



OILY RAGS AND ONLINE RESOLVE: NZLII and free access to law in New Zealand

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December, 2013

MONTREAL DECLARATION



The defining characteristics of a LII:

- Publishing via the internet public legal information originating from more than one public body;
- Providing free and anonymous public access to that information;
- Not impeding others from obtaining public legal information from its sources and publishing it.





There is an inexorable drive towards the web in most areas of New Zealand Legal Information, and strong competition between publishers in this matter. Unfortunately this does not always lead to free sources of primary legal or secondary legal information.

There is no ‘magic bullet’, no single web site where you can hope to pick up New Zealand legal information for free. New Zealand has embraced the ‘user pays’ philosophy perhaps a little too enthusiastically in this respect.

*An introduction to New Zealand Law and Legal Information
(2002)*

NZLII'S LEGAL OPERATING CONTEXT



- Unicameral legislature
- No integrated written constitution
- New Zealand Bill of Rights Act 1990 is not a legislative trump card



THE ORIGINAL LOGO



2003 REASONING



- Proposed reregulation of the legal profession (Lawyers & Conveyancers Bill)
- New highest appellate court about to begin in mid 2004 (Supreme Court of New Zealand)
- Department for Courts planning for electronic management of decisions
- Some individual decision generators had already begun to publish online



New Zealand Legal Information Institute

Free access to legal information in New Zealand

Search

[\[Advanced Search\]](#) [\[LawCite\]](#) [\[Help\]](#)

Search: Databases Catalog & Websearch Law on Google

[80 databases](#) of New Zealand law

Databases

- [Case Law](#)
- [Legislation](#)
- [Law Journals](#)
- [Law Reform](#)
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- [All Databases](#)

Catalog

- [By Subject](#)
- [Courts & Cases](#)
- [Education](#)
- [Government](#)
- [Law Journals](#)
- [Legal Services](#)
- [Maori Law](#)
- [More...](#)

News & Database Additions

Last updated 21 November 2013

- [Law via the Internet Conference 2013](#), Jersey, Channel Islands, 26-27 September 2013
- [Redcliffe Forestry Venture Limited v Commissioner of Inland Revenue \[2013\] NZSC 128 \(20 November 2013\)](#)
- [Tauranga Law v John Appleton and Natalie Marie Ryan \[2013\] NZSC 126 \(18 November 2013\)](#)
- [Richard Hugh Cleveland Guy v Bank of New Zealand \[2013\] NZSC 127 \(18 November 2013\)](#)
- [James Patrick Gollan v The Queen \[2013\] NZSC 125 \(17 November 2013\)](#)
- [Calibre Financial Services v Mortgage Administration Services \(Calibre\) Limited \[2013\] NZCA 565 \(15 November 2013\)](#)
- [Monk v R \[2013\] NZCA 564 \(15 November 2013\)](#)
- [John Anthony Edwards v District Court and Waitaki District Council \[2013\] NZSC 124 \(15 November 2013\)](#)
- [New Zealand Real Estate Agents Licensing Board 1984-](#)
- [New Zealand Pharmacy Authority 1978-](#)
- [Courts Martial Appeal Court of New Zealand 1988-](#)
- [New Zealand Legal Aid Review Panel 2001-](#)
- [New Zealand Victims' Special Claims Tribunal 2009-](#)
- [New Zealand Online Media Standards Authority 2013-](#)
- [Past announcements...](#)

Latest New Zealand Catalog Additions

- **Samoa - New Zealand Court of Appeal**
Link added: >> Samoa >> [Courts & Case-Law](#)
- [Past additions...](#)

NZLII Stakeholders

- [University of Otago](#)
- [University of Canterbury](#)
- [Victoria University of Wellington](#)
- [AustLII](#)
- [NZ Law Foundation](#)

Special Features & Tools

- [Mission Statement](#)
- [Training Materials](#)

NZLII participates in the [free access to law](#) movement, a grouping of the following organisations:



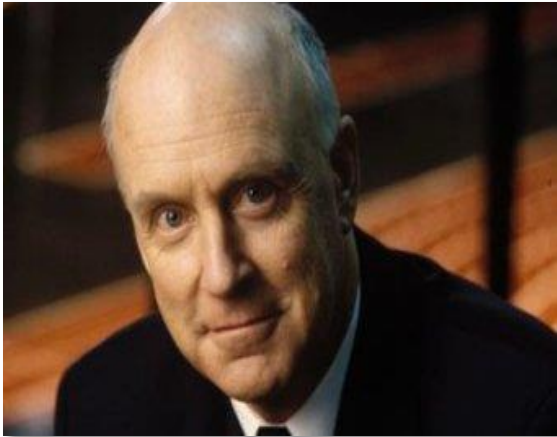
NZLII'S PUBLISHING CONTEXT



- No Crown copyright Copyright Act 1994 s27(g)
- Clear(ish) law concerning suppression issues in relation to legal judgments
- Informal arrangements with suppliers
- Strategic drive to encourage self management by suppliers

smell of an oily rag:

A very small amount, or the absolute minimum (usually of money) (idiomatic, Australia, New Zealand)



There remains ABC Radio, which is the best known example of the relationship between the **smell of an oily rag** and the will to keep going.

2012, John Clarke, *A Dagg at My Table: Selected Writings*, page 88.

SUSTAINABILITY



There must be a need for free access and an adequate response to that need which allows users to see the benefits and to reinvest in further free access.

NZLII and SOCIAL OUTCOMES



- Claimants' ability to self represent
- Law students' mobile connection to law resources
- Lawyers' reduction of research overheads and therefore of client's costs
- Head of Bench leveraging the duty to disseminate
- A court searching its own jurisprudence
- A department of State disseminating decisions
- Parliament (an independent archive of legislation)



THE CASE FOR AN INTEGRATED ARCHIVE



- public as searchers (locating a decision generator)
- variable search functionality of individual sites
- survival ability and the ‘long tail’ effect
- siting an archival set differently from current data
- back-set enrichment of collections



And ... disaster proofing in the most literal sense

In the end the legitimacy of judicial function and the independence of the judiciary depend upon public confidence. ... Judgments must stand without further clarification or explanation. Where a decision is subject to inaccurate comment ... generally the most effective response is to get the full text of the judgment into the public arena promptly.

Guidelines for Judicial Conduct, June 2011



The country shouldn't have to endure diminished confidence in the justice system due to bad reporting – that is unhealthy for society.

Justice Andrew Tipping, Supreme Court of New Zealand

August 2012