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Chapter XII

Legislation Systems Project: An Ethnographic Case Study of Computerisation and the Production of Legislation in Tasmania, Australia

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ABSTRACT

The LSP is a project where computerised technology has been used in an innovative manner to assist the creation of and access to legislation in Tasmania, Australia. It has had significant organisational implications and provides an insight into the computerisation of core government processes and the professional area of legal drafting. Particularly, it has induced standardisation and an increasingly technocratic approach with process, role and authority structure changes.

INTRODUCTION

Determining the state of statute law has been a problem in most government jurisdictions based on the Westminster model. Firstly, one must obtain a copy of the original, or *principle* act, plus a copy of all amendments made to it since it was passed. Then the amendments must be manually noted on the principle act. Given that all citizens are expected to have a reasonable understanding of the law, this lack of access to consolidated legislation has been an issue for all Australian jurisdictions and other

governments based on the Westminster model¹. The Tasmanian Government has resolved this issue by implementing the EnAct system and providing public access to the associated document database via the Internet through the Legislation Systems Project (LSP).

This chapter introduces the LSP and discusses its organisational implications. Although primarily viewed as a technical systems project, the LSP has substantial non-technical implications. As the LSP provides a technical solution of interest to other jurisdictions, the organisational impacts of the project also have wider relevance.

This chapter reports part of a larger research project looking at the social processes surrounding system development as it is practiced in organisations. In focusing on the social reality of what actually occurred during the process, the research highlights some of the inadequacies of normative literature in this area and helps fill a noted gap in research on systems development (Lucas, 1981; Franz and Robey, 1987; Myers, 1995). By providing an explanation of the Legislation Systems Project and a description of the resulting changes, this chapter provides an insight into an area of core government activity on which very little has been written, at a time of significant change. In summary, three questions are pursued here:

1. How does computerisation and an information systems development project, such as the LSP, impact on the creation, amendment and enactment of legislation?
2. What are the impetuses and influences on such initiatives? and
3. What organisational changes does a systems development project such as the LSP induce?

The production of legislation is a core government activity, legislation being the “framework in which governments achieve their purposes” (Crabbe, 1993 quoted in Lim, 1993: p 3). Considering the importance of legislative drafting in the workings of government and law courts, there is remarkably little written about the role of drafters, the processes of drafting and the influence of computers. This chapter helps fill this gap by examining the organisational implications of the LSP in relation to related studies of organisational change associated with the implementation of IT.

For purposes of later discussion, it is worth clarifying some terms. *Acts* have been passed by both Houses of Parliament, have received Royal Assent, and define the state’s law. *Bills* are acts being debated by the Houses of Parliament, and *drafts* are proposed legislation before it reaches the House of Assembly. The legislative process has two main sub-processes: *drafting* and *enactment* (Mason, 1988). Drafting is the process of articulating policies in a written legal form. Enactment is the process of authenticating and approving documents so they can pass into law.

The chapter will illustrate that, while the LSP has had limited direct impact on the process of enactment, there will probably be substantial indirect implications. It will also describe significant changes to the drafting process associated with the project. In addition to changing the technical infrastructure, the resulting system has affected work processes, roles and authority structures of the office primarily responsible for creating legislation, the OPC. In particular, there has been increased standardisation in relation to computerisation, and a shift towards technocracy.

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