

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Eighty-fourth Report — “Access to Australian Standards Adopted in Delegated Legislation” — Tabling*

**MR P. ABETZ (Southern River)** [10.32 am]: I present for tabling the eighty-fourth report of the Joint Standing Committee on Delegated Legislation titled “Access to Australian Standards Adopted in Delegated Legislation”.

[See paper 4263.]

**Mr P. ABETZ:** The report I have just tabled advises the house of the committee’s findings and recommendations following its inquiry into access to Australian Standards that have been adopted in delegated legislation. It raises serious concerns about the ability of members of the public, business and government, unions and, indeed, members of this Parliament to access those standards free of charge. Members would be aware that many Australian Standards are adopted into regulations and local laws and that Australian Standards are as much a part of the law of this state as the contents of any statute. The committee is strongly of the view that, as such, these standards should be freely available to all if they are contained in legislation or regulations. Surely, it should be easy to access these Australian Standards.

The problem is that back in 2003 Standards Australia hived off the distribution of Australian Standards to SAI Global Ltd through a public flotation and entered into an agreement with SAI Global, which basically gave SAI a 15-year exclusive right to sell and distribute Australian Standards, and there is seemingly a clause that allows for a further five-year extension. The committee sought a copy of that arrangement, but that was denied to the committee. It appears that not even members of Standards Australia have access to the contents of that agreement. Given the final recommendation of this committee that option clause is very significant.

Basically, the problem we have is that it is very costly to access Australian Standards. The way they are made available is that people have to pay a significant sum, which then allows them access to one standard. They are not allowed to photocopy it. For example, if a business purchased a paper copy, it would not be allowed to duplicate it for staff and so on. Indeed, the restrictions are so great that it is almost impossible for people in remote areas to gain access in any way at all without purchasing online access.

The committee’s report makes 12 recommendations overall, some of which involve minor statutory amendments designed to ameliorate some of the concerns the committee has with free access to the standards. One of the recommendations is that governments and local councils be required to have on hand a paper copy of the Australian Standards that are included in any regulation or local law so that members of the public can view that particular standard. If we expect people to adhere to the law, we must give them access to the content of that law. The committee believes that should be freely available and should not cost people a significant sum of money to access what is expected of them by the law.

The committee’s report also highlights the difficulties faced by the committee in scrutinising delegated legislation on behalf of Parliament when external material such as Australian Standards are adopted under the provisions of the Interpretation Act 1984 and the Local Government Act 1995. The committee points out that access to Australian Standards in delegated legislation is a problem that does not affect only Western Australia. The committee wrote to every other state and became aware that every other state struggles with this same issue. The other states are very eagerly awaiting the tabling of this report. We were grateful for the input that other states provided for us. We believe a workable solution cannot be achieved by our Parliament alone, or by any Parliament on its own; it requires a national approach. Finding 9 of the report states —

**The Committee finds that, taking into account the monies spent annually by public bodies in Western Australia on copies of Australian Standards or access to the SAI Global Ltd. Website, and extrapolating those figures across the country, there is a clear economic case to be made for governments centrally and jointly providing for the direct funding needs of Standards Australia at the conclusion of its arrangements with SAI Global Ltd. When the current costs to business and other organisations are added to this, the case for such direct provision is strengthened inordinately. Therefore, it is contemplated, universal public availability could be achieved with accompanying greater compliance and at reduced costs overall.**

In fact, the way it works is that Standards Australia receives 10 per cent of whatever is charged for a standard by SAI Global. That goes back to Standards Australia. The amount of revenue that Standards Australia receives from that arrangement is less than the total amount that governments all around Australia pay for standards. Direct provision of standards would save a lot of administrative time and a lot of money, and the by-product would be that the rest of the community has free access to these standards. One might wonder why this arrangement between Standards Australia and SA Global was established. Part of the reason was that back in those days people used to get paper copies of standards. The world has moved on and most people now access standards via the website. Interestingly, there is only a marginal discount for accessing the site versus a paper

copy that is mailed out. If all Australian standards were on the Standards Australia website, publicly available to everyone and the government funded it, it would actually save Australian governments money and the benefit would be that everyone else could also access them freely. Imagine a plumber in a place such as Karratha having to travel to Perth to look at a standard or having to pay hundreds of dollars to access Australian standards, and even then he would not be able to make a copy of them, unless he pays more money to SAI Global Ltd. These are really significant issues.

That leads to the committee's twelfth and final recommendation, which reads —

**Recommendation 12: The Committee recommends that the Minister for Commerce works with his colleagues on the Industry and Skills Council of the Council of Australian Governments with a view to agreeing to a fully publicly-funded model for online access to the full suite of information in which copyright is currently held by Standards Australia, upon the cessation of the Publishing Licensing Agreement between Standards Australia and SAI Global Ltd., with an implementation target of either 2018 or 2023 depending on the terms of that agreement.**

Our recommendations are very clear, and I certainly encourage anyone involved in business or working with delegated legislation—local governments and so on—to at least read our findings and recommendations. I urge the Attorney General, through the Department of Commerce, through which we have representation on the Standards Australia Council, to move this forward and solve this longstanding problem. It is a simple solution in this digital age to have all the standards on a website, publicly available, and for government to fund Standards Australia to do its work. I was unaware until we did this report that the development of standards by Standards Australia is actually done voluntarily; academics, businesspeople and so on donate their time to do this work, and Standards Australia has some staff to coordinate it. Even the people who are involved in developing the standards and the organisations that pay their salaries while they are doing this work do not have free access to the standards that their staff helped to develop, so I think there are some real issues here. I believe that a fairly straightforward solution can be implemented once the publishing licensing agreement between Standards Australia and SAI Global Ltd comes to an end, and hopefully we can move forward.