



Governance Paper No. 5.13—Library—Policy—Preparing and publishing Bills Digests

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Introduction

1 This paper provides guidance for Parliamentary Library (**Library**) staff when preparing Bills Digests for publication.

Purpose of Bills Digests

2 Bills Digests are Library publications which provide an independent perspective on and analysis of legislation before the Parliament. They are written to support the work of the Australian Parliament—specifically, to assist all Senators and Members in their consideration of legislation and preparation of responses and speeches relating to the legislation and associated policy. They complement the legislative material provided by the Executive (such as Explanatory Memoranda and second reading speeches).

3 The *Parliamentary Library Statement of Client Services* states that:

Services are available to all Senators and Members on an equal basis and are provided in confidence and to agreed deadlines. Priority is given to Chamber-related work and deadlines may have to be renegotiated accordingly.

Therefore, the timely completion of Bills Digests for debate has priority over client requests.

4 However, it is not always possible to prepare a Digest for every Bill. Bills are only received by the Library after they have been tabled in Parliament. Scheduling of parliamentary debate on a Bill can follow quickly after tabling, and a significant number of Bills can be considered in any sitting period. Therefore, it is necessary to prioritise Digests for preparation. Where it is not possible to produce Digests in time for debates, every effort is made to support clients by providing draft Digests or other existing briefing material (for example a Research Paper or Background Note) or to address the key issues in a new Library publication such as a Flagpost. (See related: Governance Paper No. 5.12—Parliamentary Library Research papers and Background notes and Governance Paper No. 5.16- Parliamentary Library Blog, Flagpost.)

When a Bills Digest will be prepared

5 Given the purpose of a Bills Digest is to provide information that will assist Senators and Members with the passage of legislation through the Parliament, every effort will be made to produce a Digest for each Bill, where, in the opinion of the Director, Law and Bills Digest Section (**LBD**), a Digest would add value by providing:

- (a) an independent analysis, background information and additional perspectives not provided in the explanatory material associated with the Bill and
- (b) information that is important for parliamentarians to be able to contribute effectively to debate on the Bill.

6 Bills Digests are primarily written for government Bills introduced into Parliament. Digests may also be written for Private Senators' and Members' Bills where there is a reasonable prospect of the Bill being debated. Given the often brief nature of extrinsic material prepared to support these Bills, a Digest is likely to provide additional information that would greatly add value to the debate.

When a Bills Digest will not be prepared

7 The decision not to prepare a Digest will be made, as soon as practicable, by the Director, LBD, in consultation with the relevant Research Branch subject specialists and taking into account the following factors:

- (a) the availability of resources and the time between introduction and debate in the second chamber
- (b) the anticipated parliamentary interest in the Bill—for example, considering whether the Bill addresses significant or controversial policy issues or only minor procedural, transitional or consequential matters
- (c) the complexity of the Bill and the need for explanatory information to assist debate
- (d) whether the Explanatory Memorandum and second reading speech give a balanced view of the Bill and the underlying policy issue(s) and provide a concise and easily understandable explanation of the key aspects of the Bill and

- (e) whether the Bill is part of a suite of Bills—in which case the main Bill may be given priority and may refer to the other related Bills.

8 It is recognised that at times a Bills Digest cannot be produced in time for the deadline for debate in the second chamber. This may be due to the amount of time allowed between introduction and debate, a change in the legislative program, or resources available to address the number and complexity of Bills in the legislative program.

9 Where a decision is made not to prepare a Bills Digest, LBD will add a note to the 'Authors and Buddies' List, and the Bills Digest spreadsheet, to this effect and the Assistant Secretary, Research Branch (**RB**) and the Director, Central Enquiry Point will be informed. If a Bills Digest has been superseded by another publication then this fact should also be included in the note.

Administration of Bills Digests

10 LBD manages the Bills Digest publication process; however, the responsibility for authorship extends to the staff of all sections in the Research Branch. As there are a number of individuals involved in the preparation and publication of each Bills Digest, it is imperative that authors, subject matter specialists (if not the author) and readers all co-ordinate their efforts and collaborate to ensure that the process is as streamlined and efficient as possible and that all relevant issues are addressed.

11 It is important that subject matter specialists are able to provide input to relevant Bills Digests. Subject matter specialists should advise the Director LBD and the Bills Digest Co-ordinator if a Bill has been introduced that comes within their area of expertise. In addition, LBD will endeavour to identify relevant subject matter specialists and involve them in the Bills Digest preparation process. Due to the importance of involving both subject matters specialists and those with the technical legal skills, Bills Digests may have more than one author. References to 'author' in this document should be read as encompassing co-authors.

12 The publication process involves receipt of the Bills, Explanatory Memoranda and second reading speeches, allocation of Bills to authors and readers, research and analysis, writing, quality assurance, clearance for publication, and publishing. As soon as practicable after the Bill is introduced, the persons involved in preparing the content of the Bills Digest should meet to discuss and outline a plan for dealing with the Bill in line with this policy and taking into account the likely timeframes, the complexity of any issues raised and any other considerations.

13 The Library aims to make Bills Digests available to Senators and Members as soon as possible after a Bill is tabled in the first chamber, and in time for committee consideration and parliamentary debate. It is recognised that the earlier the Digest is available, the greater the probability that it will assist Senators and Members—making it easier for them to deal with the array of legislation and contribute effectively to parliamentary debates.

14 Where it is not possible to finalise a Bills Digest in time for the second reading debate in the chamber in which the Bill was introduced, the deadline is

no later than **24 hours before** the scheduled debate of the relevant Bill in the second chamber.

Draft Digests

15 Digests can normally be provided to Senators and Members on a draft basis once cleared by the second reader. Such Digests must be clearly marked as drafts, and should be treated as responses to individual client requests. However, if the author is concerned that the Bill, or comments made in the Digest, is controversial, the author should consult with their Director, the Director, LBD, or the Assistant Secretary of the Research Branch before releasing a draft.

Determining priority in respect of competing Bills Digests

16 The relative priority of one Bill over another is determined by the Director, LBD, in consultation with the Bills Digest Co-ordinator and the author. The relevant subject specialists (if not the author) and their Director should also be consulted where they are involved in the preparation of the Bills Digest. A decision about the relative priority of competing Bills will take into account the legislative program and will take into account the factors referred to in paragraph 4 above—considered in relation to Bills introduced and being debated at the same time.

17 The priority accorded to particular Bills may also change when changes are made to the Government's listing of Bills for debate in each chamber or when topics or issues emerge that attract parliamentary attention.

Finalising Bills Digests not completed on time

18 In the event that a Bills Digest is not completed in time for debate in the second chamber, and is therefore not published, it may still be finalised but only once the author is not required to draft or assist with any other Bills Digests that are being prepared for debate or respond to any client requests. Digests may be finalised, despite missing the debate, where the issues involved are likely to be of continued interest to the Parliament. In the event that a Bills Digest is not published, it should be saved in the relevant Bills Digest TRIM folder and clearly noted as an 'unpublished Bills Digest' (with the reason for non-publication contained in the notes section). If a Digest is published after the conclusion of the debate, the cover page should clearly state this.

Structure and content of Digests

19 The template outlining the structure and content of a Bills Digest together with guiding principles for preparing a Bills Digest is at **Attachment A**.

Quality control

20 Given the volume and the speed of production necessary to ensure that Bills Digests are available in time for debate in the chambers, it is important that responsibilities for quality control are clearly defined and met. Roles and responsibilities for the preparation and completion of Bills Digests are as outlined below.

Co-ordinator of Bills Digests

21 The Director, LBD, or their delegate, co-ordinates Bills Digests. While the Director, LBD, has overall responsibility for the process and publication of Bills Digests they will normally be assisted by a Bills Digest Co-ordinator. The Director and the Co-ordinator, in consultation with relevant Directors, will work together to allocate Digests across all sections of the Research Branch after considering factors such as timeframes, staff availability, subject expertise, competing workloads and staff development needs.

22 The Director LBD or Co-ordinator must be advised immediately if an author faces a conflict of interest or workload issue, or for some other reason cannot complete a Digest within a timeframe consistent with the “24 hour deadline” noted above.

Author’s role

23 When writing a Bills Digest, authors must follow the style guidelines set out in the [Parliamentary Library Style Guide](#) (the *Style Guide*), located on the DPS Staff Portal.

24 As set out above, Bills Digests may have more than one author, to allow specialist input to be provided on both policy and legal matters. Digest authors are responsible for producing a Digest which gives a clear, independent and balanced summary of the Bill and of the underlying policy and legal issues that it raises. The analysis of issues should provide the reader with a solid understanding of the practical effect of the legislation if passed.

25 In view of the short time frames that often apply to the Bills Digest process, the following are some points for authors to keep in mind when writing Digests:

- (a) before starting to write the Digest, ensure that a record has been created in Reftracker to enable tracking of the job
- (b) ensure that the current template is used. Contact the LBD Section Assistant or Publishing Section if unsure
- (c) Digests may refer to, but not copy, substantial sections from the relevant Explanatory Memorandum. Preferably authors should explain the operation of the Bill in their own words. Where the Explanatory Memorandum is referred to or quoted, it must be appropriately cited:
 - (i) authors are encouraged to avoid reading the Explanatory Memorandum initially and instead focus on an independent analysis of the nature and impact of the proposals in the Bill
 - (ii) the Senate Scrutiny of Bills Committee will often identify problems with the Explanatory Memorandum, particularly when the legal consequences of the Bill are not fully outlined or when the operation of a provision is unclear. Explanatory Memoranda are designed to assist the passage of the legislation and may not always provide a rigorous assessment of the full scope of a

Bill's potential impact. As a result, it is unwise to rely on the Explanatory Memorandum as a complete description of a Bill and

- (iii) the second reading speech is designed to promote and note the work of the Government. It concentrates on the policy objective of the proposed legislation rather than the technical content.
- (d) Digests should clearly cite all published material that is used to provide information and support arguments, consistent with the Library's *Style Guide*
- (e) Digests must be written in a logical and coherent manner, with clearly reasoned lines of argument - the Digest must be clear and succinct
- (f) the information in the Digest must be factually correct, technical terms should be explained and jargon should not be used
- (g) where a Digest deals with a Bill or elements of a Bill that require further expert advice where possible, and where time allows, advice should be sought from external independent third parties such as academics and, where appropriate, relevant government agencies
- (h) authors should check whether the Bill or issue is under review by one of the chamber department's committee or scrutiny processes. For example, all Bills are assessed by the Senate Scrutiny of Bills Committee (in relation to issues such as trespasses on rights and liberties, standing appropriations, improper use of regulations and quality of the Explanatory Memoranda) and the Parliamentary Joint Committee on Human Rights. The primary purpose of the Parliamentary Joint Committee on Human Rights (established in March 2012) is to assess the Bill's compliance with international human rights conventions. These and other committee reports can provide useful information for Digest authors
- (i) the author should always consult with the subject matter expert to ensure that any information that is relevant to the Bill is fully considered. Any disagreement on the content of the Bills Digest that can't be resolved must be initially raised with the Director, LBD, and then, if necessary, drawn to the attention of the Assistant Secretary of the Research Branch and
- (j) the author should proof read the Digest before giving it to the second reader. The author should check for grammatical and spelling errors, that section numbering in the Bill matches the section numbering in the Bills Digest, that the hyperlinks used in the Digest work, that there is compliance with the *Style Guide* and that introductory information relating to the Bill is correct (that is, date of introduction, in which chamber it was introduced and the portfolio).

Second reader

26 The second reader's role is to review and critically analyse the structure and content of the Bills Digest. The function performed by the second reader is in many ways as important as authoring and is critical to ensuring consistently

high quality publications. Effective peer review ensures that the quality and value of the Bills Digest is upheld through a process of consistent and rigorous review. In particular, the second reader is responsible for thoroughly checking that the Digest addresses the following matters.

- (a) there is a clear connection between the material discussed in the Digest and the provisions of the Bill
- (b) whether the provisions correctly reflect the stated purpose and effect of the Bill (that is, whether the legal interpretation is correct)
- (c) legal and policy issues arising from the implementation of the Bill are adequately raised and examined. The second reader may make suggestions on content and, in particular, on issues that are not raised in the Digest that may be of importance
- (d) arguments and discussion flow logically, the Digest is well structured and presents a balanced view
- (e) the language of the document is clear and concise and plain English is used. Passages in the text that lack clarity should be indicated for the author to revise and
- (f) the Library's *Style Guide* has been followed and there are no grammatical or spelling errors.

27 It is the role of the second reader to identify any areas of substantive change. The reader is responsible for discussing any significant rewriting of the Digest with the author/s and for explaining the rationale for the proposed changes. The third reader should not need to initiate significant rewriting of Digests – this can considerably slow down the clearance process.

28 Where there are differing points of view between the author/s and the second reader on aspects of the Digest, negotiation and consultation may be required between the author/s and second reader and their respective Directors. Any issues that can't be resolved must be initially raised with the Director, LBD, and then, if necessary, drawn to the attention of the Assistant Secretary of the Research Branch.

29 If the Digest needs to be re-written and the second reader takes on this role, the possibility for a jointly authored Digest should be considered and a new second reader nominated.

Director/final reader

30 The Director, LBD, or their delegate, undertakes the final clearance function for Bills Digests, including responsibility for the release of the Digest.

- 31 The Director checks the Digest to ensure that:
- (a) political and controversial aspects and key issues have been dealt with in a fair and balanced way
 - (b) the sensitivities of the topic have been taken into account
 - (c) whether the provisions correctly reflect the stated purpose and effect of the Bill (that is, whether the legal interpretation is correct) and
 - (d) key provisions within the Bill have been adequately explained and discussed.

Assistant Secretary

32 If the Director, LBD, or the author considers the Bills Digest is particularly controversial in nature, the Assistant Secretary should be consulted and as a result the Assistant Secretary may decide to clear the Bill prior to publication.

Section Assistant

- 33 The Section Assistant, LBD:
- (a) creates a TRIM file for each Bill as it is received
 - (b) prepares a 'proof copy' of the Bills Digest and gives it to the author for approval and signature. This copy is then passed by the author to the second reader and then to the Director/final reader for signature (signifying clearance for publication to Parlinfo)
 - (c) publishes the Bills Digest to Parlinfo once the 'proof copy' has been signed by the Director/final reader and returned to the Section Assistant.
- 34 In preparing the 'proof copy', the Section Assistant must ensure that:
- (a) the date of the Digest and contact information is correct
 - (b) the introductory information relating to the Bill is correct (that is, date of introduction, in which chamber it was introduced and the portfolio)
 - (c) the hyperlinks used in the Digest work
 - (d) there are no formatting errors and
 - (e) the Bills Digest is compliant with the Library's *Style Guide*.

35 The Section Assistant then publishes the cleared Bills Digest to Parlinfo. Word and pdf copies of the Digest are emailed to the Publishing Support Officers who oversee the creation of html and e-pub versions of the Bills Digest on the aph website. The procedural guidelines for publishing a Bills Digest can be found in TRIM container: 10/3271.

36 When urgent timeframes apply for publication (for example, if debate of the Bill is imminent) the author must consult with the final reader if the author

wishes to balance the demands of the publication process (for example, being Style Guide compliant) with the demands of meeting the timeframes for debate of the Bill in the chamber. The Section Assistant will be advised if changes to the process are agreed.

37 *Republication of a Bills Digest*

The Assistant Secretary must approve any amendment made to the Bills Digest to correct an error of fact which has been identified after the Bills Digest has been published. The republished Digest will include a statement on the front page indicating that the Bills Digest replaces the earlier version and may include a brief description of the amendment made.

38 *Parliamentary Librarian*

The Parliamentary Librarian is responsible for handling complaints by clients or government agencies in relation to Bills Digests, but may refer such matters to the Assistant Secretary, RB, or the Director, LBD. See Governance Paper No. 5.21—Parliamentary Library feedback.

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