

## **Recent Developments Use of colour in legislation**

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### **Background**

1. In Victoria, the current policy is that all legislation<sup>1</sup> is printed in black and white.
2. In recent years, however, the Victorian Office of Chief Parliamentary Counsel has received a number of requests from instructing Departments and agencies for the use of colour in legislation. The requests have been primarily for:
  - colour diagrams in explanatory memoranda for Bills;
  - colour diagrams and images in regulations; and
  - colour maps that are to be scheduled to Bills.
3. The purpose of this paper is to set out the issues that have arisen for the Office in dealing with those requests and the policy put in place to produce legislation with colour images.

### **The role of the Chief Parliamentary Counsel in relation to the printing of legislation**

4. The Victorian Chief Parliamentary Counsel is, in addition to being the head of a drafting office, the Victorian Government Printer and contract manager for the Victorian Parliament's printing contract for the printing of Bills.
5. As Victorian Government Printer, the Chief Parliamentary Counsel manages the outsourced printing of Cabinet Drafts of Bills, Victorian Acts and Statutory Rules<sup>2</sup> and the Victoria Government Gazette. As the contract manager for the Victorian Parliament's printing contract, the Chief Parliamentary Counsel manages the printing of Bills (including the explanatory memoranda) on behalf of the Speaker of the Legislative Assembly and President of the Legislative Council.

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<sup>1</sup> By legislation, we mean Bills (including explanatory memoranda), and Acts and Statutory Rules as enacted or made (including bound volumes) and reprints.

<sup>2</sup> Statutory Rules comprise regulations and rules made by the Governor in Council, rules of Court and rules made by the Victorian Civil and Administrative Tribunal.

6. Therefore, the issue of whether to print legislation with colour diagrams or illustrations is a key issue that has to be dealt with by the Chief Parliamentary Counsel.

### **Issues for printing legislation with colour**

7. The main issues that have arisen in relation to requests for legislation with colour images are as follows:
  - necessity and appropriateness of printing in colour;
  - image size and resolution of the colour images and achieving consistency in image reproduction across all hard copy print mediums;
  - cost and who pays for the colour printing; and
  - project management of legislation being drafted with colour.

### **Appropriateness of using colour in legislation**

8. As noted above, the policy in Victoria is for all legislation to be printed in black and white. Therefore, generally speaking, the approach taken by our office is that the meaning of legislation must be capable of being conveyed or communicated solely through black and white legislation (including diagrams or illustrations that are in black and white or grey scale).
9. In relation to every request we consider whether the use of colour is necessary and appropriate. The key question we ask is whether the meaning and effect of the legislation in question cannot be conveyed or communicated unless any diagrams or illustrations in the legislation are in colour.
10. An example of legislation that necessitated the printing of colour images is the Australian Road Rules project<sup>3</sup>. A key aspect of the Australian Road Rules is the use of colour diagrams and illustrations throughout the Rules. Illustrations of road traffic signs, signals and markings are in colour. There are also colour diagrams and illustrations to describe the effect of particular Road Rules. It is evident that the Road Rules have been drafted on the basis that the illustrations and diagrams will be in colour; that is, the use of colour is intrinsic to explaining and understanding the obligations under the Road Rules. In this case, printing in colour is necessary and appropriate.

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<sup>3</sup> For example, see the Road Safety Road Rules 2009 (Vic) which give effect to the Australian Road Rules in Victoria.

11. The need or appropriateness for colour in the other requests has not been as apparent or obvious. For example, we have received numerous requests from a particular instructing Department for diagrams in explanatory memoranda in their Bills to be printed in colour<sup>4</sup>. We have also received a request from the same Department for certain diagrams in a set of regulations to be printed in colour.
12. In the case of the requests for colour diagrams in the explanatory memoranda, it was not immediately apparent whether the information in the diagrams was going to be communicated more clearly in colour than if the diagrams were printed in black and white or grey scale. Even so, the explanatory memoranda were printed in colour mainly because the diagrams did not form part of the relevant Bills.
13. In the case of the request for colour diagrams in the regulations<sup>5</sup>, the Department submitted regulations for settling with colour diagrams that sought to explain when an offence of not having a valid ticket was committed at a train station on the Melbourne metropolitan train network. The Department argued that colour was a necessary part of the diagrams, and by being in colour, the regulations were clearer to readers who could therefore better understand their obligations under the regulations. In that case, the then Chief Parliamentary Counsel rejected the request because the diagrams were not a true representation of every train station in the Melbourne metropolitan train network, and to that extent, did not assist, whether or not the diagrams were in colour, in giving meaning to the offences being created by the regulations.

### **Image size and resolution of the colour images and achieving consistency in image reproduction across all hard copy print mediums**

14. A key aim for printing colour diagrams or illustrations in legislation is to achieve the highest resolution possible in the context of the size of the printing space available on the page and uniformity in colour. In addition, we seek to achieve uniformity in that resolution and colour in all hard copy print mediums such as bound volumes and reprints.

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<sup>4</sup> For example, see the Major Transport Projects Facilitation Bill 2009, Transport Integration Bill 2009, Transport Legislation Amendment (Ports Integration) Bill 2010, Marine Safety Bill 2010 and Tourist and Heritage Railways Bill 2010.

<sup>5</sup> See the Transport (Ticketing) Regulations 2005 (Vic).

15. With respect to the initial requests, we encountered many issues in relation to the resolution and quality of diagrams and illustrations that were to be printed in colour. The main issue was that the diagrams and illustrations were unclear or "fuzzy" (i.e. the form and outline of images and shapes in the diagrams and illustrations lacked "sharpness" or "crispness"). This included cases where the diagrams or illustrations were increased in size in an attempt to improve readability or when they were printed on the specific paper used for colour printing. In some other cases there were different shades of a particular colour across a range of illustrations within the same document.
16. In order to overcome these problems, we have settled on the following specifications in our policy, which we give to each instructing Department or agency when they request colour printing:
  - images must be one of the following formats: jpg<sup>6</sup>, tiff<sup>7</sup> or eps<sup>8</sup>; and
  - images must be 300 DPI;
  - images must be supplied as CMYK<sup>9</sup>.
17. The supply of diagrams and illustrations as CMYK ensures that the values of each of the components of colour are specified and detailed.
18. If the requesting Department or agency cannot supply the relevant diagram or illustration in a form that meets the specifications, consideration will be given to printing the diagram or illustration in black and white or in grey scale. If the diagram or illustration is still unclear or "fuzzy", it is not included.
19. It is important to note that the specifications above are based on the preparation and printing of Victorian legislation. Our legislation is prepared using Microsoft Word and is in B5 format. Working drafts and Bills are printed on A4 paper. The format of Victorian legislation also incorporates 5 cm left and right margins<sup>10</sup>.
20. These specifications may not be appropriate to other drafting offices as they work with different systems and have different left and right margins for their documents.

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<sup>6</sup> Also known as jpeg.

<sup>7</sup> Tagged Image File Format.

<sup>8</sup> Encapsulated Post Script.

<sup>9</sup> CMYK is a colour model used for commercial printing. The acronym stands for the four inks used: cyan, magenta, yellow and key (black).

<sup>10</sup> Recently, a query was made as to whether we could print a map in colour that was to be annexed to an agreement that was going to be scheduled to an Act. Because of the size of the map and the detail in the map, it was not possible to print the map as it would have had to be reduced to a size (in order to fit our page margins) that would have made it illegible. In that case we advised the Department to lodge the plan with the Central Plan Office and to reference the lodged plan in the agreement.

## **Cost and who pays for the colour printing**

21. A critical issue is the cost of printing in colour and who pays for that printing.
22. Printing in colour is treated as being exceptional because the policy of the office is for legislation to be printed in black and white. As a result, the colour printing policy of the Office requires the requesting Department or agency to agree, in writing, to the payment of the additional printing costs. Attached to this paper is a copy of the form we use for requests for printing in colour.
23. Additional printing costs are charged on a per page basis. Our office gives the requesting Department or agency a quote of the additional costs, after consultation with our external printers.
24. The Department or agency also agrees to pay those additional costs for the life of the legislation.
25. For example, in the case of a Bill with colour in the explanatory memorandum, the additional printing costs will comprise the following:
  - the additional costs of printing the relevant pages in the copies of the Bill (introduction print and amended print copies) that are printed; and
  - any additional costs arising out any additional Bills printed for the Parliament's records; and
  - because we include explanatory memoranda in the bound volumes of legislation, the additional costs of printing the relevant pages in all bound volumes printed.
26. In the case of a colour image being used in the text of legislation (e.g., the Road Rules), the additional printing costs will be significantly more because of the larger range of hard copy legislation that is produced. This includes reprints<sup>11</sup>.
27. For the requesting Department or agency, this could end up being a significant cost over time, and is a cost they cannot control as the printing of reprints and bound volumes is determined by the Office.

## **Project management of legislation being drafted with colour**

28. The use of colour in legislation adds additional level of complexity in managing the drafting task.

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<sup>11</sup> See section 4 of the Attachment for the list of hard copy legislation that is produced.

29. The most obvious additional complexity is incorporating into the time to complete the drafting task sufficient time for:
- the printer to produce proofs (including multiple proofs) of the pages with the colour diagrams or illustrations; and
  - the drafter and the instructing Department or agency to review each set of proofs.
30. In addition, sufficient time has to be incorporated into the project:
- to find or create new diagrams or illustrations if the diagrams or illustrations do not meet the specifications; and
  - to print the final versions of the documents (e.g. Introduction Prints of Bills or regulations to be submitted for making).
31. We have found that the printers need a minimum of 2 days to produce a proof of colour pages. In relation to the printing of Introduction Prints of Bills or regulations to be submitted for making, we have found that the printers need an extra 2-3 days to print the relevant documents.

## Printing in Colour Request

TO: Chief Parliamentary Counsel ([gemma.varley@dpc.vic.gov.au](mailto:gemma.varley@dpc.vic.gov.au))  
CC Sam Portelli, ([sam.portelli@dpc.vic.gov.au](mailto:sam.portelli@dpc.vic.gov.au))

### SECTION 1 – Department Details (Authorised Officer to complete)

Name: .....

Job Title/Role: .....

Contact Number .....

Date of Request...../...../.....

Name of Bill/SR .....

**SECTION 2** – Please provide an explanation of why printing in colour is integral to the Bill/Statutory Rule:

### SECTION 3: Approval (Clerk or CPC to sign)

Approved: .....

Position/Title: .....

Date:...../...../.....

**SECTION 4 – Quoted Additional Costs** (Business Administration, OCPC  
to complete with costs – as required)

**Introduction Print**

**Introduction Print (2<sup>nd</sup> batch)**

**Amended Print**

**Bound volume Bill**

**Acts/SRs**

**Bound Volume Acts/SRs**

**Reprints**

**Proofs (the Department will have to pay for all proof and submission copies required (cost will be based on number of pages and copies required)).**

**SECTION 5: Department Acceptance of Initial and Ongoing Costs**  
**(Authorised officer to complete on behalf of Department)**

The ..... agrees to meet the above  
*(insert Department)*

additional printing costs associated with our request to print in colour of the relevant legislation, including all ongoing costs associated with the replenishment of stocks (Acts/SRs), including reprints and any increases agreed by OCPC with contractors as part of its role as Government Printer for Victoria

Approved:  
(sign and print name)

Position/Title:

Date: