

# Results at a glance

## Evaluation of Legislative Services

The Department of Justice plays a critical role in fostering the development of a federal legislative framework to support the Minister of Justice in areas of federal legislative responsibility.

The Legislative Services Branch (LSB) is the main provider of legislative services to the federal government. The LSB is comprised of three sections: legislation, regulations and specialized legislative services. The primary responsibilities of the LSB include the drafting of all government bills and motions to amend; the drafting of regulations or their examination under the *Statutory Instruments Act*; the harmonization of federal legislation with the civil law of Quebec; and the updating, consolidation and publication of federal statutes and regulations and related tables.

The Finance Legal Services Unit (LSU) also provides legislative services related to areas of taxation in support of the Department of Finance.

### WHAT WAS FOUND

- The demand for legislative services has increased in volume as well as complexity over the course of the evaluation period. At the same time, the timeframe allocated to complete the legislative drafting process decreased and was further compounded by the urgency associated with the COVID-19 pandemic.
- Overall, the design and delivery structure used by the LSB has proven to be adaptable to meet service demands. There is a need to explore a long-term sustainable design and delivery structure that can successfully operate in an environment that shifts based on the policy or programming approach being implemented by the federal government.
- The division of roles and responsibilities are well established among the LSB and its stakeholders. Further clarity could be sought regarding the approach used to review documentation incorporated by reference, roles between the Constitutional, Administrative, and International Law Section and the LSB, and whether LSB or LSUs should lead consultations within Justice Canada, when required.
- The internal processes in place within the LSB are working well. Updating foundational documents like guidelines and practice manuals as well as enhancing the process to open and allocate files are areas of potential improvement.
- Additional human resources were allocated to the LSB to help address the increasing volume of work over the evaluation period. The impact of the additional staff is not immediate given extensive on-the-job training is required before staff can work independently. Where

feasible, promoting the use of paralegals to support portions of the legislative drafting process was a potential approach noted to relieve work pressures.

- The LSB and Finance LSU have a long history of providing quality legislative and regulatory drafting services with sponsoring departments and agencies, and LSUs continuing to report high levels of satisfaction. The LSB reported somewhat less satisfaction with the quality of the work that they produced given the increased demand and shorter timeframes placed on their work environment.
- The LSB is provided with access to training and adequate support through mentoring opportunities and practice groups. Training provided by LSB on the legislative process is highly valued by stakeholders.
- The LSB has been pursuing efforts to simplify and enhance the clarity of the language used during the legislative drafting process, by incorporating more lay terms and, as applicable, using wording that better reflects Indigenous values and realities.
- The clarity of legislative text is supported by the long-standing practice of the LSB to have both English and French versions of proposed bills and regulations drafted simultaneously, with bijuralism considerations in mind to reflect Canada's two legal traditions.
- The LSB and the Finance LSU have successfully established strong partnerships with sponsoring departments and agencies, and LSUs are being described as responsive, collaborative and efficient.

### RECOMMENDATION:

The Legislative Services Branch, in consultation with appropriate parties, should adapt the design and delivery structure of legislative services to further align these services with the requirements associated with the policy development and drafting of federal legislation and regulations. In addressing this recommendation, the Legislative Services Branch should consider human resource requirements, planning and coordination of legislative activities, training, and adaptations of services based on the nature of legislative projects.

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**ABOUT THE EVALUATION:** The Evaluation of the Legislative Services was conducted by the Department of Justice Canada's Evaluation Branch and covered fiscal years 2017-18 to 2021-22. Its main objectives were to examine the relevance, effectiveness and efficiency of legislative services, in accordance with the Treasury Board's *Policy on Results* (2016).

