

Transcript of 'Free the Law - How the Australasian Legal Information Institute (AustLII) Achieved the Free Availability of Legal Information on the Internet' keynote presentation, Chatham House, London, 8 Nov. 1999

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FREE THE LAW

SCL, ITAC, BILETA, BIALL and IALS Joint Evening Meeting

Chairman: The Right Honourable Lord Justice Brooke

Speakers: Mr Stephen Hockman QC, Professor Graham Greenleaf

Meeting held at: Chatham House, 10 St James's Square, London, SW1Y 4LE

on Monday, 8th November 1999 at 6.30 pm

Panel members: Mr Edward Donelan; Miss Amanda Finlay; Professor Abdul Paliwala; Professor Richard Susskin; Mr Laurence West-Knights

Monday, 8th November 1999 (6.40 pm)

PROFESSOR GRAHAM GREENLEAF:

[Note - This transcript has been edited so as to include links to the web pages and search results used in the presentation, and also to include other contextual information.]

President, my Lords, ladies and gentlemen - As your President has noted, I am from the monarchy of Australia. I appear before you tonight as one of Her Majesty's reluctant subjects.

[Web page: Title - <http://www2.austlii.edu.au/~graham/Slides/London/>]

On behalf of my colleagues at AustLII, thank you very much for the interest that you have shown in our work by your attendance at this seminar tonight. Our particular thanks to the five organisations that have jointly convened this meeting.

When he was opening AustLII's recent law via the Internet 1999 conference, Justice Michael Kirby of Australia's High Court claimed that AustLII would have delighted Jeremy Bentham, one of whose many passions was improved access to legal information and who, like Thomas Hobbes, often railed against the impediments to public access to the law. It has been my pleasure over the last few days to work at the Institute for Advanced Legal Studies, not far from University College where Bentham's embalmed body stares down at onlookers. I did put in a request for him to be brought over to Chatham House this evening to give me some

moral support, but unfortunately he had to attend a meeting of the College Council and so he has sent his apologies instead.

[Web page: Outline - <http://www2.austlii.edu.au/~graham/Slides/London/London.html>]

I have been asked this evening to give an explanation of AustLII and so this will be partly a demonstration and partly an explanation of the elements that have enabled us to make what contribution to access to the law that we have been able to achieve.

[Web page: A public legal information institute - <http://www2.austlii.edu.au/~graham/Slides/London/plii.html>]

I will first give a brief introduction to points on which I will later expand.

[Web page: Mission - <http://www2.austlii.edu.au/~graham/Slides/London/mission.html>]

The basis of AustLII has always been a commitment to free access to public legal information. When AustLII was founded in 1995 on the basis of a small academic grant of A\$100,000 it was explicitly on the basis of providing free access research infrastructure, using the Internet as best we could to provide legal information for the purposes of academic research. AustLII is an independent body in the sense of independence from government, business or any one funding source. It is a joint facility of the law faculties of the University of Technology, Sydney (UTS), where my co-director, Andrew Mowbray, is Associate Dean, and the University of New South Wales (UNSW) where I am a Professor.

All information on AustLII is available for free access and it is run on a non-profit basis. It is funded by stakeholders, as I will explain later, not by user charges, nor by advertising.

It is based around large scale provision of legal information. We have over 80 databases of case law, legislation and other materials, including the full texts of somewhere over 100,000 cases, and over 1 million separate pages of legislation. AustLII is also based on large scale usage of up to 200,000 hits or pages accessed per day.

[Web page: Staff - <http://www2.austlii.edu.au/~graham/Slides/London/staff.html>]

To achieve that large scale result, we nevertheless have a fairly small staff of eight full-time staff members (in addition to Andrew and myself) and a modest budget of about 200,000 pounds. AustLII's results can only be achieved by virtue of automated conversion of data, as I will explain later. So we combine a public access system, research into computerisation of law and various educational facilities. We call ourselves a public legal information institute and we are not alone in that. Other well known examples are Cornell's legal information institute and Lexum at the University of Montreal in Canada.

[Web page: Australasian Databases - <http://www2.austlii.edu.au/~graham/Slides/London/databases.html>]

For those of you not perhaps familiar with some of the content on AustLII, our databases, the centerpiece is what we describe as our National Law Collection, the legislation and the decisions of the superior courts from all nine jurisdictions in Australia. As you can see from the Commonwealth legislation that appears on screen, Commonwealth case law, decisions date from varying dates going back as far as the full text of high court decisions back to 1947, federal court decisions back to its inception in 1977, and so on, and a very wide range of other courts and tribunals.

We have both consolidated legislation for most jurisdictions and sessional or numbered Acts. In some cases, the case law on AustLII is available within hours of the decision being handed down. There have been no High Court decisions in the last couple of days but when High Court decisions are handed down they appear on the AustLII system with full hypertext markup within a few hours. Within our National Law Collection we have material such as high court transcripts by which, in the Australian context, we mean the proceedings of a matter as it is heard, not the decision as it is handed down. We also have the pre-1900 decisions of the New South Wales Supreme Court being by compiled Bruce Kercher from Macquarie University.

While that collection of legislation and the most important case law from all jurisdictions is the core of AustLII, we also have full text decisions from over 30 other courts and tribunals from around the country. It covers a wide variety of subjects, such as industrial awards from New South Wales (where you can see here, on the front of this database, sponsorship by one sponsoring organisation being acknowledged), decisions of our patent office, and other tribunals such as the West Australian Information Commissioner and the New South Wales Residential Tenancies tribunal. In many cases, although you might think that these are less important sources of case law, often they are the only source that is available. So, unlike our Supreme Court decisions and High Court decisions, if you practise in those fields these databases really are invaluable.

We feel that we are at the position at the moment where we are more than half way towards including the decisions of all significant Australian courts and tribunals. With some additional recent funding we have received from the Australian Research Council we hope that we might have a genuinely comprehensive Australian collection within the next three years, including the remaining courts and tribunals. That is only an aspiration at this stage.

We also have Australasian regional databases. We are not called the Australasian Legal Information Institute completely for nothing. We have recently obtained the decisions of the Court of Appeal of New Zealand and we are negotiating with the Department for Courts in New Zealand to obtain the decisions of other New Zealand courts. We are also working cooperatively with the University of the South Pacific in Vanuatu to put onto the web case law and legislation from all 11 island states of the Pacific. In the case of those decisions, for most of the island jurisdictions there are no substantial law libraries, and there are no printed sets of law reports or consolidated legislation. The provision of this information to South Pacific countries is considerably more significant than in a relatively well resourced country like Australia or New Zealand.

In addition, we have what we call our special collections of secondary legal materials, a very wide range of them, but among the notable ones are the complete Australian Treaties Library back to 1900 -- or almost complete, it will be complete by the end of this year -- provided in conjunction with the Department of Foreign Affairs and Trade. We have the full text of every treaty to which Australia is a party and a lot of other interpretive materials on treaties, plus explanatory materials about pending treaties that Australia is considering ratifying.

We have the Law Reform Commission reports of the Australian Law Reform Commission and a very large collection of indigenous law materials, the Reconciliation and Social Justice Library, including such things as all 97 volumes of the "black deaths in custody" Royal Commission reports.

[Web page: Technical foundations of AustLII -
<http://www2.austlii.edu.au/~graham/Slides/London/technical.html>]

So you can see there is a wide range of material on the AustLII system. The question I should address next is "how is this achieved"?

[Web page: AustLII software -

<http://www2.austlii.edu.au/~graham/Slides/London/software.html>]

The starting point is that all of the key software that is used to operate the AustLII system is written in-house by my colleagues, ranging from our search engine to our hypertext markup tools, web indexing software, and a variety of other pieces of software. The fact that we develop our own software gives us considerable potential to integrate it and make the provision of information by various tools more seamless, as I hope you will see in a minute.

[Web page: Technical foundations of AustLII -

<http://www2.austlii.edu.au/~graham/Slides/London/technical.html>]

We do require quite significant "industrial strength" equipment and tools to be able to handle the various projects that we are involved in, ranging from Sun Enterprise 4500 servers to 210 GB of raid array storage.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

That is a little bit of the background. We will now go on a short tour of some of the features of AustLII that users experience, to indicate why it is valuable to have all of these sources of data collected together in the one location.

To start with, our search engine, SINO, has a full range of boolean and proximity search operators. The most significant thing for many users is the fact that you can search over all of the databases contained on AustLII at one time, over 7 GB or so of information. Although I will ask for audience participation during this evening with some suggestions for searches, I will start with a search across all the databases for information relating to intestacy and family provision or family maintenance. Please tell me if I make any typing errors.

[Web page: AustLII front page - <http://beta.austlii.edu.au/> - search type 'this Boolean query ' chosen, and search entered for "intest* near (family provision or family maintenance)" -

results appear as http://beta.austlii.edu.au/cgi-bin/sinocgi.fcgi?method=boolean&meta=%2Faustlii&query=intest*+near+%28family+provision+or+family+maintenance%29&results=50&submit=Search&rank=on&callback=on]

So with this moderately complex boolean search it will now search over 7 GB or so of text. Whereas I can cache static web pages, I cannot cache searches. As you can see, that search only took a few seconds to bring a result back from Sydney. What we find is the first item is from the ACT numbered acts; the second item is from miscellaneous South Australian cases; the third item here does not indicate in the search result what it was so I will go to it. It is from Tasmanian consolidated legislation.

[Web page: Tasmanian legislation -

http://www.austlii.edu.au/au/legis/tas/consol_act/tfma1912297/s3.html]

You can see from this example one of the other features that I will come to in a minute. You should never try anything you have not tested but this should go to a definition in the Act of the word "will", which it does. Most of these things I have tested; that one I had not.

[Web page: Link to definition of 'will' -

http://www.austlii.edu.au/au/legis/tas/consol_act/tfma1912297/s2.html#will]

So you can see immediately the range of the value of materials being able to be searched across the whole range of jurisdictions and case law and legislation together. If we look at that first case, while the search found 33 or so items, the catch words of this first case say this concerns a deceased male who died intestate and former wife makes a claim for provision under the Inheritance (Family Provision) Act. So it is clearly spot on the point.

[Web page: South Australian case -

<http://www.austlii.edu.au/au/cases/sa/SASC/1997/6423.html>]

The search results, the 31 items that have come back, have been ranked in order of likely relevance to the search terms we used. So it does not matter if you do a search that retrieves 10,000 items. If the relevance ranking works properly, then the best items will be found at the top of the results list. This enables you to do fairly broad searches but still obtain the quality results at the top. I think that is sufficient demonstration of that.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

[Web page: AustLII search form - <http://beta.austlii.edu.au/search1.shtml>]

Another feature of searching AustLII is that you can search specific combinations of databases or individual databases. Here is the complex search window where you can search just legislation databases, or just Commonwealth databases, or just South Australia or Western Australia legislation, or assorted combinations. There are a very large number of limited search options.

[Scroll down list of options under "Select the AustLII Database(s) to search:"]

Let us say we want to find any legislation concerning adoption in Australia. We will search simply for legislation name and search for the word "adoption". This time I do not want the results ranked by relevance, I simply want to see them jurisdiction by jurisdiction. Instead of choosing all legislation databases I had chosen just Commonwealth legislation so I will do it again. So we find 43 pieces of adoption legislation in Australia, presented back to this time jurisdiction by jurisdiction, statutes and regulations, consolidated and sessional.

[Enter search term 'adoption' after changing settings to 'this legislation name', 'All legislation databases' and turning relevance ranking off;

Results displayed - [http://beta.austlii.edu.au/cgi-](http://beta.austlii.edu.au/cgi-bin/sinocgi.fcgi?method=legis&query=adoption&meta=%2Fau&mask_path=au%2Flegis&callback=on&results=50)

[bin/sinocgi.fcgi?method=legis&query=adoption&meta=%2Fau&mask_path=au%2Flegis&callback=on&results=50](http://beta.austlii.edu.au/cgi-bin/sinocgi.fcgi?method=legis&query=adoption&meta=%2Fau&mask_path=au%2Flegis&callback=on&results=50)]

It has been suggested I mention what consolidated means but I do not know if that is really necessary. The legislation that we do have on AustLII from all jurisdictions is provided with regular inclusion of all amendments to each original Act. So we have databases of the legislation with amendments included and separate databases of Acts as passed in each year.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

You have noted that there are various hypertext links within the documents that we display. We call that our rich hypertext markup: at present there are over 22 million hypertext links automatically inserted into our databases each time the databases are rebuilt after inclusion of new data.

[Web page: Example of South Australian section with links - http://www.austlii.edu.au/au/legis/sa/consol_act/ipa1972304/s6.html]

These includes links within and between statutes, and here is an example of it, a piece of South Australian legislation, similar to the one before where we go to the definition of "child" in that case. You can also see that there are cross-links to other pieces of legislation which work equally effectively. This is done by hypertext markup software written by Andrew Mowbray.

[Web page: High Court decision with links - http://www.austlii.edu.au/au/cases/cth/high_ct/1999/57.html#para14]

Similar software marks up our case law so that in a High Court case that I have just gone to. If we go to one of the footnotes there, there are references to other High Court decisions which take us directly to those decisions. Similarly, as you can see, there is a veritable thicket in this particular case of links from references to sections of Acts, directly to those sections. This, of course, greatly increases the utility of the case law and the legislation compared with reading paper copies.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

[Web page: Usermark - <http://beta.austlii.edu.au/austlii/usermark/>]

So that you can believe that this is done automatically - although it would be hard to imagine putting in 22 million hypertext links by hand - let me give a demonstration of the automated mark-up using our 'Usermark' tool. Imagine, for example, that in a case or a learned article someone wrote "in *Mabo* 175 CLR 1 the High Court considered section 7 of the Racial Discrimination Act 1975". I enter that text in this window and press 'Markup Now!'. The markup software automatically works out where the hypertext links are to those various items of text in the 7 GB of data on AustLII. As you can see from the result, it goes to *Mabo*, and can it find section 7 of the Racial Discrimination Act. That approach to automation is fundamental to enable us to create the facilities that are on AustLII.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

[Web page: s35 Copyright Act - <http://beta.austlii.edu.au/au/legis/cth/consol%5fact/ca1968133/s35.html>]

One last example is what we call noteups. Every section of an Act on the AustLII system appears as a separate web page so all Acts are broken down one section per page. Let us look at s35 of the Copyright Act. At the top of every section, in this line of buttons, there is a noteup button. If I click on 'Noteup', it is not a hypertext link but it executes a pre-stored search over the whole database to find all cases and other statutory provisions that refer to the section that we have just been looking at.

[Search results - <http://beta.austlii.edu.au/cgi-bin/sinocgi.fcgi/au?method=boolean&rank=on&query=ca1968133%20s35>]

This automated noteup facility is achieved by using the automated hypertext markup we have just been looking at. Wherever a hypertext link section to 35 of the Copyright Act has been created by the automated mark-up software, the 'Noteup' search will then go and find that hypertext link. The mark-up software is considerably more sophisticated in finding all the various ways by which a judge or a draftsman might refer to section 35 of that Act than any individual user is likely to do left unaided, typing in search terms themselves. It is surprisingly difficult to find all references to a section of an Act via free text search.

[Web page: Features for users - <http://www2.austlii.edu.au/~graham/Slides/London/tour.html>]

I hope this brief tour has given you a reasonable idea of what makes AustLII different technically from other sources of legal information. We are continuing our research and development into a wide range of other enhancements based on automation. One new research direction is multi-jurisdictional point-in-time legislation, the feature of being able to find the state of legislation at any given point in time which has been mentioned in relation to the statute law database here in the UK. AustLII has just received research funding to work on that problem. You can already do that with Tasmanian legislation, but the challenge for AustLII is to generalise a technique across all nine jurisdictions. We hope that within the next three years all of the legislation on AustLII will have that feature.

Where does this automation-based approach leave AustLII has in relation to other providers of legal information? Our first rule is if we cannot automate it, leave it to the commercial publishers. If it has to be done by human editing, then it is the proper role of commercial publishing and we do not attempt to be involved in that. On the other hand, if we can automate it, then it is effectively no longer saleable value-adding, it is something that is worth being given away for free. We sometimes say that through our automation innovations we try to "lift the bar" as to what is saleable value-adding. By doing so we try to increase the competitiveness of the legal publishing industry as a whole, and to improve the quality of the products from all sources that are available to the public.

I would like to finish this discussion of technical aspects of AustLII by restating that AustLII's software is available to similar institutions in other countries. If they have a commitment to free and non-profit access to law, and both the technical and institutional capacity to make a success of it, we would like to be able to provide some assistance.

[Web page: Public policy - <http://www2.austlii.edu.au/~graham/Slides/London/policy.html>]

Having looked at the technical side, I would like to move on to the public policy considerations that lie behind AustLII. We have aimed for access to what we call "public legal information": primary legal materials and some official secondary materials such as law reform reports, Royal Commission reports, and the like. It has been our approach since starting AustLII that public policy should aim to maximise access to this public legal information because to do so supports access to justice, it supports the rule of law (as our opening speaker has stressed), and it supports democratic institutions. It also supports business efficiency by enabling businesses to obtain readily a wide spread of legal information and sometimes to be able to use it without the intervention of legal professionals. It increases a country's international transparency and therefore its potential for foreign

investment, export earnings and the like. For all those reasons, we think that maximising access to public legal information is the direction that public policy should take.

[Web page: Six obligations -

<http://www2.austlii.edu.au/~graham/Slides/London/obligations.html>]

We have, since 1995, attempted to articulate and argue for essentially the same public policy agenda, and after five years there seems to be a general acceptance of such policies in Australia. I will explain some of the six elements of that public policy agenda.

First, we argue that public bodies, (courts, tribunals, offices of parliamentary counsel and the like) should provide to those who wish to use it, their output (their cases, their legislation etcetera) in a completed form. All Australian parliamentary counsel provide AustLII with consolidated legislation. "Consolidated" legislation, involving provision of updated versions with amendments from time to time, is no longer regarded as a value-added product of some sort that should be saleable in any Australian jurisdiction. It is something that the government accepts it has a duty to provide to the public and does so by providing it to us and providing it to others to distribute, and by providing it through government web sites. Similarly, Australian courts and tribunals always complete the job, as it were, of producing their decisions by providing written decisions and providing those written decisions to AustLII and other publishers for re-publication. AustLII does not pay any Court for its decisions, and none have refused to give them to us.

The second element is that the output of these public bodies should be provided in an authoritative form so as to enable its citation and proper use within the legal system. That has led to the point where Australian courts in all jurisdictions now provide, with their decisions, a court designated citation. They do not any longer rely upon commercial legal publishers to provide an authoritative means of citing their decisions.

[Web page: High Court's court-designated citation -

http://www.austlii.edu.au/au/cases/cth/high_ct/1999/57.html]

Here, for example, is a very recent Australian High Court decision which has the court designated citation, [1999] HCA 57. All of Australia's superior Courts have now adopted the principle of "Court-designated citations", and many other Courts and Tribunals are following suit.

[Web page: Pinpoint link to High Court decision -

http://www.austlii.edu.au/au/cases/cth/high_ct/1999/57.html#para14]

Similarly, some Courts are now providing paragraph numbering of their decisions to enable pinpoint citation. So I can jump directly to paragraph 14 of that judgment. It is not a paragraph 14 that has been inserted by AustLII, but paragraph numbering that has been inserted by the High Court and is therefore medium neutral and vendor neutral, and can be used by all publishers to give a consistent and coherent means of providing pinpoint citations to cases. That is now becoming the norm within Australian courts.

The third principle is the need for provision of public legal information in a form that best facilitates dissemination. I am happy to say that after some years of AustLII working with the courts in Australia to assist them to learn how to do this, most courts now e-mail their decisions directly to us, sometimes within hours. They do so in an increasingly standardised form through the production of their decisions using templates that have been worked out

according to various standard-setting committees, in which we have been involved and the Australian Institute of Judicial Administration and others have been involved.

Relevant to our fourth and fifth principles, all of the courts and parliamentary counsel in Australia provide their output to us for free. We pay nothing for the information we receive from any of them. Some still charge legal publishers varying amounts. Our policy is that public legal information should be freely available to all republishers on a marginal cost recovery basis, but while we give our verbal and moral support the legal publishers have to fight their own battles in that area.

The sixth and last principle is that we argue that, despite our stress on the provision of the information to third parties for re-publication, it is very important that public bodies keep, in a computerised form, a properly maintained back-set of their cases, legislation or reports. This will protect late entrants who come into the publishing scene, so as to increase the amount of potential competition, and just as important it protects the public interest in the data set and the public body's ability to facilitate alternative sources of supply if existing ones prove unsatisfactory for some reason.

[Web page: Public policy - <http://www2.austlii.edu.au/~graham/Slides/London/policy.html>]

So that is in outline the public policy agenda that we have advocated in Australia with what seems to be some success.

[Web page: Independent source - <http://www2.austlii.edu.au/~graham/Slides/London/independent.html>]

It is increasingly the case that courts, tribunals and governments are providing cases, legislation and reports for free access on their own web sites. Before leaving the public policy considerations, I would like to stress that we think that even where such free access is being provided by 'official' sites, it is very important that independent providers of that information, such as AustLII, continue to provide access to the information. There are AustLII facilities that I have demonstrated such as the benefits of searching all sources with one search, and greater dissemination of the information because of high throughput and access rates to AustLII, that ensure a higher level of access to the information than is likely from scattered 'official' sites. More important is that AustLII provides different forms of value-adding from the 'official' sites, and different classes of users have different needs and appreciate different forms of accessing the information. Our continuing provision helps ensure, by competition, increasing quality from the official government sites as well as increasing quality of our own provision. Also, an independent source such as AustLII helps to guarantee that that free access from 'official sites' continues, and that on a change of government there is not suddenly a reversion to a 'user pays' policy and continuous free access goes out the window. We are, in a sense, a guarantee against that. It also helps to ensure that free access is not second-rate access, so 'official' sites cannot give the public unconsolidated legislation but make people pay for the useful stuff, or that they provide case law in a form with no search engine, purportedly free but effectively useless. That is not the sort of public access that is needed. An independent site also helps commercial publishers obtain free access but, on the other hand, helps to ensure that they moderate their prices.

Official provision of free access to legal information through 'official' sites is certainly desirable but we stress that it is not enough. Even in the face of good quality government publication, there is a need for an independent source of free access to public legal information.

[Web page: Public policy - <http://www2.austlii.edu.au/~graham/Slides/London/policy.html>]

The last point on policy matters is simply to note that AustLII has treated questions of copyright as irrelevant. In order to operate a free access service, if you cannot obtain a steady flow of the legal data in computerised form from the official source, then you have no hope of providing anything. It is no solace to know that the data is in theory in the public domain if you do not have any access to it in computerised form. We are not in the business of scanning judgments or re-keying legislation or anything like that. If we do have access to the stream of data because of co-operation from the court, tribunal or office of parliamentary counsel, then we clearly are getting that on the basis of an implied licence to re-publish (and in some cases but not many, formal licence agreements). In the five years AustLII has operated, we have never entered into any discussions about copyright issues with courts, tribunals or offices of parliamentary counsel, other than providing whatever notice they request on the front of the data they provide to us indicating their view of the matter, or signing a standard formal licence agreement. The moral of our experience is that copyright issues should not be allowed to be used as a distraction from providing free access. Access is simply a policy issue.

[Web page: Impact - <http://www2.austlii.edu.au/~graham/Slides/London/statistics.html>]

What impact has AustLII had? In terms of access, over one million pages are accessed per week according to our logs. Actual usage is higher than that because we do not see the many hits that come to proxy servers, we only see the ones that actually get through directly to us. So actual usage of our data, we think, is considerably higher than a million hits a week.

In terms of efficiency, on the basis of our current running costs of about A\$500,000 a year and the number of hits we receive, it costs less than one Australian cent per page accessed, where a page is the text of a whole case, or of a section of an Act, or of a chapter of a Report. It costs us less than one cent to deliver the full text of a case or a section of an Act to our users. We think this give AustLII a fairly unarguable case that this is an economically efficient way to provide access to the law. Due to the economies of scale we have now achieved, we can add a new database to the AustLII system for around about on average A\$5,000 per annum. Economies of scale have reduced those costs considerably.

Our users come from across the whole community. It is difficult to precisely assess this because you have the "dot com" (.com.au) and "dot net" (.net.au) sub-domains covering (and therefore obscuring) business users, lawyer users and the general public. From other means of measuring access from user surveys and our feedback we know that a very considerable number of members of the general public use our facilities, often for things such as their own family law disputes, or for tenancy matters, but also for browsing and accessing an enormously wide range of legal information. Many businesses also do so, particularly in the area of industrial law but also, for example, the most popular New South Wales legislation indicates that it may be real estate agents who are making very large use of that particular information. We have about 20 per cent usage from the educational sector, 5 to 7 per cent from government, and about 15 per cent from overseas. This includes, on an analysis of our 1998 case law statistics, that we exported last year 80,000 Australian cases to the United Kingdom. Unfortunately, I would have to add we do not get anywhere near as much case law back in return from web sites at this end of the world. Analysis of our user survey also shows usage from the whole community. We estimate that about one third of our usage is from lawyers, which leaves a lot of room for use by others.

[Web page: Top 20 cases - <http://www2.austlii.edu.au/~graham/Slides/top20.html>]

What do people access? One interesting aspect of an analysis of our top 20 cases accessed in 1998, put together to demonstrate to the Supreme and Federal Court judges' conference, was the continued high levels of access to cases such as Wik and Mabo from 1992 and 1996. 'The Tasmanian Dam Case' of 1983 was our 12th most popular case in 1998. The idea that for some reason or other decisions should be taken off the House of Lords site after a couple of years seems rather strange, given the evidence that we have of the very considerable ongoing desire by people to access legal information on the web.

[Web page: Sustainability -

<http://www2.austlii.edu.au/~graham/Slides/London/stakeholder.html>]

Some of you are probably thinking "this is very interesting but where does the money come from to do all this?" Our annual budget, as I have said, has been up to now around A\$500,000 for the last couple of years (much less when we started!). We fund AustLII on the basis of what we call stakeholder funding. Our categories of stake-holders are various. They range from organisations that want legal information published efficiently such as, for example, the Department of Foreign Affairs and Trade that I mentioned earlier, to organisations that represent categories of users. Rather than AustLII charging individual users, some organisations fund us on behalf of their members en bloc to assist their members to access the law. For example, the Australian Business Chamber wants employers in Australia to have effective access on the web to industrial law information, so it provides funding to us to provide that industrial law information. It does not care that the trade union movement effectively acts as free riders to the information that it provides because, in return for the free access it subsidises, its members get free access to all the other free categories of information on AustLII. In effect, such organisations simply recognise that by funding a small part of the overall system, their members obtain the benefits of all of the other funding sources we obtain.

Research funding bodies have supported us, both to do research on specific forms of computerisation of legal information, and to provide 'research infrastructure' to assist all other academic legal research.

There are emerging new categories of legal publishers who want to develop new forms of value-added legal publishing built around the free access resources that is we provide. The Australian Business Chamber also plays that role. They are building a workplace management law site where they provide headnotes and other forms of annotations to the industrial case law and legislation available on AustLII. They link through to our primary legal materials rather than trying to duplicate them (which would be prohibitively costly). There are a number of other innovative publishers in Australia now starting to work on that model of building value-added products around free access materials.

[Web page: Stakeholders -

http://www2.austlii.edu.au/~graham/Slides/London/stakeholder_current.html]

A list of our major stake-holders for 1999 and for 2000 will give you the facts and figures. From the 1999 range of funding sources the important thing to note is that there is such a diversity of funding sources. We can afford to have one or two funding sources "drop out" every year provided we can keep on replenishing them. For example, in 2000 our funding from the New South Wales Law Foundation (that has been so generous to us in the first five years of our establishment) will finally phase out, but the Australian Research Council's new funding will comfortably fill the gap. In some of our funding applications, government departments and industry bodies join in with us as industry partners.

[Web page: Wish-list - <http://www2.austlii.edu.au/~graham/Slides/London/wishlist.html>]

I would like to conclude with what I have described as "a foreign lawyer's wish list for access to UK and Irish law". It is not my function or AustLII's function to say what should be done here to achieve better access to legal information but I can say, as a foreign lawyer who wants to access UK and Irish law, what I would like to find when I am doing my research. I would like to find one independent site for UK case law and legislation. Ideally, I would hope that materials from the Irish Republic would be included in that one independent site. I would like to see high quality search and hypertext facilities that unite the whole collection and make it seamlessly navigable. For that to be possible, I know I would need to see public bodies in the UK and Ireland providing free access to their output to that independent site, because otherwise it cannot possibly be achieved. As I have pointed out, that provision would have to be in an efficient electronic form of delivery and in a completed form. There would obviously be some need to be some sort of funding mechanism but what form that would take is not something I could usefully speculate on. I would also like to see access via official sites, in addition to but not in substitution for an independent site, and I would like to see innovative commercial sites providing different forms of value-adding to those found on the official sites and the independent free access site.

[Web page: Can wishes come true? - http://www2.austlii.edu.au/~graham/Slides/London/wishes_true.html]

That is ideally what we would like to see when we are doing research from countries all over the world. Can it come true? There are many reasons to take heart, if AustLII's experience in Australasia can be used as any guide. There are a number of jurisdictions here now: Scotland, Wales, Northern Ireland, UK, Republic of Ireland, and smaller ones. We cover ten jurisdictions in Australasia so multiple jurisdictions are no bar to doing something effective. In fact, they help you surround the bad examples with good examples. As I have mentioned, if AustLII can lend a hand with technical matters, it will be forthcoming. I'm sure that other public legal information institutes like Cornell and LexUM would take a similar view. The funding requirements to establish an independent source are reasonably modest, if it is set up in the right environment. For a site to have a very significant impact in the UK, I cannot imagine that its first year of operation would cost much more than 100,000 pounds. It would be difficult to spend much more money than that to get something going. The task of official bodies is not all that hard. The main thing is: "provide the data". That is really all that is needed from them. The main ingredients needed are goodwill, cooperation, and a desire to maximise public access to the law. The rule of law and access to justice deserve nothing less than that.

Thank you very much for your attention.