new legislation is available)
02	(c) Other (Please give details in the comments box at question 15)
37	(d) I don't believe there is a need for a CD

**13. The current price of the eISB CD is €35. Do you consider this is:**

Please select one answer only.

%	
30	(a) Just right
18	(b) Price is too high
02	(c) Price is too low, I would be prepared to pay more

**14. Do you use any other sources for accessing Irish legislation (print or electronic)?**

More than one answer may be selected.

%	
08	(a) No
69	(b) Yes, the Oireachtas website / database
44	(c) Yes, the BAILII (British and Irish Legal Information Initiative) website
31	(d) Yes, the IRLII (Irish Legal Information Initiative) website
21	(e) Yes, commercial (for a fee) websites or databases
53	(f) Yes, hard copy legislation (i.e., legislation published by the Stationery Office)
03	(g) Other (please give details in the comments box at question 15)

## Appendix 5: Provision of Electronic Legislation in British Columbia, Canada

We acknowledge with thanks the assistance of Mr Ken O'Connor from the Queen's Printer for the Government of the Province of British Columbia, Canada for his support and for completing the questionnaire below.

**1. What electronic legislation is available (free or commercial) in your jurisdiction?**

All BC legislation. I have listed what is available on our QP LegalEze site at the end of this document.

**2. Is any electronic legislation made available by the Government / a Government agency?**

**(a) To the public**

**(b) To employees of the Government / Civil Service only**

**Is there a difference between the information provided to the public and that provided to Government employees? For example: access, cost, content.**

The site is available to anyone and the information and cost is the same for all but the capability exists for filtering content based on user id or IP address/range.

**3. Is the electronic legislation made available by the Government / Government Agency?**

**Free**

**Pay per use**

**Subscription based**

**Other**

We produce the consolidated statutes and regulations on a free website for anyone to use. The data on this site is kept current to the printed version so it is not current, but generally one year out of date.

QP LegalEze, our subscription-based service that is kept up to date daily, is sold by yearly licence, monthly licence, 10-day pass and/or day pass. QP LegalEze uses the award winning NXT 4 search engine. The public can access QP LegalEze free of charge through public libraries, educational facilities, government agents and courthouse libraries.

**4. What format is the electronic legislation published in, for example, online, CD-ROM, DVD?**

Online (website) and CD-ROM.

**5. How often is the legislation updated?**

QP LegalEze is kept up to date on a daily basis.

**6. Does your jurisdiction produce Revised Statutes electronically?**

Yes.

**7. What electronic legislation is made available?**

**For example:**

**Statutes as enacted**

**Revised Statutes**

**Regulations, subordinate legislation**

**Directory of amendments**

All of the above plus more. See note at end of document.

**8. Are Statutes and related Regulations linked electronically?**

Yes and also linked to Directory of Legislative Change and Historical Directory as well as Orders in Council, Proclamations and Regulation Bulletins.

**9. What period does the electronic legislation cover?**

This is explained in the note at the end of this document.

**10. Does the database include other Government information, for example, parliamentary debates?**

Yes. It includes the Hansard Debates, and all Bills before the House. Please see the note at the end of this document.

**11. If not, are there links to any other government departments / offices?**

There are also links to other BC government departments as well as to Federal Government (Canadian) legislation.

**12. Is the electronic legislation an official version of legislation?**

In BC the printed version remains the official version.

**13. If so, are printed copies of legislation also published?**

Yes.

**14. What government department / agency is responsible for making electronic legislation available?**

We are the Queen's Printer for the Government of the Province of BC. We produce the legislation in print and electronically, in conjunction with Legislative

Counsel, Ministry of Attorney General and the Law Clerk of the Legislative Assembly of BC. We are called the Electronic Publishing Department of the Queen's Printer.

**15. Is this department / agency specifically dedicated to this job?**

The Electronic Publishing Department is dedicated to government electronic publishing from Federal, Provincial and Municipal governments.

**16. How many staff work on making the legislation available electronically?**

There is a multitude of staff from the drafters, lawyers, support staff at Legislative Counsel to our Electronic Publishing staff at the Queen's Printer made up of printers, programmers, and technicians who work to keep the site current.

**17. What expertise do these staff have, for example: lawyers, IT specialists, librarians, legal editors, legal publishers etc.?**

The Electronic Publishing staff are journeyman typesetters (compositors), editors, proofreaders, programmers and IT specialists who are experts in their field. We specialize in publishing legislation both in print and electronically.

**18. Does this department / office have any link with other (government) offices, for example: the legislative drafting office / Parliament / Attorney General's Office?**

Yes we work closely with these departments.

**19. Is the publication of electronic legislation done in conjunction with any commercial company / publisher?**

No.

**20. Have you any future plans to review the service you provide?**

We constantly review and upgrade the service to give our customers the very best that we can offer. This includes system upgrades to enhance functionality and keep abreast of web standards. We listen to customer feedback and implement changes which are beneficial to all.

**Feel free to add any further information or comments.**

Our publishing services combined with our expertise in legislation make us a viable publisher in all aspects.

We have a commercial publishing licence for the award winning FAST NXT publishing software (formerly Folio). We produced Folio products for many years but moved to the web as a better solution for electronic publishing. Folio is no longer supported.

Our data is in XML (extensible mark-up language). It is not a fixed format like HTML, but rather a language which lets us design our own mark-up for different destination formats, such as print. XML's primary purpose is to facilitate the sharing of data across different information systems, particularly systems connected via the Internet. XML's enforced structure allows us to support high-quality print, searchable web documents, and statistics from a single repository of data.

We have many happy customers both inside and outside the BC Provincial Government.

Here is the content that you will find on our site:

**Statutes:** The Queen's Printer provides an early consolidation of the BC Statutes. QP LegalEze content includes Private, Special and Local Statutes, with highlighted green text showing updated amendments made since the last official printed consolidation. These changes are easily searchable using the Search for Amendments option.

**Point-in-Time Table:** This table links users to an on-going list showing how sections of an Act read prior to an amendment. It includes data from January 2000.

**Directory of Legislative Change:** This table identifies "Changes Not in Force" and "Changes in Force". The table includes the Section of the Act affected by changes; the nature of the changes; the enactment making the changes; "Changes Not in Force", and also, how the changes are to come into force. The first edition table provides details on changes made from January 1, 1997 to December 31, 2004. The second edition table provides details on changes from January 1, 2005 to the present.

**Historical Table:** This table provides similar information as the Directory of Legislative Change for the Acts from 1979 to the 1996 Revision.

**Supplement (where applicable):** Shows all amendments enacted but not in force on December 31, 1996; the date of the last Statute Revision.

**Archived Consolidations of Statutes:** All loose-leaf consolidations since the 1996 Revision are available in a searchable format within QP LegalEze.

**Consolidated Provisions-in-Force:** A complete, cross-referenced, alphabetical listing of Acts passed during a particular sitting of the Legislative Assembly, includes the following information: Act title, Bill number, citation, which provisions of the Bill affect the named Act, whether the legislation comes into force on Royal Assent or by Regulation, and the corresponding effective dates. This listing includes data from 1997 to present.

**Table of Statutes - Repealed, Replaced and Renamed:** This table assists with tracking outdated legislation. It covers public statutes since 1897 that have been repealed and not replaced; repealed and replaced by a statute with a different title; or statutes that have been retitled either by amendment of the Legislature or during revision.

**Regulations:** QP LegalEze has the most current authoritative version from the BC Registrar of Regulations, which is complete with graphics, Directory and forms. The official version of the BC Regulations is printed every four months. QP LegalEze provides the unofficial early consolidation and is updated on a continuous basis as Regulations are consolidated.

**Regulation Bulletins:** The Bulletins provide a weekly summary of the Regulations deposited with the Registrar of Regulations, under the *Regulations Act*. The Cumulative Bulletin lists all regulations deposited to date, in alphabetical order by statute name. As well there are hyperlinks to the full text Order-in-Council or Ministerial Order and BC Gazette Part II from the Bulletin listing. It includes data from 1999.

**Archived Consolidations of Regulations:** All loose-leaf consolidations since April 2003 are available in a searchable format within QP LegalEze.

**Defunct Regulations:** This listing links users to the full text of all regulations repealed from August 1, 2003 up to the present.

**List of Updated Statutes and Regulations:** The list of updated Acts and Regulations since the date of the latest consolidation. Note that this relates to the latest loose-leaf print consolidation.

Full Text Orders-in-Council: The Order-in-Council Administration Office provides Queen's Printer with the approved Orders-in-Council that have been passed by Cabinet. The Queen's Printer scans these documents, converts them to PDF and posts them on QP LegalEze daily. This allows users to easily see the full text of the Order-in-Council. The documents include Orders from November 2001 to present.

Order-in-Council and Ministerial Resumes: These are reports of the decisions of the Lieutenant Governor in Council and Ministers and include the Order-in-Council or Ministerial Order number; the originating Ministry; the name of the Act which provides the authority for the Order; and a brief description of the subject matter. It includes data from January 1999 to present.

Rules of Court: The BC Rules of Court and Related Enactments. Acts and Regulations that govern court procedures in British Columbia. It also includes Supreme Court Rules, Court of Appeals Rules and 19 related Acts.

Bills: The Bills Table provides links to the full-text of First Reading, Amended and Third Reading Bills (Government and Private). The table also links to where the Bills are dealt with during debates in the House. It includes Bills from the first Session, 36th Parliament of 1996 to the present.

Hansard: It is the official Report of the Debates of the Legislative Assembly. It includes debates from March 17, 2002 to present.

Acts and Ministry Responsible: Orders made under the *Constitution Act* designate Ministers responsible for the administration of most public statutes as well as a few private and local statutes. In a few cases, more than one Minister is designated. This section indexes the responsibilities designated both by the Act and by Minister responsible.

Gazette Part II: Under the *Regulations Act*, new Regulations must be published in the BC Gazette Part II. The electronic version of the BC Gazette has the complete text of all new, repealed and amended regulations deposited under the *Regulations Act* in a fully searchable format. This version is online before the printed version is available. It includes issues from October 2001 to present.

Gazette Part I: Produced under the authority of the *Queen's Printer Act*, the BC Gazette Part I is published every week. It contains published legal notices such as Calling for Tenders, Forest Development Plans, Notice to Creditors, Land Dispositions, Public Tenders, Timber Licences Cancelled or Surrendered and Other Miscellaneous Notices. It includes issues from January 2003 to present.

Historical Supreme Court Rules: The Historical Supreme Court Rules provide a full text of BC Regulation 310/76 and BC Regulation 221/90, as originally enacted. These were added because the two regulations were not reproduced in full in the BC Gazette Part II at the time they were enacted; subsequent amendments to them were gazetted.

Corporate Registry Notices: Effective March 29, 2004, the Corporate registry notices of company and extra-provincial company filings are no longer published in the BC Gazette Part I as per the new *Business Corporations Act*. QP LegalEze is the only online source to Corporate Registry notices. The registry includes data from January 2003 to present.