



**Evidence to the Digital Democracy Commission on the legislation theme
18 March 2014**

The Commissioners heard evidence from the following witnesses:

Evidence session (a)

- i. Cristiano Ferri Soares de Faria (Brazilian Chamber of Deputies), via Skype

Evidence session (b)

- ii. John Sheridan (National Archive) & Hayley Rogers (Parliamentary Counsel);
- iii. David Natzler & Matthew Hamlyn (Department of Chamber and Committee Services, House of Commons)

Evidence session (a) summary

- i. **Cristiano Ferri Soares de Faria (Brazilian Chamber of Deputies), via Skype**

Cristiano Ferri Soares de Faria told the Commission about the e-Democracia programme and the pilot Hacker Lab, which aimed to attract hackers to work with the House of Representatives.

The e-Democracia programme used a virtual legislative community with Wiki-groups, forums and a discussion guide to engage people in brainstorming on specific issues and more sophisticated Wiki-activities. MPs could follow a chat or hashtag and could also choose to engage in online conversations through the programme, including using those tools to interact with citizens during hearings.

In order to reach out to people who were interested in specific issues it was necessary to map opinion leaders on social media and reach out through Twitter, Facebook and specialised blogs. After people had participated, a discussion map was created to give an overall view.

Q&A

Q How do you distinguish between lobbyists and more legitimate users?

A There was no desire to make that distinction. The internet was being used as a legitimate platform for people to express their views. This had the advantage that everything could be viewed by the public and meant that people who could not put forward their views in Congress could have a voice.

Q How could participation from a wider group of people who are not on Twitter or Facebook be encouraged?

A it was important that the views of people who don't like Twitter or Facebook were also considered. Google and other media such as group lists could be used for this.

Q What has been the outcome from the programme so far?



A E-Democracia had started in 2009 and had had both successes and failures. The successes included the Cyber Crime Bill and the Internet Regulation Bill, both of which had incorporated suggestions made during this public input phase. Specific MPs had been responsible for considering the opinions that the public had put forward and for putting them into a final report. The names of the people who had suggested particular ideas were also given in the report. All those who had made contributions in relation to a particular Bill had received a copy of the report electronically.

Q Is this approach feasible for every piece of legislation?

A Yes, but there would first be a need to change the culture. Some MPs were not ready to work with such a system. About 10% were very willing to engage with it but there was a generation gap, and there was also a skills gap for some MPs.

Q How is feedback given – manually or through an algorithm?

A There were two models that could be used. In the more open model, those contributing were allowed to say what they wanted on the public forums and it was very time-consuming to collate and filter the content. That system had been adopted here. But there was another, more closed, model, like [MIT's Climate Colab](#). In this model, moderators received ideas and arguments from participants and decided whether they could fit into the discussion map that had been created. Of the two models, the more open one had a higher cost because of the resources required to filter and consolidate material – this could be termed the price of a new democracy.

Q Is this process replacing the usual system of consultation or complementing it?

A Complementing. MPs could choose to do it to increase participation if they really wanted to building drafts with society in a collaborative work model. It transcended the usual system of consultation because it created more opportunities for engagement in the different stages of law-making process.

Q Is it expected to continue alongside paper-based methods or to be complementary only until critical mass is reached?

A It was a lot about experimenting and playing around with the system at the moment. Parliamentarians, citizens and parliamentary officials needed time to get used to such participatory tools. The hope was that it would become a systematic part of parliamentary work. With a high level of internet penetration in society, paper-based methods of working could be ended.

Evidence session (b) summary

- ii. **John Sheridan (National Archive) & Hayley Rogers (Parliamentary Counsel);**
- iii. **David Natzler & Matthew Hamlyn (Department of Chamber and Committee Services, House of Commons)**

Hayley Rogers and John Sheridan gave an overview of the current legislative landscape and the Good Law programme.

Current system



Legislation was the glue that held society together—empowering, protecting and helping people—but the system was very complex, bitty and piecemeal. UK statute law was not codified as it was in other countries, and any new piece of legislation could affect and amend many other pieces of older legislation. The statute book was therefore a large and complex legacy system and it was sometimes difficult to find out about the current law on a given subject. This could hinder economic opportunities and make people nervous about setting up businesses

The digital revolution had already had a huge impact on the way the legislation was accessed and interpreted. Under the old system, mediators and other users would go to lawyers for legal advice and services, and books were the means of accessing legislation. Under this system, it had been rare for citizens to interact with the primary source of law. Now, a surprising number of people were accessing legislation directly, with 2 million a month via legislation.gov.uk. Another change had been the huge growth in digital legal services, of which a variety were now available.

Good Law

The vision for future, good legislation is that it should be necessary and effective and should have clear aims and objectives. It should also be clearly written, using plain, modern English and be coherent. One question to consider was how it could be made more accessible and how people could provide an input at earlier stages. A range of people in parliament, publishing and academia had been consulted about quality, architecture and how to help people find out what the law is and how to access the info they need.

David Natzler and Matthew Hamlyn discussed the legislative process within Parliament.

Legislation was written by parliamentary counsel, went through Parliament largely unchanged with the exception of Government amendments and was published by National Archive on the legislation.gov.uk site. Because Parliament was bicameral both Houses would need to be in agreement regarding any changes. It was a challenge to bring people into the analysis process once legislation had been presented to Parliament by the Government. There was currently a Public Reading stage for some Bills, and there were also some initiatives coming from within the Commons in addition to the Good Law initiative.

Matthew Hamlyn had taken part in one of the Good Law working groups, and was on the board of the Legislative, Drafting, Amending and Publishing Programme (LDAPP), which aimed to introduce new xml-based software for writing and publishing legislation in a way which could support some of the aims of the Good Law project.

When a Bill was considered by Parliament, paper copies of Bills were used and this worked well but the paper system worked less well for amendments. There was a non-mandatory system of providing explanatory notes to help explain what the drafting in the Bill meant. It had been agreed that these would be expanded to include explanatory statements from MPs to explain the purpose of proposed amendments.



One of the aspirations of LDAPP was to publish the text of bills in a form which allowed outside organisations and other third parties to re-present the text alongside, or integrated with, their comments and suggested changes.

Q&A

Q Paperless working and public consultation in relation to Public Bills could be an attractive way of increasing participation, but what extra resources would be required for this?

A The Procedure Committee had proposed that some aspects of procedure on Private Members' Bills could be more open to the public. It was possible either to use extra resources or to move staff from elsewhere. Although costs would be generated in some areas, they could be saved in others. There was a desire to replace the current system (Framemaker) used for drafting Bills anyway and this would save money. A moderator would be needed if comments were to be generally published online, typically at a cost of about £3,000 - £5,000 per Bill (1 member of B1 staff for 3 or 4 weeks). The pilot currently envisaged would send comments to the Member in charge.

If the costs of public consultation were to be justified they would need to have a measurable effect on Bills sometimes. One question to consider was whether it would be easier for the public to input during an earlier stage of legislation than during Committee stage – during policy-making, for example.

A good cross-referencing online system would be desirable for public consultation so that users of the system could pick up on the meaning of specific wording in Bills and so that the explanatory notes could be easily accessed.

The vision was for a complex system which could help users by finding and suggesting relevant information such as Act names. Moving away from paper would open up a wealth of opportunities for lay people to make sense of the law if context was provided.

The Commission could be more radical. Before the current system of amending Bills developed, the House of Commons petitioned for changes and the judges in the House of Lords drafted the statutes or ordinances which gave legal effect to their petitions. There was a question as to how tightly the parliamentary process had to be tied to textual amendment of draft statute.