What happens next?
Anticipating the future for sub-national legislative counsel

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Prediction: the art of discerning a likely future based on the nature, direction and intensity of currently observable forces.
Caveat

Assumes steady state…

• No pandemic; asteroid impact
• No radical new technology
• No social, etc. revolution
Evident trends:

• Growing demands, shrinking resources
• Political commodification of legislation
• Increasingly complex environment: more moving parts
Demands vs resources

• “More with less” – truism, but true

• unfilled vacancies = professional-demographic gap
Demands vs resources

- Demand side:
  - policy paralysis – what does the client want?
  - overlooked opportunity costs
  - systemic innovation
Demands vs resources

• Supply side:
  • limited talent pool
  • uncompetitive compensation
Commodification

• Legislation as undifferentiated political market good
• Emphasis on political, not functional (legal, social) value
Commodification

• Fulfilling the mandate
  • every Bill referable to a commitment
  • every commitment referable to a Bill

• Overlooked – Projects with no constituencies
Commodification

• Concentrated vs distributed interests

• social media – real time, unfiltered retail politics
Commodification

• Changing role of expertise
Commodification

• Consultation becomes crowdsourcing
• WikiLaw?
More complex environment

- Constitutional, quasi-C developments
- Overarching Government commitments
- e.g. “red-tape reduction”
More complex environment

- Incremental technical change
- esp. top-down deployment
- New employee expectations
Responses

Normative vs adaptive
Adaptive techniques

• Understand the mission
  • functionally, not just prescriptively
  • POSIWID
    (“The purpose of a system is what it does”)
Adaptive techniques

• Navigate around & through hierarchies
  • find and cultivate the decision-makers
  • avoid the cul-de-sacs
  • maintain the pathway
Adaptive techniques

• Use existing resources fully
  • locate, develop in-house talent
  • deploy IT discerningly
  • create spaces for safe experimentation
Summary

For sub-national legislative counsel, the future offers...
1. The familiar gap, but wider
2. Legislation as non-expert-driven commodity

BILL 99
The Peace, Prosperity and Personal Happiness for All Citizens Act, 2015
3. More moving parts
It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change.

- Charles Darwin