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Abstract

The Legislation System Project (LSP) is an information systems development project designed to improve the efficiency and effectiveness of the legislation production process by providing a computerised drafting environment, document tracking and the automatic consolidation of amendments. This paper discusses the implementation of the system in relation to the legislation production process and concludes that, while the system may have a great impact on the drafting of legislation, it is unlikely to have major direct impacts on the broader legislation production process.

A parliamentary system created now would probably be quite different to ones created last century because the technology on which the system could be based is quite different. Procedures for producing legislation that utilise computerised information technology could theoretically be quite different from ones that do not. Yet would the implementation of a computerised information system greatly affect existing procedures for producing legislation? The production of legislation is the focus for a major systems development project in the Tasmanian State Service. The Legislation System Project (LSP) aims to improve the efficiency and effectiveness of the legislation production process as it occurs outside parliament. It plans to do so by providing drafters with computerised tools for legislation, a document tracking system and automatic consolidation of amendments to legislation. This paper outlines the impetus and goals of the system and predicts the probable impacts of the system on the legislative production process. It will illustrate the constraints political processes place on the development of technological systems as well as the constraints technology places on the political processes.

There is very little literature on the implications of IT on the working processes of a core part of a government's activities, the production of legislation. Voermans and Verharen (1993) investigated the possibility of using knowledge-based systems as aids for drafting legislation but did not look at the actual processes of producing legislation and the effect of the proposed technology on it. Chartrand and Ketcham(1994) looked at the opportunities for using information resources and advanced technologies in the US congress but focused on the application of computerised tools to aid the consideration of legislation and information conveyance rather than the possible consequences of using the technology. Snellen and Schokker (1992) discussed the interaction between the creation of legislation and new information systems and the application of the law enabled by new information systems, but also did not focus on the effect of information technology (IT) on the production of legislation. This paper builds on their work.

The Legislation Systems Project (LSP)

Tasmania is the smallest state of Australia, with a population of approximately half a million. The Australian state governments broadly have the same functions as the Canadian provinces and operate according to the general principles of the Westminster parliamentary system. Although this case study is limited to an isolated example, it has implications for the legislation production processes of any government and so should be of interest to others involved in information systems development in the public sector or the production of legislation anywhere.

As in most states of Australia, legislation is written by lawyers who specialise in the drafting of legislation, called Parliamentary Counsel or, less formally, drafters. Legislation is generally initiated by members of the governing party, usually through Cabinet and is further developed by consultations between the agency responsible for the area of policy covered by the legislation and the Office of Parliamentary Counsel (OPC) before it is reviewed by the Legislative Review Committee, printed by the Government Printing Office and debated in Parliament.

The business case document for the LSP identified two critical issues associated with the production and availability of legislation in Tasmania:

- the throughput of the OPC was considered inadequate to meet the increased demand for new or amended legislation and;
- the lack of consolidated legislation was impairing access to the law, increasing the costs of business and government and reducing the effectiveness and standing of the law and Parliament.

More details about this process of producing legislation and the impetuses for the LSP project are available from the author.

The LSP formally aimed to provide the following services:

- A legislation drafting and consolidation system within the OPC;
- A legislation database controlled and maintained by the OPC;

- A communications network that provides access to the Bill drafting and consolidation system, and the legislation database (Business Requirement. Document pp 11-12).

Most other state jurisdictions use document management systems but, while all State and the Federal governments must cope with the problem of consolidating legislation, this is the first time automatic consolidation has been attempted. The project was implemented in late 1997 and this paper forms part of a larger research project which has investigated the process of planning, developing and implementing it.

Very little computerised technology was used to aid the production of legislation in Tasmania prior to 1993, and advances in information technologies suggested solutions to the identified problems. On launching the project, the Premier stated the LSP was part of a policy to reform Parliament and make it a more effective and relevant institution. Thus, while the LSP was primarily concerned with the drafting of legislation, it also potentially impacted on its enactment.

The LSP and Changes in the Enactment of Legislation

There has been a growing awareness in the IT literature on the organisational change issues surrounding the implementation of information technology. This trend has perhaps peaked in literature on business process re-engineering (BPR). The aim of writers in this area, such as Davenport and Short (1990) and Hammer (1990), has been to re-evaluate existing organisational processes and to redesign them utilising advanced information technologies to improve the effectiveness and efficiency of these processes. A BPR exercise focusing on the process of producing legislation *a la* Hammer or Davenport would try to redesign the process without considering the roles played by various bodies, the focus being on producing legislation effectively. Such an approach may be a useful way for considering improvements to enhance the efficiency and effectiveness of many organisational processes, but its application in the process of producing legislation flounders on two issues.

The first, the implementability of such changes, is an issue to which much BPR literature has been turning recently. As Davenport and Stoddard (1994) has acknowledged, a 'blank sheet of paper' approach to designing change usually relies on a 'blank cheque' for implementation. Yet still much of the literature in the area defines problems associated with BPR as implementation issues, rather than as a problem with BPR itself (Craig and Yetton 1992) . This aligns with much of the literature in strategic planning and policy planning, which views the implementation of changes involved as a separate activity governed by the plans or policies defined earlier. However, such activities are not necessarily sequential, and involve the management of emergent as well as planned factors. Craig and Yetton (1992; 1994) make a similar point when reviewing the literature on BPR by suggesting that it is through the implementation of BPR that strategic options will emerge; that is, such activities unfold in an emergent fashion. A emergent approach to change is recommended for two main reasons. The first is that change generally occurs in a dynamic context.

The second reason for a contingent approach to change is also the second reason why the application of BPR in the process of producing legislation would probably falter. Change can involve alterations in power relationships in and between organisations and the planning of such changes implicitly involves the attainment of some kind of consensus (or cohesion) as to what these changes involve. Debates surrounding the process of producing legislation are more likely to become issues for formal political debate in parliament and in the community. Although most of the changes potentially introduced by the LSP would directly affect the technical or administrative processes rather than the legislative debating. In the same way that a particular voting system can determine who is elected to parliament, the administrative or technical procedures within Parliament can determine how policies are debated. If some groups believe their interests are not being served by changes to the administrative or technical procedures in Parliament, those changes will become controversial and hotly debated.

These debates could effectively stall the technical systems project and it would be judged a failure. Most organisational change efforts are concerned with the achievement of consensus, yet technological change requires such consensus in order to begin (Brussard 1988). In other words, such debates are likely to adversely affect the outcome of any related information systems development project according to the measures of success used in this area. The detailed design process and programming cannot commence without a reasonable degree of certainty as to the goals and broad content of the changes. The use of prototyping can be used in such a situation, but generally increases the resources and time required for the project

There have been predictions that information technology will greatly change the internal workings of government. Brussard (1988) maintained that the structure of a government's public administration is implicitly dependent on the information technologies available. Therefore, information technologies will influence public sector organisations and their relationship with society as a whole. However, the executive branch of government is lagging behind almost all other social institutions in installing new technologies (Abrahamson 1991). Abrahamson suggests this is because the implementation of new technologies can subtly alter the balance of power between government players and the subsequent debates stifle the development of technological systems.

The discussion above does not dispute that information technology can have an effect on organisational processes. It merely maintains that the difficulty of implementing such changes will slow these trends and that large scale organisational changes will not occur as a result of single projects such as the LSP. The process of producing legislation is broadly defined in parliamentary standing orders and is embedded in parliamentary and bureaucratic institutions. Business process reengineering (BPR) projects aim to re-examine the role of institutions in such processes (Davenport and Short 1990) , but in this case it is not a practical option to implement many of the changes such an examination would produce. Parliamentary processes aim not so much for

efficiency, as is the focus of BPR activities, but the amalgamation of different opinions and interests into policies. Any alteration to workings of parliament especially could be interpreted as a threat to the existing balance of power between the different political groups in parliament and the resulting debate would probably be significant and lengthy. Any BPR exercise is likely to challenge existing power bases, but in this case the issues are magnified in that the status quo is the formal system of government. Hence, the people involved in the LSP have necessarily avoided changing or challenging the workings of parliament.

This strategy reflects Kraemer's argument that information systems do not induce reform in organisations, but tend to reinforce existing organisational arrangements and power distributions and Brinckman's belief that advanced information technology is rarely used for organisational innovation (Brinckman 1991; Kraemer 1991). Information technology developments within public administration are complex as a result of the inevitable interweaving of political, judicial and technical aspects. The developers of the LSP are coping with this increased complexity by avoiding it. In other words, they are avoiding having to deal with the broad contextual issues and cope with the corresponding increasing risks by embedding the project in the outer organisational context.

Thus, information technology has been predicted to induce great organisational changes but, while the LSP will promote changes in and around the OPC, changes directly resulting from the system on the broader parliamentary procedures are expected to be minimal.

However, the project was predicted to greatly impact on the legislation drafters and their support staff, and this paper is part of a recently completed larger research project which focuses on the process of implementing change at this level of analysis. The system was implemented in late 1997 and many organisational changes are still unfolding. Some of the changes associated with the system to date include:

- Drafters now utilise computerised tools in the writing process, rather than pen and paper all the time. They also perform many of the administrative functions associated with the creation of legislation, with the assistance of the new system;
- The roles of the administrative staff are changing dramatically at present and the relationship between drafters and their support staff is particularly fluid. At this stage, many of the drafters still rely on the typing skills of the administrative staff to a degree, but this is expected to reduce as the drafters become more familiar with the system. However, the administrative staff will probably still have an important role in the drafting process and will probably ensure the draft legislation conforms with the strict structural requirements of the legislation document database. Some administrative staff are taking on new roles or are finding their previously ridiculously high workload reduced to a management level. One of them has taken on the role of systems administrator.
- These process and role changes will probably impact on the culture and authority structures to a degree. There has been a strict division between the expert drafters and their Òsupport staffÓ and this may be reduced as the administrative staff contribute specific areas of expertise themselves.

Conclusions

The organisational implications of such a system are complex and far reaching and more details can be obtained from the author. In summary, though, the Legislation System Project is unlikely to have a major direct affect on the enactment of legislation, though it may induce significant changes. However, it is having a substantial impact on the processes of drafting legislation and the roles of those who are responsible for them.

References

References and further details can be obtained from the author (lynley.hocking@utas.edu.au).