

LEGISLATION

Nicholas Pengelley

Monash University Law Library, Melbourne

Legislation

An Australian Code?

I would like, through this column, to lobby for the creation of an *Australian Legislative Code*, based on the United States model, preferably produced in joint venture between the AGPS and a commercial publisher in order to provide both the necessary authority as well as the extensive annotation which would make such a production invaluable.

The *U.S. Code* which I propose as a model is, in effect, an encyclopaedic rearrangement of all United States federal legislation into a subject order. The United States, like Australia, has "session laws" (annual acts) which are also amended - the *United States Statutes at Large*. In the late 19th century a project was initiated which brought together all acts on a particular subject in this new arrangement. The new scheme included a complete re-numbering of all sections. Thus, for example, all acts or sections of acts relating to criminal law are brought together in the one section of the *United States Code* and re-numbered.

This rearrangement, together with extensive indexing, makes the *United States Code* a very effective and easy-to-use researcher's tool. The impact which it has had on the United States legal market is obvious from the fact that every citation to a law is to the Public Law, *as well as to the United States Code*.

The value of the *United States Code* has been further enhanced by the publication of two rival

commercial services - *The United States Code Annotated* and the *United States Code, Lawyers Edition* - which extensively annotate the official Code with reference to cases, legislative history, articles and cross-references to other publications such as *American Jurisprudence* and *Corpus Juris Secundum*.

The value of such a product to Australian legal research would be immense. Take a problem involving, say, environmental pollution. You look at the *Australian Code* index and are referred to the Environment section of the *Code* - where all laws and sections of laws relating to that subject are brought together. You quickly locate the relevant provision and find extensive annotations detailing legislative history, case citations with brief abstracts, references to relevant law review articles, cross references to *Halsbury's Laws of Australia* and the *Laws of Australia*, the *Australian Digest*, other relevant indexes and major publications in the area. A dream? Why should it be? Yes, it would be a major publishing venture, but so is *Halsbury's Laws of Australia* - and I am not suggesting something that would need to be written from scratch - merely the "re-assemblage" of material that already exists.

The rearrangement of our laws into a subject-ordered *Australian Code* would be the major part of the undertaking, but it could be done in stages, in looseleaf format, as with the *Australian Digest* and *Halsbury's Laws of Australia*. The annotations and cross-references could be added later and progressively.

I, for one, would be willing to join an editorial body set up with such an intent. What do you think? Write to the Editor and publish your opinions. The major publishers all read this journal!