



**LEGISLATIVE SERVICES BRANCH
EVALUATION
Final Report**

June 2013

**Evaluation Division
Office of Strategic Planning and Performance Management**



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ISBN 978-1-100-22388-9

Cat. No. J2-391/2014E-PDF

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ACRONYMS

DASG	Drafting and Advisory Services Group
DLSU	Departmental Legal Services Unit
FTE	Full-time Equivalent
IT	Information Technology
LRSG	Legislative Revision Services Group
LSB	Legislative Services Branch
NVA	Net Vote Authority
PCO	Privy Council Office
PSES	Public Service Employee Survey
SRC	Statute Revision Commission
TBS	Treasury Board Secretariat

Evaluation Division

EXECUTIVE SUMMARY

1. Introduction

To meet the requirements of the Treasury Board Secretariat (TBS) 2009 *Policy on Evaluation*, the Department of Justice undertook an evaluation of the Legislative Services Branch (LSB) in 2012. The evaluation covered the period from 2006-07 to 2010-11.

2. Background

In Canada, the administration of justice is an area of shared jurisdiction between the federal government and the provinces and territories. The Canadian justice system is also defined by the coexistence of two legal traditions: the civil law in Quebec and the common law in the remaining provinces and three territories. The LSB drafts bills and regulations required by federal departments and agencies in a manner that reflects both legal traditions, when appropriate. Canada's two official languages add a further challenge to drafting legislation. As a result, legislative counsel must consider, at times, up to four legal audiences - French and English users of the civil law and French and English users of the common law.

The LSB undertakes a number of activities in order to draft bills and regulations that meet these requirements, as well as the requirements of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*. The Branch is responsible for publishing statutes and regulations, developing and implementing policy related to the regulatory and legislative processes in conjunction with other central agencies, developing drafting guides and reference manuals, delivering training and outreach to departments and agencies, providing support to the Statute Revision Commission as part of the ongoing process to improve federal legislation, and occasionally, for providing information, opinions or advice to federal litigators on the interpretation of federal legislation.

3. Methodology

The methodology for this evaluation was developed using a risk-based approach and incorporated multiple lines of evidence. Due to the LSB's unique and specialized service area, the evaluation was designed to focus on the protocols, processes, resources and standards used to address client requests and deliver a high quality service rather than on the quality of the legal products.¹ Methods used to inform the evaluation include a document review, an analysis of secondary and administrative data, a literature review, a file review (n=37), case studies (n=5), online surveys of LSB staff (n=93) and clients (n=151), as well as key informant interviews (n=36).

4. Relevance of the Legislative Services Branch

The relevance of and need for LSB services are clear. The Branch is the main provider of a fundamental service required by the Government of Canada. The unique specialized knowledge and skills of LSB counsel meet the legislative drafting requirements of Canada's bilingual and bijural system. Over 10,000 drafting and advisory files were closed over the five-year evaluation period. The evidence indicates that there is continued demand for these services and that the complexity of requests has been increasing. Timelines for completing the work have decreased and the incidence of high priority files has increased.

The bills and regulations drafted by the LSB meet the needs of client departments and central agencies, thereby supporting federal government priorities. The services of the Branch are also closely aligned with the Department's two strategic outcomes: 1. *a fair, relevant and accessible justice system that reflects Canadian values*; and 2. *a federal government that is supported by effective and responsive legal services*.²

The LSB provides legislative services to the government respecting bills and regulations and supports the Minister of Justice's legislated roles and responsibilities. The Branch also supports the role of the Minister to ascertain whether any of the provisions of bills and regulations are

¹ The Departmental Quality Assurance Framework defines quality legal services as being accurate in law; consistent and coordinated across Justice and resourced to align with federal government priorities; meeting or exceeding established client service standards for timeliness, responsiveness and usefulness; and in respect of legislative services, being consistent with the Hallmarks of Well-drafted Acts and Regulations. The evaluation examines quality of legal services in all aspects except accuracy in law.

² There have been recent wording changes to the Department of Justice's strategic outcomes. For consistency, this report maintains the wording in place during the evaluation period and within the LSB logic model.

inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and ensures that regulations are examined under the *Statutory Instruments Act*.

5. Performance of the Legislative Services Branch

5.1. Effectiveness

The LSB supports the bijural federal legislative framework in both official languages. The Branch has established and maintained mechanisms such as co-drafting and review processes that are intended to ensure that legislative texts are of the highest quality and reflect Canada's bilingual and bijural context when appropriate. Clients expressed high levels of satisfaction with access to laws in both official languages and in appropriate formats.

By addressing thousands of requests for legislative services each year, the LSB is responding to the needs of the federal government and its policy direction. Despite changes in the drafting environment due to the increasing predominance of short timelines and high priority files accompanied by an increase in file complexity, the Branch has continued to meet demands. Clients are satisfied with the quality of the drafting products and the legal advice provided. Continuity in the assignment of LSB legislative counsel to departmental requests contributes to a collaborative and fluid approach to addressing needs for legislative services. In the Departmental Regulations Sections, assigning the same LSB legislative counsel to client departments, as well as having LSB counsel assigned to those three Sections, is an effective way of assisting legislative counsel to develop a better contextual understanding of these departments' policies and programs. Surveyed LSB staff reported particularly good access to experts within the Branch, such as bijural experts and jurilinguists, which also aids in effectively and accurately addressing client requests.

Clients from the case studies are satisfied with the assistance provided by the LSB in managing their legal risks. Some client key informants noted that the advice provided by the LSB in terms of managing risks was useful and practical. They were satisfied with the level of communication and collaboration, as well as with the process of identifying the risks and developing mitigation strategies. Clients from the case studies also noted that their involvement in these processes was beneficial in increasing their knowledge about legal risks and how to avoid them in future policy and legislative product development. Clients who responded to the client survey expressed high levels of satisfaction with the support provided by the Branch to help them manage risk.

In the absence of external legislative drafting educational programs, the LSB must provide extensive training to its legislative counsel. The Branch wants to ensure that their legislative counsel have the specialized knowledge required to draft bills and regulations in the Canadian context. While some LSB employees expressed the need for more training, they are generally satisfied with the training provided, particularly when compared with other public sector employees. Mentorship, which includes the assignment of more experienced legislative counsel with those less experienced, also plays an important role in the development of effective legislative counsel.

5.2. Efficiency and Economy

Not only does assigning the same LSB counsel to client departments and to the three Departmental Regulations Sections facilitate effectiveness, it enhances the efficiency of the drafting process by allowing legislative counsel to develop fluid and collaborative working relationships with clients and Departmental Legal Services Unit counsel.

The resources allocated to meet client demands depend on file priority and complexity, as well as on the type of services required and the department or agency that made the request. Often, staff is reassigned to higher priority files to meet urgent deadlines. Clients and Branch staff expressed concern that, with the anticipated increase in demand, current staffing levels will not be sufficient to manage the volume of work while maintaining existing levels of quality. LSB managers also noted that staff often has to work overtime to meet current levels of demand. Some LSB staff does not consider that the appropriate employees are always assigned to files in terms of their experience and current workload. Unfortunately, the assessment of efficiency and economy was constrained by the lack of information in iCase concerning the level of complexity and legal risk of LSB files. As a result, it was not possible to assess the extent to which the appropriate level of counsel is being assigned to a file. In general and where possible, more experienced legislative counsel are paired with more junior counsel, which not only supports knowledge transfer but also helps to reduce costs.

Clients play an important role in the drafting process due to their in-depth knowledge of the policy issues that pertain to the legislative request. However, it appears that there are gaps in clients' understanding of their role and responsibilities with respect to the drafting process, which can have a negative impact on efficiency. Although clients reported they have sufficient understanding of the drafting process, LSB staff reported the contrary. This problem is compounded not only by a client's lack of knowledge of the legislative processes, but also by an

overall lack of capacity within client departments' policy areas. Often policy is being developed concurrently with the legislation to support it.

The LSB makes an effort to provide training to client departments in order to increase their knowledge with respect to efficiently preparing instructions and their role in the drafting process. Clients who reported having received training from the Branch were highly satisfied with it. However, it has become more challenging to do this as opportunities to conduct training are limited by the increasing workload of LSB staff. Even when training has been provided to client departments, staff turnover rates have made it difficult to maintain a sufficient level of knowledge of the legislative and regulatory processes to fully support the drafting processes, particularly in departments where the need for LSB services arises only periodically. As it becomes more difficult to provide training, and consequently to ensure that the client departments have the appropriate level of knowledge to fully support the legislative drafting process, the gaps in clients' knowledge about the drafting process and, more specifically their roles and responsibilities with respect to that process, could widen.

The efficiency of the drafting process is also affected by the limited capacity of clients to contribute equally to the process in both official languages. This means that scrutiny by those persons in the best position to direct legislative counsel with respect to appropriate context and terminology may not be as comprehensive as possible. While legislative counsel expressed concern about their clients' French language ability, clients felt that their support to the drafting process in both official languages was sufficient (likely related to the lower proficiency levels required in the day-to-day business activities of the departments relative to that required to draft bills and regulations in two languages).

The Branch has been able to support staff and facilitate productivity through the use of information technology (IT) tools. These tools have not only improved capacity and efficiency, they have also allowed for more flexible work arrangements such as teleworking for legislative counsel working in the regulations sections.³ Surveyed LSB staff expressed high levels of satisfaction with the IT tools available, and results of the 2011 Public Service Employee Survey suggest that the LSB staff is more satisfied with the equipment and materials available to them than are other public servants.

LSB managers are less satisfied with the cost recovery processes involved in the mixed financial model. The administrative burden and the lack of training to navigate the invoicing system were

³ Legislative counsel in the Legislation Section work on secret documents and are currently unable to work remotely on such documents.

mentioned by most key informants. However, this system has been sufficient to cover the LSB's costs and is expected to become more efficient over time as managers and clients become more familiar with it and as issues with invoicing are addressed. As of April 2012, the Department implemented a cost-recovery improvement project that is currently being used by all legal services sectors, including the LSB. The impact of this project will be assessed in future evaluations.

1. INTRODUCTION

The mandate of the Department of Justice is to support the dual role of the Minister of Justice and Attorney General of Canada. The Legislative Services Branch (LSB) supports these roles and the strategic outcomes of the Department of Justice by drafting government bills and drafting or examining federal regulations, as well as providing legal advice. This evaluation report presents findings on the relevance and performance (effectiveness, efficiency and economy) of the LSB.

1.1. Evaluation Scope and Objectives

To meet the requirements of the Treasury Board Secretariat (TBS) 2009 *Policy on Evaluation*, the Department of Justice undertook an evaluation of the LSB, assessing its relevance and performance based on expected outcomes. The LSB has been in place in its present form since the reorganization of the Department in 1994⁴ and has never been evaluated.

The evaluation focused primarily on LSB services related to the drafting and harmonization of bills and regulations. Specifically, the evaluation examined the activities of the Branch's headquarters and Departmental Regulations Sections' offices between 2006-07 and 2010-11.

1.2. Structure of the Report

This report contains six sections, including the introduction. Section 2 provides a description of the LSB and Section 3 describes the methodology used for the evaluation. Section 4 examines the relevance of the LSB, Section 5 presents the evaluation findings regarding the performance of the LSB, and Section 6, the conclusions, recommendations and management response.

⁴ Department of Justice (August 1995). Reorganization of the Department of Justice.

2. THE LEGISLATIVE SERVICES BRANCH

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces and territories. 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 LSB plays a unique role within the Department of Justice, serving as the steward of the federal legislative corpus and contributing to the departmental strategic outcomes of: 1) *a fair, relevant and accessible justice system that reflects Canadian values*; and 2) *a federal government that is supported by effective and responsive legal services*.⁵

2.1. Canada's Bilingual and Bijural Legal Tradition

A defining feature of the justice system in Canada is the coexistence of two legal traditions. While many countries are also governed by one or more systems of law, the combination of the fundamentally different civil and common law is rare⁶ and Canada is the only jurisdiction where these “*two legal traditions co-exist as the two fully fledged vibrant legal systems of a sizeable population*”.⁷ The bijural structure is inscribed in the Canadian constitutional structure whereby federal legislative intent must be expressed in light of both the civil law and the common law.

Bijuralism in Canada found its formal expression in the *Quebec Act* in 1774 and later by the distribution of powers under the *Constitution Act* (1867) which states that provincial legislatures have authority in matters relating to property and civil rights in the province.⁸

⁵ There have been recent wording changes to the Department of Justice's strategic outcomes. For consistency, this report maintains the wording in place during the evaluation period and within the LSB logic model.

⁶ Department of Justice. *Some Thoughts on Bijuralism in Canada and the World*.

⁷ Department of Justice. *Bijuralism in Canada* (from workshop on bijuralism and the judicial function) 2000. <http://www.justice.gc.ca/eng/rp-pr/csj-sjc/harmonization/hfl-hlf/b1-f1/bf1g.html>

⁸ Department of Justice. *Bijurillex Website*. <http://www.justice.gc.ca/eng/csj-sjc/harmonization/bijurillex/aboutb-aproposb.html>

[F]ederal law, although relatively comprehensive, is not complete insofar as private law rules are concerned. For federal law to apply within a province or a territory, it must often call on provincial or territorial law, notably in matters relating to property and civil rights. Unless otherwise provided by law or unless the context excludes recourse to provincial or territorial private law, both the common law and the civil law coexist as authoritative sources of Canadian federal law.⁹

Canada's commitment to the development and maintenance of a bijural legislative framework is constituted under the *Policy on Legislative Bijuralism*.¹⁰ Since 1999, this commitment is also formally stated in the *Cabinet Directive on Law-Making*:

[T]hat bills and regulations respect both the common law and civil law legal systems since both systems operate in Canada and federal laws apply throughout the country. When concepts pertaining to these legal systems are used, they must be expressed in both languages and in ways that fit into both systems.¹¹

While proposed legislation and regulations are drafted under these directives, it is also important to Canada's bijural system that previously developed bills and regulations reflect both legal traditions.

Furthermore, Canada is bilingual, and the common law and civil law coexist in Canada in both official languages. Therefore, legislative counsel must prepare drafts in both French and English, ensuring that they are legally sound according to both legal systems. At times, legislative counsel must consider up to four legal audiences: French and English users of the civil law and French and English users of the common law.¹²

Federal legislation in Canada is not only bilingual, but also bijural in the sense that it is applicable to persons, places and relations that are subject to the civil law in Quebec and to the common law in the rest of Canada. This wealth of possibility creates a difficult challenge for federal drafters, and for interpreters of federal legislation. Although Quebec is the only province with a civil law system,

⁹ Source: <http://www.justice.gc.ca/eng/csjsjc/harmonization/bijurilex/aboutb-aproposb.html>

¹⁰ Department of Justice. Policy on Legislative Bijuralism. <http://www.justice.gc.ca/eng/csjsjc/harmonization/bijurilex/policy-politique.html>

¹¹ Cabinet Directive on Law-Making, *supra* note 54 at section "2. Fundamentals of the Government's Law-Making Activity – Importance of bilingual and bijural drafting".

¹² Department of Justice. Canadian Legislative Bijuralism – An Expression of Legal Duality.

*the French version of federal legislation is meant to operate in all the provinces. This makes it impossible simply to reserve the English version of legislation for application in the common law provinces and the French version for application in Quebec.*¹³

2.2. LSB Service Delivery Structure

The LSB is the main provider of legislative services to the federal government respecting bills and regulations.¹⁴ Service delivery is centralized in the National Capital Region with legal services being provided by the Department of Justice through the Branch and its Departmental Regulations Sections. These sections were established to address the regulatory drafting needs of three departments: Health Canada, National Defence Canada, and Transport Canada.¹⁵

The centralization of legislative services in Canada was established as recommended by the Report of the Royal Commission on Government Organization (the Glassco Commission) released in 1962. The objective of the Commission was to “*report upon the organization and methods of operation of the departments and agencies of the Government of Canada and to recommend the changes therein which they consider would best promote efficiency, economy and improved service.*”¹⁶ Major changes were effected in the way public service was administered, including in the Department of Justice. Centralization of legislative services was recommended to improve efficiency and to better address Canada's unique bijural and bilingual needs, thereby developing a legislative system that better represents all Canadians.¹⁷ Centralization also facilitated the establishment of the co-drafting process in 1978 in which French language and English language legislative counsel work as a team to simultaneously draft bills or regulations, eliminating the time previously required for translation and improving the quality of the French language drafts.¹⁸

¹³ Ruth Sullivan, *Sullivan and Driedger on the Construction of Statutes*, 4th ed., Vancouver, Butterworths, 2002, at p. 94-95.

¹⁴ The LSB drafts all legislation and regulations, with the exception of tax laws and regulations, which are drafted by the Central Agencies Portfolio counsel assigned to the Department of Finance.

¹⁵ Until recently, there was also a departmental regulations section at Environment Canada.

¹⁶ *The Royal Commission on Government Organization*. <http://epe.lac-bac.gc.ca/100/200/301/pco-bcp/commissions-ef/glassco1962-eng/glassco1962-eng.htm> .

¹⁷ Department of Justice. Out of the shadows: The civil law tradition in the Department of Justice Canada, 1868–2000. <http://www.justice.gc.ca/eng/rp-pr/other-autre/civil/> .

¹⁸ Department of Justice. Bijuralism in Canada: Harmonization methodology and terminology. <http://www.justice.gc.ca/eng/rp-pr/csj-sjc/harmonization/hfl-hlf/b4-f4/toc-tdm.html> .

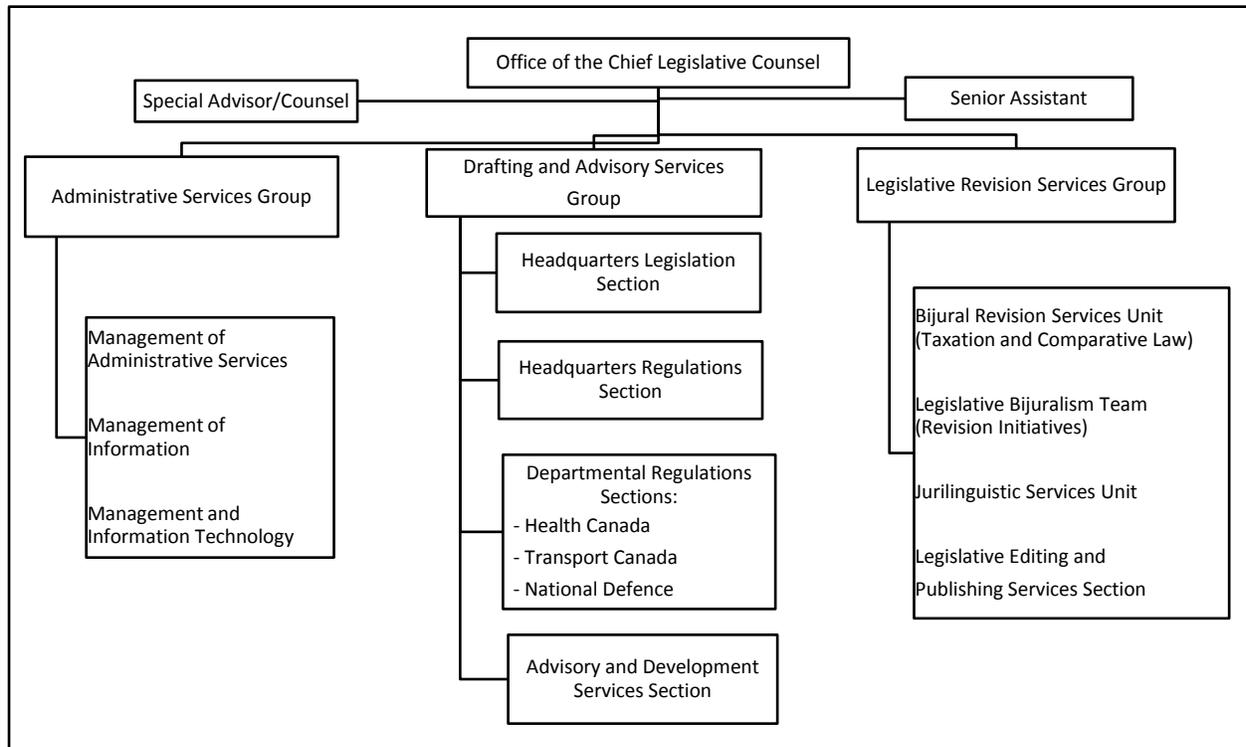
While this centralized approach best suits the unique needs of Canada's bilingual and bijural system and is also utilized in other countries, some jurisdictions have adopted a non-centralized model. For example, the United States utilize two drafting agencies to maintain their legal drafting needs, and in the United Kingdom, the Government Legal Service includes 30 discrete cadres of lawyers who are assigned to various government bodies, each working independently and for different agencies. More similar to the Canadian model, the Australian Office of Parliamentary Counsel and the New Zealand Parliamentary Counsel Office are the organizations responsible for providing all legislative services to their respective federal governments.

The LSB is led by the Chief Legislative Counsel, a position level equivalent to that of Assistant Deputy Minister. The Chief Legislative Counsel reports directly to the Associate Deputy Minister and the Deputy Minister. In addition to managing the LSB, the Chief Legislative Counsel is responsible for ensuring that government bills and regulations are reviewed in light of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, on behalf of the Minister of Justice.

The Branch is comprised of the Office of the Chief Legislative Counsel, the Administrative Services Group and two legal groups: the Drafting and Advisory Services Group (DASG) and the Legislative Revision Services Group (LRSG).

The DASG provides legislative services as well as advisory services to federal government departments and agencies through one Headquarters Legislation Section, one Advisory and Development Services Section, and four Regulations Sections (Headquarters and three Departmental Regulations Sections). The LRSG complements the services offered by the DASG through four groups, the Bijural Revision Services Unit (Taxation and Comparative Law), the Legislative Bijuralism Team (Revision Initiatives), the Jurilinguistic Services Unit, and the Legislative Editing and Publishing Services Section. Figure 2.1 depicts the organization of the LSB graphically.

Figure 2.1-Legislative Services Branch Organizational Chart



The LSB currently employs over 200 staff of whom approximately 55% are legislative counsel. The remaining staff consists of other legal counsel and staff such as revisors, jurilinguists, management and administration. LSB staff either work in the LSB headquarters or in one of the three Departmental Regulations Sections.

2.3. Responsibilities of the LSB

The primary responsibilities of the LSB are to draft government bills, draft or examine federal regulations, publish acts in the *Canada Gazette* and consolidated acts and regulations on the Justice Laws Website, and provide legal advice. LSB drafts and revises government bills and motions to amend, including government motions to amend Private Members' bills. It also drafts, examines and revises proposed regulations and other statutory instruments. LSB drafts government bills and proposed regulations in both English and French and in conformity with the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights* and other related legislation. It delivers these services in the context of coexisting civil law and common law legal traditions with consideration of the interaction between federal law and the provincial and

territorial law. This includes consideration of the relationship between these legal traditions and Aboriginal traditions, where applicable.

The LSB drafts amendments to bills once they are tabled before Parliament and as they move through the parliamentary process.

Canada's bijuralism policy emerged in the 1990s¹⁹, and Canada is a world pioneer in developing the concepts and instruments to harmonize civil law and common law. The LSB reviews and revises draft bills and regulations as well as existing statutes and regulations to harmonize them with the principles, concepts and institutions of the civil law of Quebec and the common law applicable elsewhere in Canada. It pays special attention to the vocabulary of each legal tradition, in both official languages. Revisions are made where appropriate. The Branch prepares harmonization bills for introduction in Parliament by the Minister of Justice.²⁰ It also makes harmonization recommendations to client departments for inclusion in their own legislation.

The Branch provides support and revision services to the Statute Revision Commission (SRC), which under the *Legislation Revision and Consolidation Act*, is responsible for revising the public general statutes of Canada, as part of the ongoing process of improving federal legislation.

All LSB legislation is drafted simultaneously in both official languages. Throughout this process, advice may be sought with respect to linguistic, bijural or legistic aspects of the drafts. As well, once a draft has been finalized, a threefold revision process is carried out to enhance its quality. The revision team includes LSB lawyers, editors and jurilinguists. The jurilinguistic revision ensures linguistic adequacy and the equivalence of both official versions of legislative texts. The bijural revision ensures that legislative texts that touch upon provincial private law are compatible with both the common law and civil law systems. Finally, the legistic review involves the consistent application of drafting standards across the whole legislative corpus. The revision process is a critical quality control measure. The LSB also provides revision services to the drafters of legislation in other departments (e.g., legistic and bijural revision services provided to the Department of Finance Canada).

The drafting process and activities described above are summarized in Figure 2.2. This figure also highlights the important role of the client department or agency in the process, specifically

¹⁹ The *Policy on Legislative Bijuralism* was adopted in 1995. The Program for the Harmonization of Federal Legislation with the Civil Law of the Province of Quebec was established in 1999. Department of Justice Canada. Legislative Bijuralism: Its Foundation and its Application. <http://www.justice.gc.ca/eng/rp-pr/csj-sjc/harmonization/gaudr/fo/index.html>

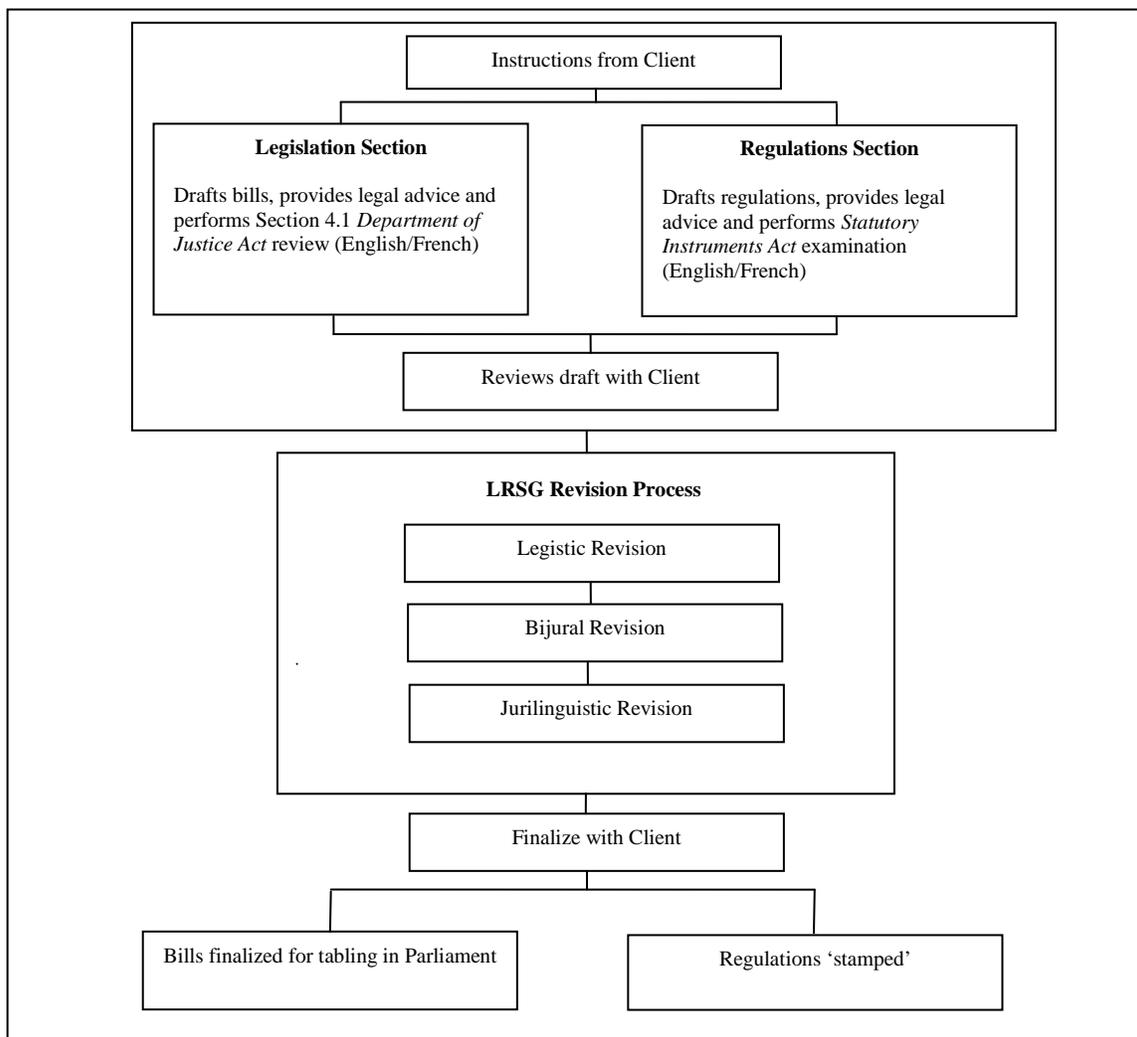
²⁰ Harmonization bills were passed in 2001, 2004 and 2011.

with respect to providing the drafting instructions and reviewing the legislative text after the completion of the revision process. Another key element of the drafting process is the support provided by the Departmental Legal Services Unit (DLSU) of the client department or agency. DLSUs have been established in most federal departments and agencies. They consist of legal counsel who are employees of the Department of Justice and are responsible for providing their clients with legal advice and assistance to facilitate their operations and to ensure that their policies, programs, and operations conform to the law.²¹ DLSU counsel also play an important role in the legislative process, particularly in the early stages of policy development. In terms of the drafting process, DLSU counsel work in collaboration with legislative counsel to address substantive legal issues raised by clients or by legislative counsel. Working together with their DLSU counterparts, legislative counsel ensure that the drafted bills or regulations meet the client's policy objectives.²²

²¹ Department of Justice. Departmental Legal Services Unit. Treasury Board Portfolio. 2010.
<http://www.justice.gc.ca/eng/rp-pr/cp-pm/aud-ver/2010/tbp-pct/index.html>

²² Department of Justice. Legislation Deskbook. 2010.

Figure 2.2-The Drafting Process²³



In addition, the Branch may be called upon to provide legal analyses and advice, which may be undertaken in collaboration with others in the Department. For example, it may advise clients on matters such as their options for legal instruments to address government priorities and policy goals. The LSB provides advisory services on legal, policy and language matters related to the

²³ At the end of the examination process, the appropriate Regulations Section issues a copy of the proposed regulation to the regulation-making authority in each official language; the Drafting and Advisory Services Group “stamp” appears on each page of the copy. The stamp attests that the Drafting and Advisory Services Group has examined the document.

drafting, enactment, operation and interpretation of legislative texts. This also includes matters related to the *Statutory Instruments Act*, the *Interpretation Act*, the *Publication of Statutes Act*, the *Legislation Revision and Consolidation Act* and the *Statutes Repeal Act*. It analyzes and advises on aspects of regulatory initiatives (e.g., harmonizing/incorporating international standards that may be relevant for regulation of some industries). From time to time, the Branch may also be called upon by federal litigators to provide information, opinions or advice on the interpretation of federal legislation. It monitors court decisions as these may affect future drafting, and it provides advice in respect of legislative and regulatory processes as well as parliamentary procedure.

The responsibilities of the Drafting and Advisory Services Group and the Legislative Revision Services Group are summarized below.

Drafting and Advisory Services Group

- Drafting government bills;
- Reviewing drafting instructions before they are included in the Memoranda to Cabinet;
- Drafting, examining and revising proposed regulations and other statutory instruments;
- Drafting amendments to bills once they are tabled before Parliament and as they move through the parliamentary process, including government motions to amend Private Members' bills;
- Conducting the *Department of Justice Act* or *Statutory Instruments Act* examination, as applicable;
- Advising clients on matters such as their options for instrument choice to address government priorities and policy goals; and
- Advising clients on legal, policy and language matters related to the drafting, enactment, operation and interpretation of legislative texts. This includes matters related to the *Statutory Instruments Act*, the *Interpretation Act*, the *Publication of Statutes Act*, the *Legislation Revision and Consolidation Act* and the *Statutes Repeal Act*.

Legislative Revision Services Group

- Provision of advice with respect to linguistic, bijural or legistic aspects, at any point in the preparation of a draft;

- Logistic revision of completed drafts to ensure the consistent application of drafting standards across the whole legislative corpus;
- Jurilinguistic revision of completed drafts to ensure linguistic adequacy and the equivalence of both official language versions of legislative texts;
- Bijural revision of drafts to ensure that legislative texts that use concepts pertaining to provincial private law are compatible with both the common law and civil law systems, when appropriate;
- Bijural revision of existing legislative texts to ensure that the concepts pertaining to provincial private law they used are, when appropriate, compatible with both the common law and civil law systems;
- Presentation of harmonization bills;²⁴
- Advice and training on issues related to comparative law, bijuralism and harmonization;
- Official publication of statutes following royal assent and publication of related tables, as well as the update, consolidation and publication of an electronic version of federal statutes and regulations through the Justice Laws website; and
- Preparation of regulations and other statutory instruments for publication in the *Canada Gazette*, Parts I and II, as applicable, which is published by Public Works and Government Services Canada.

In addition to drafting and publishing bills and regulations, the LSB is also responsible for the following activities:

- Identifying legal risks early, assessing their potential effect, and identifying options/strategies to help clients to manage the risk;
- Providing information, opinions or advice to federal litigators on the interpretation of federal legislation;
- Developing and implementing policy related to the regulatory and legislative processes in conjunction with other central agencies, including the Privy Council Office (PCO), TBS and the Department of Finance;

²⁴ To date, the Bijuralism Team (Revision Initiatives) has presented three harmonization bills to Parliament.

- Preparing and maintaining drafting guides and reference manuals to ensure consistency in the legal products;
- Conducting outreach and communication to departments and agencies to ensure understanding of the legislative drafting process; and
- Providing support to the SRC, which is part of the ongoing process to improve federal legislation.

Further, in the absence of a specialized degree program in drafting or revising legislative texts, the LSB delivers extensive internal training to its counsel and professional staff. Some training on interpretation and relevant substantive issues is also provided to clients and to provincial/territorial counterparts.

2.4. LSB Logic Model

A logic model is a systematic and visual way to illustrate the relationship between the planned activities of a legal service or program and its expected results. In other words, it is a depiction of how a legal service or program works and what it is trying to achieve. A basic logic model has the following key elements:

- *Activities*: The processes, tools, events and actions that are part of the implementation of the legal service or program. The activities should lead to the intended results.
- *Outputs*: The direct product of the identified activities.
- *Outcomes*: The impacts of the legal service or program, which are the results/changes/benefits/consequences. They are usually presented in stages, as change is incremental over time: immediate outcomes should support and lead to the intermediate outcomes, and intermediate outcomes to long-term ones.

This section describes the theory behind the LSB and what is expected to happen as a result of the key activities. The evaluation findings in Sections 4 and 5 of the report explore whether the LSB's activities have been implemented as planned, and whether expected outcomes are in fact being achieved.

2.4.1. Outputs

Outputs are within the direct control of the LSB.

Drafting, harmonization and support to the SRC outputs are expected to be as follows:

- Drafting: draft bills, regulations, Orders-in-Council and motions to amend;
- Harmonization: harmonization acts, regulations and proposals; and
- SRC Support: revised statutes and regulations.²⁵

These outputs are expected to contribute to the general output of published legislation.

The outputs of the LSB's legal advice activities are expected to include:

- Analysis and advice, including options for instrument choice.

Infrastructure development activities result in the following outputs:

- Training resources;
- Knowledge management tools;
- Consolidated laws on the Justice Laws website;
- *Canada Gazette*, Part III and Annual Statutes of Canada;
- Bijurilex.ca (a specialized in-house bijuralism website); and
- Outreach and communication events.

At the federal policy level, infrastructure development activities are expected to result in:

- Policy guidance and directives.

2.4.2. Direct Outcomes

Direct outcomes are the intended impacts of the activities and outputs. Their achievement is beyond the direct control of the LSB. All of the activities undertaken by the Branch contribute to

²⁵ LSB notes that there have not yet been any recently revised statutes or regulations related to the work of the SRC.

the achievement of the outcomes expected from the delivery of their service. Activities and outputs of the LSB are expected to lead to the following set of interrelated direct outcomes:

- Legislation that responds to federal government policy directions: although the LSB plays a critical role in the preparation of legislation that responds to federal government policy directions, it should be noted that the making of legislation is not within LSB's influence or control;
- Accessible federal legislation: in particular, legislation that is clear and consistent in both official languages while respecting the civil law and common law when private law rules are called upon; is consistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*; and is widely available;
- Enhanced awareness/understanding within the federal government of federal legislation, legislative principles, processes and options: through its service delivery, publications and outreach infrastructure development activities, LSB helps to enhance awareness and understanding primarily among its clients; and
- Enhanced capacity (skills, tools, information) to deliver consistent legal and legislative services: ongoing capacity improvement contributes to the delivery of quality services and products.

Achievement of direct outcomes is expected to lead to a set of interrelated intermediate outcomes that include:

- Federal legislation that respects the Constitution and other legal constraints;
- Contribution to a bilingual and bijural federal legislative framework; and
- Government departments and agencies are better able to manage their risks.

Overall, by achieving the direct and intermediate outcomes, the work of the LSB contributes to the Department of Justice's two strategic outcomes: *a fair, relevant and accessible justice system that reflects Canadian values*²⁶, and *a federal government supported by effective and responsive legal services*.^{27 28}

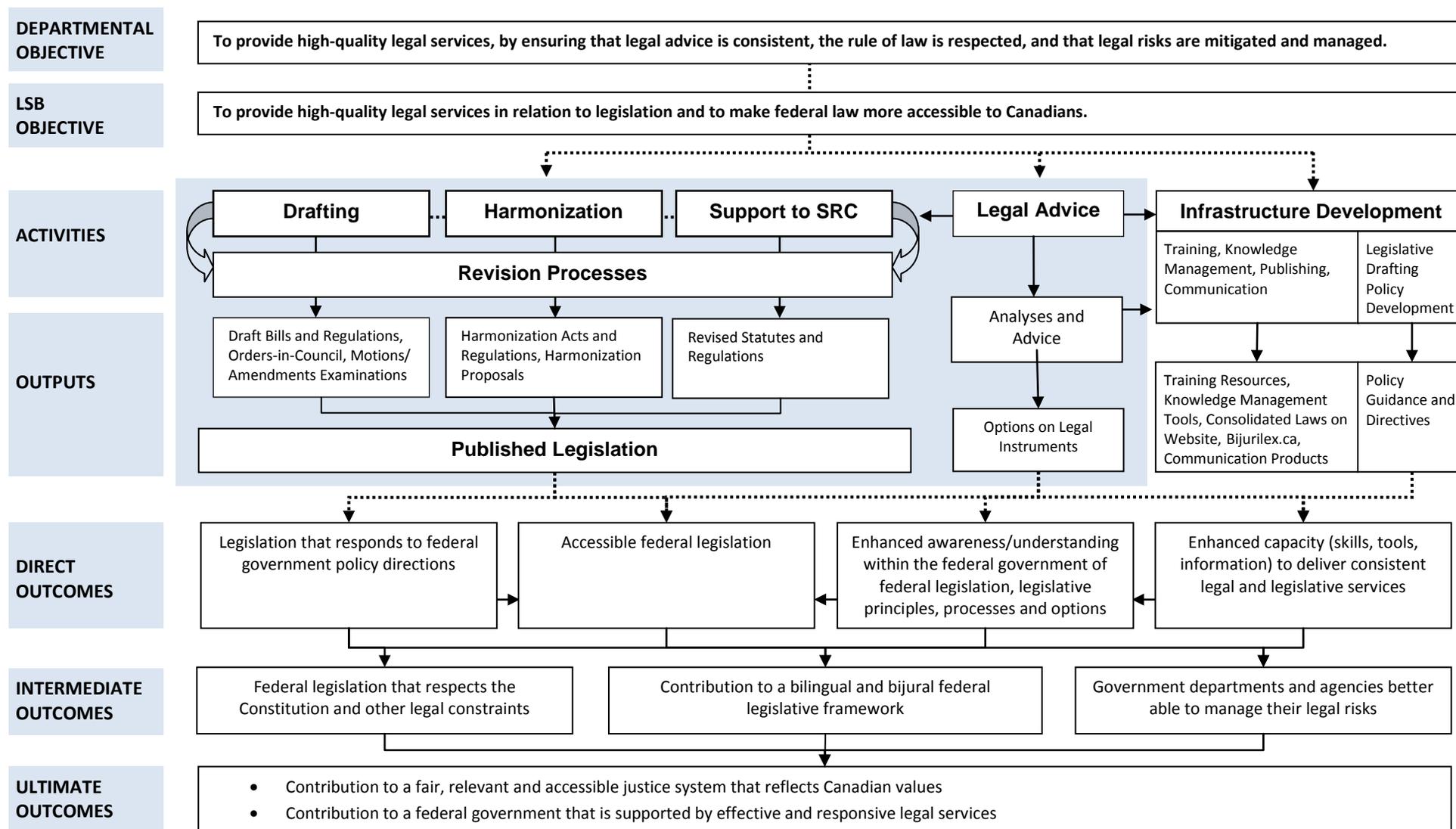
²⁶ Department of Justice. Report on Plans and Priorities (2010-11)

²⁷ Department of Justice. Report on Plans and Priorities (2010-11)

The activities and associated outcomes of the LSB are illustrated in the logic model below (Figure 2.3).

²⁸ The ultimate outcomes of the LSB logic model are based on the strategic outcomes for Justice that were in effect during the period covered by this evaluation. In 2012-13, the strategic outcomes were rephrased to: *a fair, relevant and accessible justice system* and *a federal government supported by high-quality legal services*.

Figure 2.3 - Legislative Services Branch Logic Model



Source: Legislative Services Branch Evaluation Plan (2011)

3. EVALUATION METHODOLOGY

In accordance with TBS evaluation policies, the Department of Justice uses a risk-based approach in planning its evaluations to ensure the efficient use of evaluation resources. The Department of Justice Evaluation Division assessed the risk level (low [L], medium [M], or high [H]) of the evaluation of the LSB, taking into consideration six risk factors:

- Contingent nature of legal service or program funding (M);
- Complexity of the service (H);
- Materiality (i.e., the level of resources involved in program delivery) (M);
- Skills and expertise (i.e., business risks facing the Department regarding recruitment and retention, and the need for specialized skill sets) (H);
- Time since the last evaluation (H); and
- Information challenges (i.e., whether program information is available and accessible to fully support an evaluation) (M).

The LSB was selected as one of the first legal services to be evaluated due in part to its overall high risk rating.

The methodology developed for this evaluation responded to the level of risk by ensuring multiple lines of evidence would support the findings. An evaluation matrix (see Appendix A) presenting the evaluation questions as well as the measures, indicators and sources of evidence to inform the evaluation questions was created to guide the development of the methodology and the evaluation. Specifically, the matrix was critical in the development of data collection tools and activities. It also served to guide the reporting of the evaluation results.

The LSB provides a unique service, and the skills and knowledge of its staff are highly specialized. Few legal counsel outside of the Branch have the appropriate knowledge to comment on the adequacy of the LSB outputs (i.e., drafted bills and regulations; advice provided; existing statutes and regulations harmonized; harmonization legislation). Therefore,

the evaluation methodology was designed to focus on the protocols, processes, resources and standards used to address client requests and deliver effective and responsive legislative services rather than an assessment of the quality of the products *per se*. The level of quality and performance of the LSB was assessed primarily by considering the perspectives of Branch staff and clients and partners who work closely with the Branch. Existing documentation and administrative data served as supporting evidence to this end.

Relevance of the LSB was less of a challenge to assess considering its essential role within the federal government. A review of documentation and administrative data served to demonstrate this role.

Methods used to inform the evaluation consisted of a document review, an analysis of secondary and administrative data, a literature review, a file review, case studies, online surveys of LSB staff and clients, and key informant interviews. These methods are further described below.

3.1. Document Review

A number of reports and administrative documents were reviewed to obtain insight about the mandate, operations and relevance of the LSB. The documents reviewed include the following for the period covered by the evaluation:

- Budgets and financial documents;
- Department of Justice Reports on Plans and Priorities and Departmental Performance Reports;
- Speeches from the Throne;
- Memoranda of Understanding between the Department of Justice and client departments;
- Manuals and guides for drafting; and
- Other documents providing contextual information.

3.2. Secondary and Administrative Data

Existing quantitative data was also used to inform the evaluation, providing information on demand for services, performance, capacity and efficiency. Secondary and administrative data sources accessed for the evaluation included: administrative data (from the Department of Justice

iCase database²⁹), results from the latest Public Service Employee Survey (PSES) in 2011, and web statistics for the Justice Laws and Bijurilex websites.

3.3. Literature Review/Scan

Documentation about legislative services in other jurisdictions, including the United Kingdom, Australia, New Zealand and the United States, was reviewed to explore similarities and differences to the LSB with respect to service delivery models and financial models related to the provision of legislative services within government. Technological support of the legislative function was also examined in these countries, where such information was available.

3.4. File Review

Thirty-seven (37) files closed within the evaluation period were selected for review. Eight advisory files and 29 legislation files (13 bills and 16 regulations files) representing a range of the types of requests made by clients were selected. The files reviewed were selected in consultation with the LSB Evaluation Working Group. The review provided insight into the kinds of requests made for LSB services and the responsiveness of LSB staff, as well as challenges faced during completion of the files. The Department of Justice Evaluation Division staff completed the file review. All file selection and review activities were conducted with the utmost care to protect solicitor-client privilege, and no information was collected or reported that would identify the client department or the specific issues within the file itself. Appendix B contains the file review templates..

3.5. Case Studies

Five case studies were conducted to collect additional information and to provide context with respect to the responsiveness, effectiveness and efficiency of the LSB. The files for the case studies were identified during the file review process and were selected to represent high priority and complex cases as well as a range of challenges, file nature and timelines. Thirteen (13) interviews were conducted with clients (n=4), LSB counsel (n=6) and other Justice counsel (n=3) associated with the selected files. Interviews were conducted either individually or in small groups. The case studies were completed by the Department of Justice Evaluation Division staff.

²⁹ iCase is the Department's integrated case management, timekeeping and billing, document management and reporting system.

As with the file review, all information for the case studies was collected and reported in a manner that protects solicitor-client privilege. The case study template and interview questions are contained in Appendix C.

3.6. LSB Staff and Client Surveys

An online survey was administered to LSB staff. The purpose of the survey was to collect information about the perspectives and experiences of LSB staff and management involved in the provision of drafting, advisory and revision services.³⁰ The staff survey questionnaire is contained in Appendix D.

A total of 93 individuals completed the survey, representing a response rate of 58% and a sample error of $\pm 6.6\%$ (based on a total of 161 eligible LSB staff). Table 3.1 provides a comparative breakdown of LSB's human resources and survey respondents by classification. Overall, the respondent sample is fairly representative of the LSB's counsel and management with only the professional, non-counsel staff being somewhat underrepresented.

Table 3.1 – Comparison between LSB Staff and Survey Respondents by Classification

Classification	LSB Staff		Survey Respondents	
	#	% of Total	#	% of Respondents
Counsel or Legislative Counsel (LA-1 and LA-2A)	90	56%	56	60%
Senior Counsel, General Counsel or Senior General Counsel (LA-2B, LA-3)	23	14%	18	19%
Professional, non-counsel (EC)	33	21%	11	12%
Manager (LC)	15	9%	8	9%
Total	161	100%	93	100%

Source: LSB Budget Allocation Forecast 2012-2013, staff survey results

An online survey was also administered to public service employees identified as having been clients of the LSB during the period covered by the evaluation. The purpose of the client survey was to collect feedback about levels of satisfaction with the services provided by the Branch. Appendix E contains the client survey questionnaire. A total of 151 clients completed the survey, representing a response rate of 65% (based on a valid sample of 233).³¹ The majority (93%) of

³⁰ Staff from the support and administrative categories was not included in the survey sample.

³¹ The total number of individuals who have been clients of the LSB is not known; therefore, the sample error cannot be calculated.

respondents to the client survey had received services from the LSB within the year previous to the survey.

Both the staff and client surveys used a 10-point scale to measure satisfaction or agreement levels. Results for these questions are reported as average (or mean) scores/ratings. According to Department of Justice standards, an average score of 8 or higher is acceptable. High levels of agreement or satisfaction are also reported and, unless otherwise stated, represent collapsed/cumulative ratings of 8 to 10.

3.7. Key Informant Interviews

Individuals from different stakeholder groups were interviewed to gather opinions about and provide context for the performance of the LSB. Individual interviews were completed over the telephone in the official language preferred by the interviewee. In total, 36 interviews were completed with the following groups:

- 12 LSB managers;
- 10 DSLU counsel;
- 7 client department representatives;
- 3 PCO/TBS representatives;
- 2 provincial/territorial legislative services representatives; and
- 2 other LSB staff members.

See Appendix F for the key informant interview guides.

3.8. Methodological Limitations

There were several challenges to evaluating the LSB. First, there had been no previous evaluation of the Branch; therefore, outcomes identified in this evaluation could not be compared to previous performance. As a result, conclusions about the current performance of the LSB relative to a baseline or previous standard often could not be made. However, findings from the current evaluation can serve as a baseline for comparisons in future evaluations and/or from which to set performance targets.

Solicitor-client privilege also created a challenge for data collection as care had to be taken in how the information was collected and analyzed. To ensure consistency in data collection across files and that no solicitor-client privileged information was collected, a file review template was created in consultation with the LSB working group. The analysis was based on the completed forms.

Further, administrative data for some indicators were not as comprehensive as originally hoped. As all bill files are designated Secret, they are not recorded in iCase other than for timekeeping purposes. In addition, the LSB does not track legal risk or complexity³² of its files in iCase. The Branch, however, has a mechanism in place to closely monitor progress and risk levels on high risk files. This information did not lend itself readily to an analysis of efficiency and economy as it represents an insignificant proportion of the total number of files managed by LSB over the evaluation period. Thus, information about legal risk and case complexity was not available for any LSB files; trends had to be inferred from other lines of evidence such as information about case characteristics collected in the file review and from staff assessment. In addition, the limited information about case complexity in iCase did not support assessment of certain efficiency and economy measures (e.g., the appropriateness of the level of counsel assigned to a file based on level of complexity/risk).

Information for the jurisdictional review was limited to information available publicly, mainly on-line. The evaluation did not include resources to confer directly with justice representatives in the different countries. While the information about the legislative drafting processes was not comprehensive, there was sufficient information to determine whether the approach taken was a centralized, devolved or combined approach, which could be compared to the model adopted in Canada.

As with all surveys, the results of the survey of LSB staff are likely affected by self-selection bias, which is bias based on who responds and who chooses not to respond. Despite conducting a pretest to ensure relevance, clarity and ease of response, as well as best efforts to achieve a high response rate, only 58% of those surveyed completed it. A comparison of the respondents to the total complement of LSB staff demonstrates that the Branch counsel and management are well represented in the sample, while professional non-counsel staff is somewhat underrepresented. This would suggest that some caution should be taken when considering the Branch staff survey results, particularly in terms of representing the perceptions/experiences of all LSB staff. The

³² The level of complexity of legislative files is not generally assessed.

survey of clients achieved a slightly higher response rate, and again the results would be subject to the same self-selection response bias and should be interpreted with some caution.

During the evaluation period, the LSB actively managed an average of more than 2,000 files per year. To obtain a random sample with a reasonable error level would require reviewing hundreds of files, which was not feasible. Instead, the evaluation included a small sample of files that the LSB Evaluation Working Group agreed reasonably represented their work. Therefore, the results of the file review should not be considered (statistically) representative of all files (i.e., the results of the file review cannot be generalized to all LSB files).

The mitigation strategy for the above methodological limitations was to use multiple lines of evidence that included both quantitative and qualitative data from a range of sources to answer evaluation questions. By using triangulation of findings from these different sources, the evaluation was able to strengthen its conclusions.

4. EVALUATION FINDINGS – RELEVANCE OF THE LEGISLATIVE SERVICES BRANCH

This section summarizes the relevance of the LSB services as they relate to federal government priorities, roles and responsibilities, including those of the Department of Justice. Relevance of the LSB is examined by considering:

- The continued need for its services;
- Its alignment with government priorities; and
- Its alignment with federal roles and responsibilities.

4.1. LSB Services Meet a Specific Need of the Government of Canada

The LSB plays a fundamental role in the development of Canadian legislation and regulations as it drafts all bills and regulations for all federal departments and agencies, with the exception of tax legislation.³³ Drafting bills and regulations in Canada is highly complex and requires the specialized legal knowledge and expertise of LSB counsel and professional staff.

The LSB responds to thousands of requests from client departments and agencies each year. During the evaluation period, the Branch actively managed an average of 2,678 files per year, representing requests from 192 client departments and agencies.³⁴ The Branch closed an average of 2,036 files per year during that period. In total, 10,179 files were closed between 2006-07 and 2010-11. Files vary in length and some long-term files can carry on over several years. Six out of 10 (62%) surveyed LSB staff perceived an increase in the volume of requests/files over the past five years, and one-third (33%) felt the volume had remained the same. Table 4.1 provides the total number of actively managed files by type of file for each year of the evaluation period.

³³ All tax bills and regulations are managed by the Central Agencies Portfolio, Department of Justice.

³⁴ Actively managed files are defined as having accumulated at least five minutes of billable time per fiscal year. Closed files are those that have been completed.

Table 4.1 - Number and Percentage of Actively Managed Files by File Type

	2006-07	2007-08	2008-09	2009-10	2010-11
Regulatory drafting	2,029 80%	1,974 74%	1,651 67%	1,420 61%	1,543 46%
Bill drafting	149 6%	265 10%	364 15%	286 12%	357 11%
Bijuralism/Harmonization	161 6%	187 7%	192 8%	379 16%	1,177 35%
Revision	32 1%	39 2%	33 1%	39 2%	51 2%
Advisory ³⁵	45 2%	65 2%	74 3%	86 4%	121 4%
Other	133 5%	124 5%	139 6%	135 6%	138 4%
TOTAL	2,549 100%	2,654 100%	2,453 100%	2,345 100%	3,387 100%

Source: iCase

The iCase data reveal that, after increasing from 2006-07 to 2007-08, the overall volume of actively managed files per year decreased until 2009-10, when there was a sharp increase in the number of files; total file volume increased by 44% between 2009-10 and 2010-11. While there was an increase over the five-year evaluation period in requests for all services except regulatory drafting, the most significant increase occurred in bijuralism/harmonization services, where the number of actively managed files was almost three times that of the previous year and was seven times greater than in 2006-07.³⁶ The explanation for the large increase in bijuralism/harmonization files is that during this period, the Legislative Bijuralism Team (Revision Initiatives) undertook a “*blitz de lecture*” or “reading blitz” of harmonization files. These files were opened in order to determine which acts and regulations still required harmonization work. Many of these files required minimal review time and were quickly closed (which is evident in an examination of hours devoted to these types of files in Tables 4.2 and 4.3).

There was a marked drop in both the number and proportion of regulatory files over the five-year period, although regulatory drafting accounted for the highest proportion of actively managed files each year. The number of advisory and revision files increased, although both account for only a small proportion of the total requests. According to surveyed LSB staff, the advisory services most frequently requested are legal advice (64%), interpretation of legislative text (57%)

³⁵ It should be noted that advisory files might also be included in the regulatory drafting files.

³⁶ Files in the “other” category include those related to the Chief Legislative Counsel's Office, Drafting Services Office, Legislative Instruments Re-enactment, and Legislative Revision Services.

and advice regarding the enabling authority (53%). The increase in volume of requests for most types of services over the evaluation period indicates that there is a continued need for LSB legislative services.

Table 4.2 examines the workload of the LSB in terms of the number of hours dedicated to the files by type of file. Regulatory drafting files account for the largest proportion of hours (43%). Over the evaluation period, the total number of hours spent on files increased by 16.2%, the most significant increases in total hours occurring for harmonization (56%) and bill drafting files (54%). However, even though the number of files changed over the five-year period, the proportion of time spent on each type of file remained relatively stable, even for the harmonization files.

Table 4.2 - Number and Percentage of Primary Client Hours by File Type

	2006-07	2007-08	2008-09	2009-10	2010-11	Total
Regulatory drafting	127,782 46%	116,453 43%	130,709 43%	129,513 41%	140,944 44%	645,401 43%
Bill drafting	43,860 16%	59,317 22%	62,250 20%	69,818 22%	67,644 21%	302,890 20%
Bijuralism/Harmonization	27,412 10%	30,780 11%	35,678 12%	40,503 13%	42,830 13%	177,202 12%
Revision	12,489 5%	9,787 4%	14,718 5%	13,300 4%	13,261 4%	63,555 4%
Advisory	13,171 5%	10,138 4%	10,202 3%	12,407 4%	13,344 4%	59,262 4%
Other	53,110 19%	47,400 17%	54,122 18%	49,553 16%	44,725 14%	248,909 17%
TOTAL	277,824 100%	273,873 100%	307,679 100%	315,095 100%	322,747 100%	1,497,218 100%

Source: iCase

Legislation, harmonization, revision and advisory services all had greater increases in the number of actively managed files than in the number of client hours. In contrast, despite the 24% decline in the number of regulatory drafting files over the evaluation period, the total number of hours spent on these files increased by 10%. For the remainder (“Other”), there was a very slight increase in the number of files and a proportionately larger decrease in the hours spent on these files. These patterns are evident in Table 4.3, which presents the average number of hours per file by file type. While overall, the average number of hours per bill drafting file decreased 35.6% between 2006-07 and 2009-10, the average number of hours fluctuated year to year,

reflecting the nature of the work being done.³⁷ With the exception of the harmonization files, the average number of hours per file for all other types of files increased. Significantly more time is spent on a revision or a bill drafting file than on a regulatory file. Excluding the bijuralism/harmonization files, the average number of hours per total LSB files increased by 20.4% over the evaluation period. The impetus for this change is the 45% increase in the average time spent on regulatory drafting files from 2006-07 to 2010-11.

Table 4.3 – Average Number of Hours per File by File Type

File Type	2006-07	2007-08	2008-09	2009-10	2010-11
Regulatory drafting	63.0	59.0	79.2	91.2	91.3
Bill drafting	294.4	223.8	171.0	244.1	189.5
Bijuralism/Harmonization	170.3	164.6	185.8	106.9	36.4
Revision	390.3	250.9	446.0	341.0	260.0
Advisory	292.7	156.0	137.9	144.3	110.3
Other	399.3	382.3	389.4	367.1	324.1
Total Average	109.0	103.2	125.4	134.4	95.3
Average Excluding Bijuralism/Harmonization	104.9	98.5	120.3	139.7	126.7

Source: iCase

Based on the information presented above, it would appear that the nature of demand for LSB services has changed over the evaluation period. The volume of requests/active files has decreased in some areas and increased in others. However, the average hours spent on files has increased. This issue is examined in Section 5.1.6.

4.2. LSB Activities Align with Government Priorities and Support Department of Justice Strategic Outcomes

The LSB responds to legislative services requests related to the existing and emerging priorities of client departments, which in turn, respond to the priorities and policy directions of the federal government. For this reason, the activities of the Branch are inherently linked to the priorities of the government.

In supporting government priorities, federal bills and regulations are drafted to conform to the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights* and other applicable

³⁷ For example, in FY 2006-07, LSB spent the most time per legislative file, working on 64 bills, including the *Federal Accountability Act*, which fully involved the Legislation Section and required changes to numerous other laws.

laws. As well, legislation must take into account the interaction between the federal law and the laws of the provinces and, where applicable, consider the relationship between these legal traditions. When appropriate, Aboriginal traditions are also considered. Clarity and precision in drafting legislative texts facilitate parliamentary debate and promote transparency of practice. Once enacted, the legislative texts drafted by LSB counsel form the framework for government policies and programs.

In addition, supporting the Department of Justice's strategic outcomes demonstrates that the activities of the LSB also align with federal priorities. The Branch works to maintain and strengthen the bilingual and bijural framework of the Canadian legal system, with a view to ensuring that all bills and draft regulations³⁸ are of the highest quality in both French and English, and reflecting both the civil and common law traditions when appropriate. This mandated activity contributes to *a fair, relevant and accessible justice system that reflects Canadian values*. In addition, the LSB provides legal advisory and legislative services to all federal departments and agencies, thus supporting the Department of Justice's provision of *effective and responsive legal services*. The Branch contributes to this outcome by responding to requests from federal departments and agencies to draft legislation that forms the framework for government policies and programs. Further supporting this objective, the LSB provides advisory services and training on legal, policy and language matters related to the drafting, enactment, operation and interpretation of legislative texts. These activities are discussed in greater detail in Section 5 of this report.

4.3. The LSB is Aligned with Federal Roles and Responsibilities

The mandate of the LSB is to provide legal services to the Government of Canada and to support the Minister of Justice in the maintenance of legislated roles and responsibilities.

Under the *Department of Justice Act*, the role of the Minister of Justice and Attorney General is to provide legal services to the federal government. Under section 4.1 of the Act, the Minister is responsible for the examination of government regulations to ensure conformity with the *Statutory Instruments Act*, to ascertain whether any of the provisions of government bills and regulations are inconsistent with the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and to report any such inconsistency to the House of Commons at the first convenient opportunity.³⁹ The LSB supports the Minister of Justice in these functions by

³⁸ Except tax legislation.

³⁹ Department of Justice. Core Relevance document

drafting bills and regulations, certifying that the Charter review of bills was performed, and examining regulations under the *Statutory Instruments Act*.

Under section 4 of the *Department of Justice Act*, the Minister is also the legal advisor to Cabinet, supporting Cabinet's responsibility for the overall policy direction of the government by providing policy advice and supporting their decision-making process.

Under the *Official Languages Act*, the federal government must ensure equality of status for both official languages. The co-drafting and revision processes are intended to ensure the highest quality of language in both French and English in order to meet the requirements under the *Official Languages Act*. Further, under the *Policy on Legislative Bilingualism* and the *Cabinet Directive on Law-Making*, the LSB harmonizes existing statutes and regulations to ensure they respect the principles, concepts and institutions of both the civil and common law traditions, when appropriate.

5. EVALUATION FINDINGS – PERFORMANCE OF THE LEGISLATIVE SERVICES BRANCH

Performance of the LSB is examined in terms of the effectiveness and efficiency and economy of the services it provides.

5.1. Effectiveness of the LSB

Effectiveness of the LSB is assessed based on the Branch's contribution to the Department of Justice's two strategic outcomes. This contribution is accomplished through the achievement of the LSB's direct and intermediate outcomes.

The level of support to achieving the Department of Justice's first strategic outcome, *a fair, relevant and accessible justice system that reflects Canadian values*, is assessed by considering the following outcomes:

- The LSB's contribution to a bilingual and bijural federal legislative framework;
- The LSB's contribution to the creation of federal legislation that respects the Constitution and other legal requirements; and
- The LSB's contribution to the creation of federal legislation that is accessible to Canadians.

The extent to which the LSB is contributing to the achievement of the second strategic outcome, *a federal government that is supported by effective and responsive legal services*, is assessed by considering the following outcomes:

- The LSB's contribution to the creation of legislation that is responsive to federal government policy directions;
- The LSB's contribution to government departments and agencies being better able to manage their legal risks;

- The extent that the LSB has enhanced awareness/understanding of federal legislation, legislative principles, processes and options by federal departments and agencies; and
- The extent that the LSB has enhanced its capacity to deliver consistent federal legal and legislative products.

The following subsections discuss the effectiveness of the LSB in supporting the two strategic outcomes of the Department of Justice by assessing the extent to which the Branch has achieved its direct and intermediate outcomes.

5.1.1. The LSB's contribution to a bilingual and bijural federal legislative framework

The LSB has developed and maintained processes dedicated to ensuring the development of legislation that contributes to a bilingual and bijural federal legislative framework.

Co-drafting process

Established in the late 1970s, the co-drafting process was conceived as a way to draft bills and regulations that reflect the equal status of both official languages as well as both systems of law used in Canada. Co-drafting requires step-by-step collaboration between the co-legislative counsel, with the goal of simultaneously producing two original and authentic drafts in French and English where neither is simply a translation of the other. The techniques involved in this process help to ensure the development of draft bills and regulations that meet bilingual and bijural requirements as well as the objectives of the client department or agency.⁴⁰

Key informants reported the co-drafting process to be a primary contributor to Canada's bilingual and bijural framework. Some LSB managers indicated that this unique process of developing draft legislation and regulations simultaneously in both official languages, as opposed to translating a completed draft, is an approach that is viewed positively by other bilingual jurisdictions. Overall, key informants were satisfied with the co-drafting process. Surveyed LSB staff reported similar satisfaction, as illustrated by the average agreement rating of 8.6, with 44% of respondents fully agreeing (i.e., 10 out of 10) that the current co-drafting model was effective.

Key informants reported that the expertise needed to meet bilingual and bijural drafting requirements can only be found within the Branch.

⁴⁰ Department of Justice. Legislation Deskbook. 2010.

Revision processes

The revision processes used by the LSB were also mentioned by key informants as important quality assurance mechanisms that ensure accuracy of language and representation of both the common and civil law traditions, when appropriate. Draft bills and regulations are subject to extensive review during the drafting process. For regulations, a preliminary review is completed by co-legislative counsel themselves. The preliminary review of bills is completed by reviewing officers (one French language and one English language legislative counsel assigned to each file) who serve somewhat of a peer review function. After the preliminary review, the draft bills or regulations are reviewed by revisors, bijural experts and jurilinguists.

Bijural experts, or comparative legal counsel, are experts in comparative law as well as legal terminology in both civil law and common law. Their role is to review draft bills and regulations to ensure they address, when appropriate, the four legal audiences: the common law in English, the common law in French, the civil law in French and the civil law in English, if applicable. Jurilinguists are linguists as well as specialists in legal language. They review the drafts to certify that the two official language versions are parallel and convey the same meaning (i.e., there is no divergence), and to ensure the highest possible language quality. Revisors revise the drafts for form and conventions, language, grammar and spelling as well as clarity, consistency of language and the logical expression of ideas. They are also responsible for confirming accuracy of cross-references and checking historical precedents and citations.⁴¹

Harmonization

The harmonization of existing legislation also contributes to Canada's federal bijural legislative framework. The LSB is responsible for the harmonization of existing statutes and regulations with respect to principles, concepts and institutions of the civil law of Quebec and of the common law applicable elsewhere in Canada, with special attention to the vocabulary of each legal tradition, in both official languages.⁴² As discussed in Section 4, there were a substantial number of harmonization files opened (and closed) in 2010-11.

Role of the client in the drafting process

The effectiveness of the processes that facilitate the development of high quality bilingual and, when appropriate, bijural drafts, is influenced by the language capacity of clients involved in the

⁴¹ Department of Justice. Legislation Deskbook. 2010.

⁴² Department of Justice. Legislative Services Branch. 2011-2012 Business Plan.

drafting process. Legislative counsel interviewed as part of the case studies noted that processes are challenged if clients do not have the capacity to provide detailed drafting instructions in both official languages. This finding is supported by results from the survey, where LSB staff reported an average rating of 5 out of 10⁴³ when asked if clients provide sufficient information and instructions in both official languages. It was noted in interviews that, in cases where short timelines are involved, not being provided the drafting instructions in both official languages often means that drafting has to be started in one language with drafting in the second language starting subsequently. If timelines are extremely short, legislative counsel may have no other option than to proceed with drafting in both official languages, even if instructions are not provided in both languages. These situations compromise and impede the effectiveness of the co-drafting process as the two language versions are not equally supported. However, when the legislative request is less urgent, no work is undertaken on the file by LSB legislative counsel until instructions are received in both languages.

Legislative counsel from the case studies stressed the importance of having clients who have the capacity to provide feedback in both official languages participate in the legislative process. Clients have an important role to play in the drafting and revision processes as they are the experts on the subjects of the drafts and can direct legislative counsel with respect to the policy context and the precise terminology to be used in both official languages. Surveyed LSB staff did not perceive that clients were able to review and comment on drafts in both official languages; the average rating of client ability in this regard was only 4.3.

Results of the case studies suggest a gap in perception with respect to French language capacity: while legislative counsel expressed concern about the French language capacity of clients, clients felt their support to the drafting process in both official languages was sufficient. This gap may be related to the level of French language skills required of LSB staff to produce high quality drafts, relative to the level of French language skills required of clients to perform in their departmental positions.

5.1.2. Tools and resources to support clear, consistent and accessible legislative products

LSB legislative counsel have access to a variety of tools and resources to support the development of clear, consistent and accessible legislative products.

⁴³ For the balance of the report, when referring to average ratings of responses from the staff or client surveys, the ratings are out of a score of 10.

Bijurilex

The LSB developed and maintains the Bijurilex website, a resource that supports the drafting and revision of quality bilingual and bijural legislative products and provides information about the bijural structure in Canada. The Bijurilex website is available to legislative counsel, bijural experts, jurilinguists, revisors and the general public. It serves as a forum to discuss issues related to legislative bijuralism and provides a range of reference materials to help legislative counsel, bijural experts, jurilinguists and revisors address challenges they encounter in the drafting or revision processes.

Due to its specialized subject matter, the Bijurilex website audience is substantially smaller compared to other online Justice resources; however, it is accessed consistently and used by a regular pool of visitors. Based on available statistics, 27% of the site's visitors were repeat users and the average number of daily visits⁴⁴ over the evaluation period ranged between 186 and 267, with daily hits averaging between 464 and 850.

Table 5.1 shows that surveyed LSB staff who rated the Bijurilex site as most useful for ensuring consistency in the drafting process and legislative products tended to be those most engaged in the drafting and revision processes. Ratings of usefulness were lowest among the senior counsel and managers (resulting in mean scores of 4.9 and 5.0, respectively), groups who would not normally use this information in performing their day-to-day tasks. In contrast, professional staff and counsel/legislative counsel rated the site as most useful, with mean scores of 7.4 and 6.5, respectively, and usefulness ratings were also higher among the Advisory and Development Services Section (mean score of 7.5) and the LRSG (mean score of 7.3).

Table 5.1 – Staff Rating of the Usefulness of Bijurilex.ca

Group Type	Positive Rating (8 - 10)	Mean Score
Results by Classification Level		
Professional, non-counsel (n=5)	60%	7.4
Counsel or Legislative Counsel (n=36)	47%	6.5
Managers (n=6)	17%	5.0
Senior Counsel, General Counsel, or Senior General Counsel (n=12)	17%	4.9
Results by Section or Unit		
Advisory and Development Services (n=2)	50%	7.5
Legislative Revision Services Group (n=13)	62%	7.3

⁴⁴ "Visits" is defined as the number of times the site has been accessed. "Hit" is defined as the files that were accessed during a visit.

Legislation Section (n=10)	60%	6.7
Regulations Section (n=34)	24%	5.4
Results by Language of Survey Completion		
French (n=34)	44%	5.7
English (n=25)	32%	6.4

Source: Staff Survey; Excludes Unable to Assess/Not Applicable; n=total respondents for each question

Other tools

Key informants agreed that the LSB has developed practical drafting tools, guides and standards to ensure clarity and consistency. Surveyed LSB staff provided high ratings of usefulness for the following tools: the Justice Laws website (mean of 9.3), regulations manuals (mean of 8.9), EPIC⁴⁵ (mean of 8.6) and other drafting guides (mean of 8.4). It is worth noting that the Justice Laws website and regulations manual were rated as completely useful by those survey respondents who provided a rating (see Table 5.2). Based on the survey responses, CYBERLEX appears to be least useful to LSB staff (mean of 6.0) overall, although there are some employees (24%) who rate it as completely useful.

Table 5.2 - Staff Ratings of Resource Usefulness

Resources Used	% Useful (Rating 8 to 10)	% Completely Useful (Rating of 10)	Mean Score
Justice Laws website (n=92)	91%	71%	9.3
Regulations Manual (n=79)	81%	62%	8.9
EPIC (n=74)	85%	49%	8.6
Other Drafting Guides (n=81)	74%	44%	8.4
Termium (n=86)	64%	29%	7.6
Legislation Deskbook (n=76)	61%	38%	7.5
CYBERLEX (n=74)	45%	24%	6.0

Source: Staff Survey; Excludes Unable to Assess/Not Applicable; n=total respondents for each question

Accessibility

It was mentioned that there is an increased expectation that new bills and regulations be drafted in plainer language. A few key informants discussed the challenge for legislative counsel to achieve a balance between legal precision and ease of understanding and application. DLSU counsel mentioned that some legislative counsel have become very skilled at achieving this balance.

⁴⁵ EPIC is the software used to draft legislation.

Overall, clients are satisfied with the clarity of the drafted texts. Surveyed clients reported a mean satisfaction score of 8.5 with the clarity of the drafts developed by the LSB.

Accessibility of Canadian bills and regulations is a priority of the Department of Justice. The Justice Laws website is the main source for all current Canadian legislation and regulations. Key informants reported that the website is very useful and agreed that it is an effective means of maximizing access to federal legislation for Canadians. The usefulness of the Justice Laws website is reflected in the heavy usage of the site. According to available statistics, the site averages over 40,000 visits⁴⁶ per day, with up to 1.5 million hits per day over the evaluation period. Approximately 22% of visitors used the site at least twice within one month.

Key informants provided a few suggestions for improvements to the Justice Laws website, including providing texts in a wider range of formats (e.g., for the visually impaired).⁴⁷ It was suggested that an indication of which laws and regulations were in the process of being updated would be helpful. This way, users would be aware that the document currently available would be revised, and should be revisited, in the near future.

Despite minor areas for improvement with respect to this website, there is considerable satisfaction with the accessibility of legislative products overall. Surveyed clients reported high levels of satisfaction (mean score of 9.2) with respect to being able to access texts in the official language of their choice; 69% were completely satisfied. They also reported a high rating of satisfaction (mean of 8.9) with the provision of texts in formats that are easy to access; 51% of those who provided a rating were completely satisfied.

5.1.3. Development of legislation that respects the Constitution and other legal requirements

Bills and regulations that the LSB drafts or examines in partnership with counsel from DLSUs and the Public Law Sector, must be in accordance with the provisions of the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights*, the *Statutory Instruments Acts* and other relevant federal acts.

⁴⁶ "Visits" is defined as the number of times the site has been accessed. "Hit" is defined as the files that were accessed during a visit.

⁴⁷ The [Standard on Web Accessibility](#) came into effect on August 1, 2011. The Justice Laws Website was made compliant with that standard by July 31, 2013.

During the interviews with LSB staff, it was noted that legislative counsel gain a comprehensive knowledge of Charter, Bill of Rights and other legal requirements through the Branch's internal legislative drafting training program (discussed in Section 5.1.10). LSB staff can also refer to a number of guides and tools and consult with Public Law Sector counsel in the Department of Justice, who are public law experts in areas such as constitutional and administrative law, *Canadian Charter of Rights and Freedoms*, human rights law, language rights, and information law and privacy. Legislative counsel who participated in the case studies mentioned that the combination of training and experience results in knowledgeable LSB counsel who consider Charter, Bill of Rights and other legal requirements throughout the drafting process. As explained by LSB staff, this knowledge and awareness become second nature over time. It was noted that, while experienced legislative counsel may not need to refer to the guides often, these legal requirements are always considered during the drafting process. Clients interviewed as part of the case studies reported having confidence in the legislative counsel's knowledge of Charter, Bill of Rights and legal requirements, and trusted their approach to ensuring these were met.

5.1.4. LSB support to federal government policy

The LSB has managed and addressed thousands of requests for drafting, advisory and other services from numerous federal departments and agencies. Key informants noted that, by addressing client needs and developing legislation and regulations based on policy instructions provided by the government, the Branch is inherently responding to the policy directions of the federal government.

As previously reported, the LSB actively managed an average of 2,678 files per year over the evaluation period. Table 5.3 provides the number of closed files by the ten client departments with the greatest volume of files. It should be noted that the sharp drop in closed PCO files from 2007-08 to 2008-09 is the result of a change in how Orders in Council (OICs) are documented (i.e., by Treasury Board meeting rather than by individual OIC), which results in approximately 20 OICs being contained in a single file rather than 20 separate files. It was noted by LSB staff that approximately 500 to 600 OICs are now housed in approximately 26 files.

Table 5.3 - Files Closed by Top Ten Client Departments⁴⁸

Department	2006-07	2007-08	2008-09	2009-10	2010-11	Total
Transport Canada	154	139	208	913	586	2,000
Privy Council Office	648	878	136	113	115	1,890
Department of Justice	375	215	127	258	712	1,687
Department of Finance	119	86	89	144	146	584
Environment Canada	91	58	83	156	87	475
Health Canada	99	76	73	75	139	462
Agriculture and Agri-Food Canada	49	28	12	44	126	259
Industry Canada	42	54	43	65	46	250
Foreign Affairs and International Trade Canada	22	54	28	52	90	246
Aboriginal Affairs and Northern Development Canada	28	69	44	53	38	232

Source: *iCase*

5.1.5. Quality of LSB's working relationships with Department of Justice counsel and clients

Stakeholders reported the positive and effective working relationships with the LSB that have developed between LSB staff, DLSU counsel and client departments. Based on interview responses, two factors were found to support these positive relationships: low staff turnover at the LSB and the assignment of legislative counsel to the same clients, where possible.

The low turnover rate of LSB staff allows long-term working relationships to develop between legislative counsel, DLSU counsel and clients. Most survey respondents (70%) have been working at the LSB for at least six years, with 55% having worked at the Branch for over 10 years. Many interviewed DLSU counsel and clients added that having the same legislative counsel assigned to their department's requests not only allowed them to develop good working relationships, but it also minimized the "learning curve" for new legislative counsel having to become familiar with a department, its programs and its context.

While most LSB legislative counsel work within LSB headquarters, the balance is assigned to the three Departmental Regulations Sections. Overall, DLSU counsel and clients reported having

⁴⁸ Over the period covered by this evaluation, the LSB instituted a new filing system and used the opportunity to close dormant files. In addition, legislation files are closed upon prorogation of Parliament. This means that there were more file closures than would normally be expected over a typical five-year period.

very positive experiences and good communication with LSB staff. In those departments with a Departmental Regulations Section, clients and their DLSUs noted that they have the advantage of working in close physical proximity to the legislative counsel, thereby facilitating good communication, as they are able to consult quickly and often.

LSB staff survey results suggest that coordination and integration internal to the Branch are also effective, particularly with respect to staff being able to have access to the expertise of bijural experts, jurilinguists and legistic revisors. Advisory and revision staff as well as legislative counsel and management staff rated consultations with bijural experts, jurilinguists and legistic revisors as sufficient and timely. Lower ratings were reported for consultations with legislative counsel from the Legislation Section. Table 5.4 summarizes ratings provided by surveyed LSB staff with respect to the sufficiency and timeliness of consultations with various groups within the LSB.

Table 5.4 – LSB Staff Ratings of the Sufficiency and Timeliness of Consultations – Internal to the LSB

Group	Advisory and Revision Staff			Legislative and Management Staff		
	Total responding	% Rating 8-10	Mean Score	Total responding	% Rating 8-10	Mean Score
Bijural experts	40	83%	8.8	67	88%	9.0
Jurilinguists	45	78%	8.4	69	78%	8.5
Legistic Revisors	43	77%	8.4	69	80%	8.5
Legislative counsel from the Regulations Section	42	71%	8.1	62	63%	7.8
Senior counsel, general counsel and senior general counsel from LSB	47	68%	7.7	68	66%	7.9
Legislative counsel from the Legislation Section	38	53%	7.4	52	54%	7.0

Source: Staff Survey; Excludes Unable to Assess/Not Applicable

Table 5.5 summarizes ratings provided by surveyed LSB staff with respect to the sufficiency and timeliness of consultations with various groups outside the LSB, where the average ratings are much lower than those reported for internal consultations. In Table 5.4, the lowest mean score for internal consultations was 7.0. In Table 5.5, all external consultation scores were below 7.0. These results suggest that improvements to the coordination with some groups external to the Branch may be required to fully support the work of the LSB.

Table 5.5- LSB Staff Ratings of the Sufficiency and Timeliness of Consultations – External to the LSB

Group	Advisory and Revision Staff			Legislative and Management Staff		
	Total responding	% Rating 8-10	Mean Score	Total responding	% Rating 8-10	Mean Score
Public Law Section	31	52%	6.8	49	49%	6.6
Privy Council Office	15	47%	6.5	36	56%	6.8
Other Central Agencies	20	40%	6.1	27	44%	6.4
Other Justice Sections	24	38%	6.4	35	40%	6.8
Criminal Law Policy Section	18	28%	6.0	33	36%	6.0

Source: Staff Survey; Excludes Unable to Assess/Not Applicable

5.1.6. Capacity of LSB to meet changing demands

The LSB continues to be responsive to the needs of the federal government despite a changing drafting environment characterized by shorter timelines and greater complexity of requests for legislative services.

There was broad agreement across lines of evidence that timelines for drafting files are decreasing. Eighty-eight percent (88%) of surveyed LSB staff reported that the number of files with short timelines for completion had increased over the past five years, and some key informants mentioned that short timelines are now considered the norm. Over one-half (55%) of the files reviewed were identified as high priority: 62% of legislation drafting files and 50% of regulatory drafting files. Primary concerns with respect to short timelines mentioned by key informants are the challenges associated with maintaining product quality and the possibility of not adequately addressing legal risk.

An issue related to high priority files and short timelines is that legislative files for bills are increasingly being granted pre-drafting authority. Pre-drafting authority is a mechanism that allows the drafting process to begin prior to obtaining formal approval from Cabinet. Sixty-two percent (62%) of the bill drafting files from the file review had been granted pre-drafting authority. Of those who responded to the staff survey question (n=20), nearly all reported that the number of files with pre-drafting authority had increased. Key informants noted that files for which pre-drafting authority has been granted can have associated challenges related to efficiency and the fluidity of the drafting process, as it is often necessary to continually make changes to drafts until Cabinet approval has been granted and drafting instructions have been fully developed.

The increased complexity of files was also commonly mentioned by key informants. This trend was also recognized by surveyed LSB staff, 69% reporting that they noticed an increase in complex files. Results of the file review provide some insight into the factors that contribute to file complexity. Sixty-two percent (62%) of legislative drafting files also involved regulatory components and/or included related regulatory/legislative/litigation files. Over half (56%) of the regulatory files reviewed received public feedback, and 62% of the regulatory files required changes prior to publication in the *Canada Gazette*, Part II. This finding is also supported by the increase in total hours for LSB files and average hours per file over the evaluation period.

Surveyed LSB staff provided additional insight into factors that increase the challenges associated with a file. Just over half (54%) of the staff noted an increase in files that involved both legislative and regulatory drafting at the same time (29% were unable to assess) and 37% indicated that files are more likely to involve more than one government department/agency (30% were unable to assess). More than one-quarter (28%) of the LSB staff surveyed noted an increase in files that had economic or fiscal aspects that required the involvement of the Department of Finance (41% were unable to assess). Seven of the 21 (33%) counsel from the Legislation Section reported an increase in the number of files with motions to amend (29% were unable to assess). Nineteen per cent (19%) of surveyed LSB staff involved in drafting regulations noted that there was an increase in files that required significant changes prior to publication (25% were unable to assess).

Despite the challenges, legislative products are generally being delivered within requested or negotiated timeframes. Clients reported high levels of agreement that the LSB met mutually acceptable deadlines for delivery of the product for both regulatory (mean of 8.6) and legislation drafting (mean of 8.1).

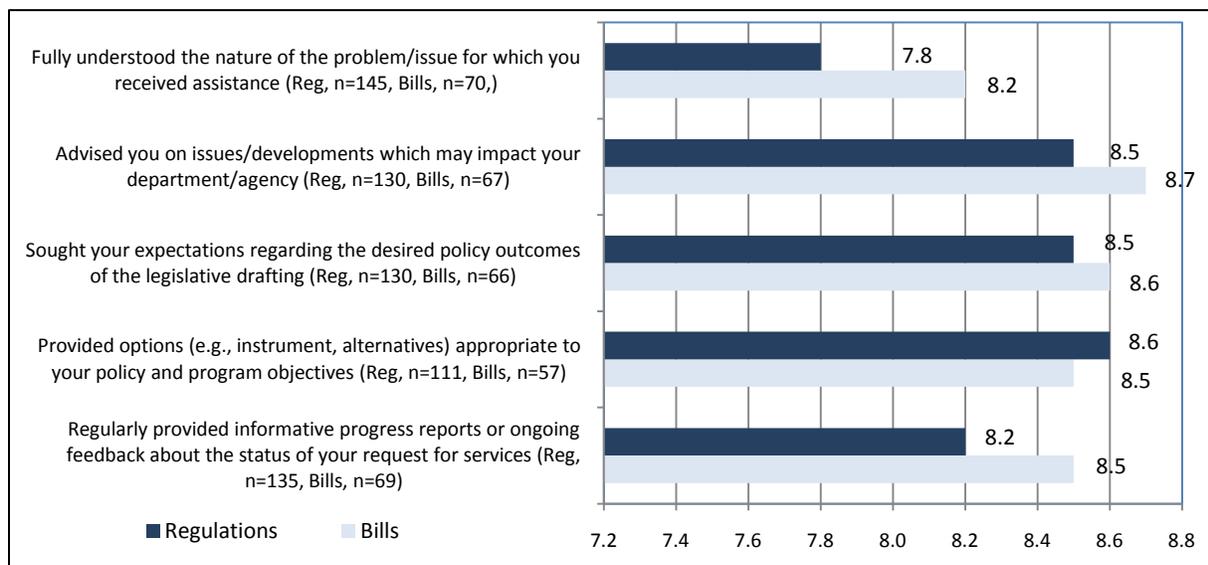
5.1.7. Client satisfaction with LSB services

Client feedback provided through various lines of evidence revealed high levels of satisfaction with the services provided by the Branch. DLSU counsel and clients acknowledged the LSB's ability and flexibility in helping clients find solutions to meet their needs. Interviewed clients reported high levels of satisfaction with the work produced as well as the LSB's ability to accommodate challenging deadlines. This finding is also reflected in the results of the client survey, where the average satisfaction rating with the Branch's capacity to respond to requests was 8.1, with 35% reporting they were completely satisfied (i.e., rated 10 out of 1 to 10). The

services provided by the LSB are considered to be comprehensive; most surveyed clients (91%) reported that there were no gaps in the kinds of services provided by the Branch.

Surveyed clients agreed that the LSB provided high quality services; clients who received legislative services provided an average rating of 8.6, and those who received regulatory services provided a mean rating of 8.5. Clients were also satisfied (mean of 8.2) with the consistency of the advice and legislative products provided; 33% were completely satisfied (scored 10 out of 10). Surveyed clients reported positively for a variety of elements when working with the LSB, as demonstrated in Figure 5.1. The one area that appears to require some improvement is fully understanding the nature of the problem/issue associated with requests for regulatory services (mean of 7.8). It could be that this result is related to LSB staff receiving incomplete information from clients when they make their requests, or from working to meet shorter deadlines.

Figure 5.1 – Strength of Client Opinion on the Provision of LSB Services (Mean Ratings)



Source: Client Survey; Excludes Unable to Assess/Not Applicable

5.1.8. LSB’s contribution to managing legal risks

As part of the Branch’s role in developing the legislative framework of departments and agencies, clients reported that LSB counsel play a key role in helping departments manage any legal risks associated with drafting bills and regulations. Some LSB managers specified that the role of the Branch is to identify and assess the legal risks associated with a file and to provide

options to help mitigate these risks while still achieving the client’s objectives. However, it is the ultimate responsibility of the clients to decide how their department will manage the identified risks. Legislative counsel follow internal policies, guidelines and checklists that allow them to provide consistent and coherent legal advice to clients. LSB staff also has access to other legal professionals and specialists in the Department of Justice who can provide advice on legal risk when needed, such as counsel in the Public Law Sector. Key informants mentioned that minor risks can be easily addressed between legislative counsel and clients in the drafting room. Higher levels of risk follow a more formal process, are well documented, and include possible mitigation options.⁴⁹

Clients are satisfied with the assistance provided by the LSB in managing their legal risks. Interviewed clients noted that the advice provided by the Branch in terms of managing risks was useful and practical. They were satisfied with the level of communication and collaboration as well as with the process of identifying the risks and developing mitigation strategies. Clients from the case studies also noted that their involvement in these processes was beneficial to increasing their knowledge of legal risks and the way to avoid them in future policy and legislative product development. Surveyed clients expressed high levels of satisfaction with the support provided by the LSB to help them to manage risk, as presented in Table 5.6.

Table 5.6 – Level of Client Agreement with Level of Risk Management Assistance

	Positive Rating (8-10)	Mean Score
Identified potential legal risks related to the legislative drafting work		
Clients provided with services from Regulations Section (n=134)	85%	8.5
Clients provided with services from Legislation Section (n=69)	81%	8.4
Involved you in the review/development of legal options to mitigate identified legal risks		
Clients provided with services from Legislation Section (n=65)	77%	8.2
Clients provided with services from Regulations Section (n=128)	73%	8.1

Source: Client Survey; Excludes Unable to Assess/Not Applicable; n=Total respondents for each question

5.1.9. Training

The work of the LSB is highly specialized and is unique to the Canadian federal context. While all LSB legislative counsel have a degree in law, their position also requires specialized knowledge and experience to draft bills and regulations, particularly in a bilingual and bijural

⁴⁹ LSB has an electronic system in place to monitor high risk files on a monthly basis. Changes in the levels of risk and changes to the mitigation approach are documented.

context. In the absence of a specialized degree program in legislative drafting, the Branch provides extensive training to its legislative counsel. Mentorship reportedly also plays an important role in ensuring the development of effective legislative counsel. As explained by LSB management, the mentorship model in the Branch can take many forms, including establishing formal mentorship relationships as well as legislative counsel seeking advice from more experienced colleagues. Co-drafting permits less experienced legislative counsel to work with more experienced counsel, and this serves as another means of providing training.

During the evaluation period, the LSB delivered 76 training sessions as part of its internal legislative drafting training program. Training sessions varied in length from one day to several days and focused on topics such as basic legislative drafting, statutory interpretation, substantive limits on regulation making, and the legislative and regulatory processes. The LSB also held 89 workshops during the evaluation period. Workshops most commonly lasted a full or half-day and covered a broad range of topics such as the importance of context in legislative texts, definitions, structure and composition, and many others. The Branch delivered an average of 36 training activities to its staff each year. Surveyed LSB staff most commonly reported receiving training on substantial law issues (91%), legislative drafting (89%), interpretation (87%), the legislative process (69%) and the regulatory process (71%).

When asked when they received their last internal training session, most surveyed Branch staff (72%) reported having received it within the previous year, and 26% said it was between one and five years ago. Only 2% of staff reported having received their last internal training over five years ago.

Survey results indicate that some LSB staff would like additional training opportunities in certain areas. When asked if the frequency of internal Branch training is adequate, the mean level of agreement was 7.3, suggesting that there are some who would like training more often. The survey also asked if staff would like additional training. Forty-four percent (44%) answered affirmatively with most specifying the focus of training being on specific topics of law. Among those who requested additional training, the following topic areas were identified: legislative drafting (50%), interpretation (44%), regulatory processes (27%), and the legislative process (26%).

Despite the reported need for some additional training, results of the 2011 PSES show that LSB employees reported greater satisfaction with training than did other federal public service employees. Most of those who responded to the PSES from LSB (87%) agreed (with 54% strongly agreeing) that they received the training they needed to do their job. This level of

agreement is higher than that reported by employees in the Department of Justice (76%) as a whole and the public service overall (69%). Agreement was also higher among Branch employees with respect to the Department supporting their career development. Seventy percent (70%) of LSB employees agreed that their career development was supported, as compared to 63% of employees from the Department of Justice as a whole or 59% from the public service.

5.1.10. The need for clients to understand their role in legislative drafting processes

The LSB makes an effort to provide some training to client departments to increase their knowledge of issues and processes related to drafting bills and regulations. The goal of this training is to provide clients with the knowledge required to prepare complete instructions for and participate in the drafting process.

Just over half (52%) of the LSB staff surveyed reported having conducted some type of training activity⁵⁰ outside of the Branch. The majority (58%) of these (n=48) indicated they had last provided training within the previous year, and 25% said they had last provided training within the previous five years, with the remaining 17% having provided training more than five years before. Ninety percent (90%) of those who had provided training provided it to clients while 60% provided it to other Department of Justice staff. Training topics included: the regulatory process (57%), substantive law issues (42%), legislative drafting (36%), interpretation (33%), and the legislative process (19%).

Key informants mentioned that the LSB's external training capacity is challenged by the increasing volume of high priority files, limiting the time available to provide training. Survey results confirm that a large proportion of clients are not receiving training; less than half (47%) of surveyed clients reported having received training from the LSB about legislative principles, processes and options. However, for those who did, the experience was beneficial and was rated as good or very good with respect to content (94%), relevance (90%) and clarity (91%).

The high turnover of staff in many federal departments and agencies was also mentioned by key informants as a challenge to maintaining clients' level of knowledge about the drafting process, roles and responsibilities in the longer term. Staff turnover creates a gap in knowledge as transfer from those who have been trained in or have experienced the drafting process often does not occur. One reason for this is that the need for legislative services can be intermittent, occurring

⁵⁰ As the type of training was not specified in the survey, this response may include formal and informal training activities.

every few years, thereby increasing the possibility that knowledge transfer will not occur. As a result, for client training to be effective, it would have to be conducted on a fairly regular basis.

There appears to be a gap between clients' level of understanding of the drafting process and their essential role and responsibilities within the process. While most surveyed clients (74%) reported having good or very good awareness of legislative principles, processes and options, feedback from LSB staff suggests a different perspective. Interview and case study participants noted the importance of client involvement with respect to ensuring a fluid and efficient drafting process and the development of a quality product. However, more preparation on the part of clients is required to achieve this within the requisite timelines. LSB managers noted that client requests are often not fully prepared. Results of the file review support this observation. In all cases reviewed, at least one piece of information was missing. Table 5.7 summarizes the proportion of files from the file review that contained the information required to support the instructions.

Table 5.7 - Quality of Instructions

Instruction Contents	Count	Percent
Instructions were revised/changed significantly	16	55.2%
Enabling authority identified	15	51.7%
Pre-drafting authority identified	8	27.6%
MC provided	8	27.6%
Critical path provided	7	24.1%
Regulatory Impact Analysis Statement provided	5	17.2%

Source: Drafting Files Q8a-c, Q9a-d; n=29

Results from the staff survey also suggest that clients lack a full understanding of their role in the drafting process in terms of providing the necessary instructions and information with their requests. LSB staff reported low levels of agreement with respect to clients providing adequate information to support the services requested (mean of 5.3); the necessary policy development to support the request (mean of 5.0); background information to support the request (mean of 4.9); and the information and instructions in both official languages (mean of 5.0). It was noted that the issue is not only the clients' lack of knowledge of legislative processes, but also an overall lack of capacity within client departments' policy areas (in terms of fully developing their policy work in advance of the start of the legislative drafting process), which creates further challenges within the drafting process.

5.2. Efficiency and Economy

Efficiency of the LSB is assessed by considering utilization of resources, capacity to meet demand, coordination and integration of activities, and technological support. Economy of the Branch is examined by considering whether the current financial model provides appropriate and sustainable funding.

It is important to reiterate that the efficiency and economy analysis was constrained by the lack of information in iCase concerning the level of complexity and legal risk of LSB files. As a result, it was not possible to assess the extent to which the appropriate level of counsel is being assigned to a file, one of the measures of efficiency and economy identified in the evaluation framework. However, the co-drafting model used by LSB typically involves less experienced legislative counsel working with those more experienced, which apart from the training value, can translate into savings for the client.

5.2.1. Management of staff resources to meet demand

The LSB currently employs approximately 200 staff, approximately 57% of whom are counsel, legislative counsel, senior counsel, general counsel or senior general counsel. Professional, non-counsel employees (including revisors and jurilinguists) represent 17% of LSB staff, with other staff, including management and administration, making up the remaining 26%. The total number of full-time equivalents⁵¹ increased by 12% over the evaluation period and by 4% between 2009-10 and 2010-11.

To meet increasingly complex drafting requests and increasing demand overall, the Branch has been working at maximum capacity within current resource levels. Findings from the interviews and case studies suggest that LSB management must often reallocate legislative counsel to high priority files, which can result in other files having to wait until a full drafting team is available to work on them or having to change the drafting team part way through the file, neither of which is a desirable situation from the perspective of the clients or the legislative counsel. In 10 of the 29 legislative files reviewed, there was evidence of a change in legislative counsel at some point during completion of the file. Similarly, in the case studies, all of which were high priority files, the interviewed clients mentioned that many legislative counsel had been reassigned to their file (from others) in order to meet deadlines.

⁵¹ Note that the total number of full-time equivalents includes all staff and not only legislative and other counsel.

A considerable proportion of the Branch staff is concerned with the practice of being reassigned to different files. Results from the 2011 PSES indicate that 40% of LSB staff reported that the quality of their work suffered as a result of changing priorities. Some key informants noted that making changes to the team of legislative counsel during the course of a file can slow its progress.

The survey results suggest that LSB staff has some concerns with respect to resource allocation. The average levels of agreement that file assignment was appropriate in terms of experience and workload were 6.7 and 6.3, respectively. These results could be a reflection of the higher complexity of the files and an increase in the number of less experienced staff, as suggested by LSB managers surveyed and interviewed.

In the survey of LSB staff, just over half (52%) of the respondents (including 75% of managers and 73% of senior counsel) reported a gap or shortcoming in LSB services. In particular, they identified issues related to human resources such as an insufficiency in the number of staff and the need to train new staff. These same issues were reflected in the interviews, where Branch managers expressed concern with the current level of resources in light of changes in the demand for services. They highlighted a need to augment the capacity and expertise of their teams. Other challenges associated with limited resources mentioned by key informants included the impact on quality of service and meeting timelines for other files, and the limited capacity to provide complementary services such as client training and presentations.

It should be noted that the hiring of new counsel is not likely to provide an immediate solution to these resource challenges. The current Department of Justice Human Resources Management Plan 2013-2016 states that the hiring of new counsel will be restricted largely to entry-level counsel or those hired through the Legal Excellence Program, the Department's articling program. This means that even if the Branch was able to hire new legislative counsel, it would take considerable time to train them as there is no other place where they can receive training in legislative drafting. These pressures will continue to grow as more experienced counsel reach retirement age, leaving fewer counsel to mentor those more junior.

Some staff (31%) reported duplication of effort, referring mainly to the activities of the French jurilinguists and revisors. This issue was also mentioned by some case study participants. A possible explanation for the perceived duplication of effort is because the instructions and co-drafting processes often are started, sometimes even completed in English (due to the limited French language ability of many clients). The French revisors and jurilinguists have to spend

more time and effort ensuring that the drafts are accurate in both language versions, sometimes correcting each other's work.

5.2.2. The impact of increasing demand on quality of service delivery

Clients are currently satisfied with the Branch's capacity to accommodate their requests and deadlines; however, meeting the increased demand for services with available resources is becoming increasingly challenging.

As noted previously, the LSB completed over 10,000 files during the evaluation period, actively managing an average of 2,678 files per year. The total hours spent on files has increased every year, despite fluctuations in the number of actively managed files.

Issues related to current and future capacity of the Branch were often mentioned by evaluation participants. LSB managers reported that current levels of demand were only being met due to the dedication of LSB staff who works a considerable amount of overtime. It was noted that working overtime is now the norm for legislative counsel, jurilinguists and legistic revisors and, while appreciative of the strong work ethic, LSB managers expressed concern that, over the longer term, the quality of the products and the staff well-being could be adversely affected.

While clients reported being satisfied with the services, LSB managers, DLSU counsel and PCO/TBS representatives expressed concern with the Branch's capacity to maintain the same high quality services and products in the current and anticipated drafting environment. The volume and complexity of requests are expected to increase or continue over the next few years, and many of those interviewed were concerned with the ability of the LSB to maintain high levels of responsiveness and service quality in a climate of fiscal restraint.

5.2.3. Use of technology to enhance LSB capacity and efficiency

The LSB utilizes an extensive set of information technology (IT) tools that help to maximize efficiency and capacity. A highly customized suite of tools was developed to facilitate drafting, making amendments, printing, consolidating and publishing legislative products. Specialized Intranet-based search engines were also developed for the exclusive use of the Branch. Legislative counsel working in the Departmental Regulations Sections have access to the same tools.

There are designated rooms equipped with two computers and four monitors designed to accommodate the drafting process. The extra monitors allow clients to watch the development of the drafts and to facilitate their participation in the process. Key informants noted that drafting rooms are used regularly and results from the staff survey highlighted the need for additional drafting space, as 37% reported that drafting rooms are available when needed and 35% said they were adequately equipped. Two new drafting rooms were recently constructed at Headquarters to address this need.

LSB staff reported being satisfied with the IT available; 76% of those surveyed agreed that they had sufficient and appropriate IT tools and support to work efficiently and effectively. While all responses were positive, there was some variance between groups, as demonstrated in Table 5.8.

Table 5.8 - Staff indicating Sufficient and Appropriate IT and Support

LSB Staff	Total responding	%
Counsel or Legislative Counsel	56	80%
Managers	8	75%
Professional, non-counsel	11	73%
Senior Counsel, General Counsel, or Senior General Counsel	17	71%
Total	92	76%

Source: Staff Survey; Excludes Unable to Assess/Not Applicable

High levels of satisfaction with the tools available were reported by LSB employees in the 2011 PSES, where 50% strongly agreed and 42% somewhat agreed that they had the materials and equipment needed to do their job. These results were more positive for the LSB staff when compared to the responses for the Department of Justice (39% strongly agree, 46% somewhat agree) and the public service overall (36% strongly agree, 46% somewhat agree).

Branch managers mentioned that the use of technology is very important to maximize work capacity and efficiency. For this reason, tools have been improved over the last few years, which has allowed for teleworking and other flexible work arrangements to support the capacity of staff not working on secret documents to meet an increasing workload. According to the 2011 PSES, a larger proportion (27%) of LSB staff conducts telework compared to staff in other parts of the Department of Justice (11%) and in the public service (6%). Key informants emphasized that security requirements are strictly upheld in these more flexible working arrangements to protect confidentiality.

Other jurisdictions also use technology for increased efficiency. In the United States, the Offices of the Legislative Counsel currently use THOMAS, a legal research tool named after Thomas

Jefferson.⁵² This website, hosted by the Library of Congress, allows researchers to search and access federal bills, acts, the congressional record, committee reports, and a myriad of other resources. One can watch live video of congressional debates on research laws and legal history back to colonial times. THOMAS is scheduled to be replaced by a new search engine, congress.gov, which should be in place by the end of 2014.

In New Zealand, the Parliamentary Counsel Office maintains the New Zealand Legislation website in order to discharge its duty to publish its federal laws.⁵³ The Office recently revamped this website following a usability review of its predecessor. The improved version of the website incorporates new functionalities as well as feedback elicited from the public.⁵⁴ The New Zealand Legislation website presents not only current laws, but also historical acts dating back as far as 1841. A private company, Unisys New Zealand Ltd., is contracted for the maintenance and support of the New Zealand Legislation system.⁵⁵

Limited information is available regarding the use of IT by Australia's Office of Parliamentary Counsel. The Office utilizes a traditional law library managed with Follett's Athena software system and is staffed by a librarian.⁵⁶ Electronic research tools (e.g., Lexis Nexis, Statute Law Review, Clarity) are employed as well, but the use of printed books remains significant.⁵⁷

5.2.4. Cost recovery

The mixed financial model used by the Branch seems to be appropriate in meeting its financial needs. Under this model, costs incurred from administration, management and harmonization activities are covered under A-base funding, with the remaining costs recovered from clients based on the level of legislative advisory or other legislative services provided. Some services are funded through both Department of Justice allocations and costs recovered from the client departments.

The Net Voted Authority (NVA) is the amount received through cost recovery that can be spent by the Department of Justice. The NVA was established during fiscal year 2009-10. Prior

⁵² Library of Congress: THOMAS. Accessed from: <<http://thomas.loc.gov/home/thomas.php>>.

⁵³ New Zealand Legislation. Accessed from: <<http://www.legislation.govt.nz/default.aspx>>.

⁵⁴ Report of the Parliamentary Counsel Office for the year ended 30 June 2011. Accessed from: <<http://www.pco.parliament.govt.nz/2011-report/>>.

⁵⁵ Ibid.

⁵⁶ Library. Accessed from: <<http://www.opc.gov.au/libr/index.htm>>.

⁵⁷ Ibid.

to this, costs were recovered through Client Agreements and any surplus remaining at the end of the fiscal year was returned to the Justice Department central repository.⁵⁸ Table 5.9 summarizes the proportion of costs covered under A-base funding and through cost recovery/NVA over the evaluation period. While the proportion of monies received through cost recovery has increased over the evaluation period from less than a third to nearly half of their resources, the amount LSB receives through cost recovery has more than doubled.

Table 5.9 – Proportion of A-base Funding/Cost Recovery

Fiscal Year	Forecasted Costs	Actual Costs	A-base Funding	% of A-base Funding	Cost Recovery	% Cost Recovery
2006-07	21.6M\$	19.7 M\$	14.1 M\$	71.8%	5.6 M\$	28.2%
2007-08	21.6 M\$	20.9 M\$	13.5 M\$	64.7%	7.4 M\$	35.3%
2008-09	21.6 M\$	21.2 M\$	12.5 M\$	58.8%	8.8 M\$	41.2%
2009-10	21.6 M\$	23.9 M\$	14.9 M\$	62.0%	9.1 M\$	38.0%
2010-11	22.0 M\$	24.6 M\$	12.9 M\$	52.5%	11.7 M\$	47.5%

Source: LSB

Funding models used by legal services⁵⁹ in other jurisdictions that were reviewed for the evaluation vary. The United States^{60, 61} and New Zealand⁶² legislative services are entirely funded through A-base funding while Australia⁶³ and the United Kingdom⁶⁴ use a mixed model. The ratio of costs covered through A-base funding and cost recovery for the United Kingdom (60/40) is similar to the Canadian model (62/38). In contrast, Australia legislative services are heavily funded by appropriations with only 1% being funded through cost recovery.⁶⁵

Recent changes to the cost-recovery processes have not been well accepted by either staff or clients. LSB managers expressed concern over the time and knowledge required to administer cost recovery. Since its establishment, managers reported being burdened by the additional

⁵⁸ Prior to the establishment of the NVA, only direct salaries were cost recovered.

⁵⁹ Funding information available is inclusive of all legal services and not just drafting services.

⁶⁰ Senate Report 112 – 197 – Legislative Branch Appropriations, 2013. Accessed from: <http://thomas.loc.gov/cgi-bin/cpquery/?&dbname=cp112&sid=cp112N9Aoi&refer=&r_n=sr197.112&item=&&sel=TOC_32015&>.

⁶¹ Legislative Branch appropriations, 2012. Accessed from: <<http://www.gpo.gov/fdsys/pkg/CRPT-112srpt80/html/CRPT-112srpt80.htm>>.

⁶² Report of the Parliamentary Counsel Office for the year ended 30 June 2012. Accessed from: <<http://www.pco.parliament.govt.nz/assets/Uploads/pdf/2012report.pdf>>.

⁶³ Office of Parliamentary Counsel. Accessed from: <<http://www.ag.gov.au/Publications/Budgets/Documents/PBS%202012-13%20OPC.PDF>>.

⁶⁴ Cabinet Office: Annual report and accounts 2011-12. Accessed from: <<http://www.official-documents.gov.uk/document/hc1213/hc00/0056/0056.pdf>>.

⁶⁵ Ibid.

administrative task, limiting their capacity to actively participate in client files and manage staff. Branch managers also noted their lack of training to work within a cost-to-client environment and to navigate a complex invoicing system. Interviewed clients were equally concerned with the new mechanism, noting that it was difficult to forecast their drafting needs and include the related costs in budget planning. They also reported that the invoices were difficult to understand. Some key informants did not understand the benefits of a system which demands considerable resources to transfer funds across federal departments.

It was noted by other key informants that the administration processes for cost recovery are relatively new and that perfecting the process requires time. A few mentioned that the cost recovery approach may help clients to be more selective in their requests for LSB services, to focus on priority files, and to be better prepared with the necessary information in order to minimize unnecessary billed time. As of April 2012, the Department implemented a cost recovery improvement project that is currently being used by all legal services sectors, including LSB. The impact of this project will be assessed in future evaluations.

6. CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

6.1. Summary of Conclusions

This section provides the main conclusions of the evaluation of the Legislative Services Branch, based on the findings presented in this report.

Relevance

LSB services meet a specific need of the Government of Canada

The relevance of and need for LSB services are clear. The Branch is the main provider of a fundamental service necessary to the Government of Canada. It requires specialized knowledge and skills to meet the legislative drafting requirements of Canada's bilingual and bijural system. Feedback from evaluation participants suggests that the expertise needed to fulfill the LSB's mandate, particularly with respect to the bilingual and bijural requirements, can only be found within the Branch.

The evaluation demonstrated that the LSB meets the legislative drafting and the advisory needs of the Government of Canada. Over the evaluation period, the LSB actively managed an average of 2,678 files per year and closed over 10,000 files, addressing requests from 192 client departments and agencies. The volume and complexity of requests confirm a continued need for LSB's legislative services.

LSB activities align with government priorities and support Department of Justice strategic outcomes

The Branch responds to legislative and regulatory drafting requests related to the existing and emerging priorities of client departments, which address the priorities and policy directions of the federal government. For this reason, the activities of the LSB are inherently linked to the priorities of the government. In supporting government priorities, bills and regulations are drafted to conform to the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights*

and, in the case of regulations, with the *Statutory Instruments Act*, as well as to other laws that delineate government priorities.

In addition, the LSB supports the Department of Justice's strategic outcomes by maintaining and strengthening the bilingual and bijural framework of the Canadian legal system; ensuring that all bills and regulations are of the highest quality, in both French and English, reflecting the civil and common law traditions when appropriate; and providing legal advisory and legislative services to all federal departments and agencies.

The LSB is well aligned with federal roles and responsibilities

The LSB supports the Minister of Justice's role under the *Department of Justice Act*. Under section 4.1 of the Act, the Minister is responsible for examining government regulations to ensure conformity with the *Statutory Instruments Act*. The Branch also supports the Minister by ascertaining whether any of the provisions of bills and regulations are inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and by ensuring that regulations are examined under the *Statutory Instruments Act*. Finally, the LSB supports the Minister of Justice in these functions by drafting bills and regulations, certifying that the Charter review of bills was performed, as well as examining regulations under the *Statutory Instruments Act*.

Under section 4 of the *Department of Justice Act*, the Minister is also the legal advisor to Cabinet, supporting Cabinet's responsibility for the overall policy direction of the government by providing policy advice and supporting the decision-making process.

The co-drafting and revision processes are intended to ensure the highest quality of language in both French and English, thereby meeting requirements under the *Official Languages Act*. Further, under the *Policy on Legislative Bijuralism* and the *Cabinet Directive on Law-making*, the LSB harmonizes existing statutes and regulations to ensure they respect the principles, concepts and institutions of both the civil and common law traditions.

Effectiveness of the LSB

Co-drafting and revision processes are key to contributing to a bilingual and bijural federal legislative framework

Co-drafting is reported to be a primary facilitator to the LSB's contribution to a bilingual and bijural legislative framework. It is a unique approach considered exemplary by other bilingual

jurisdictions. Interview and staff survey participants expressed high levels of satisfaction with the co-drafting process. The revision process was noted by key informants to be an important mechanism to ensure quality of language and representation of both the common and civil law traditions where necessary.

Training, experience and tools ensure the development of legislation that respects the Constitution and other legal requirements

Bills and regulations drafted by LSB, in partnership with client departments and agencies, must be in accordance with the provisions of the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights* and other relevant federal acts. Legislative counsel gain a comprehensive knowledge of the Charter, Bill of Rights and other legal requirements through the LSB's internal legislative drafting training and mentoring system. LSB staff has access to several useful reference guides, tools and resources to ensure the clarity, consistency and accessibility of drafted bills and regulations. Respondents to the LSB staff survey reported that they were very satisfied with the tools available.

Legislative counsel also regularly consult with specialized legal counsel from other areas in the Department of Justice as needed, such as the Public Law Sector.

Effectiveness of LSB's working relationships

Stakeholders reported having positive and effective working relationships with the LSB. One way this is supported is by assigning or making available the same legislative counsel to the same clients where possible.

Staff survey results suggest that consultation processes within the Branch, between LSB staff, are sufficient and timely, and particularly effective with respect to bijural experts, jurilinguists and legistic revisors. In contrast, when asked about sufficiency and timeliness of consultations external to the LSB, respondents indicated that they may not have sufficient access to other legal counsel in the Department or with individuals from the central agencies.

The LSB continues to meet client needs despite changes in demand

To meet increasingly complex drafting requests and shorter timelines, the Branch has been working at maximum capacity within current human resource levels. LSB management must often reallocate legislative counsel to high priority files, meaning that other active files may have to wait until a full drafting team is available to work on those files, or the drafting team is

changed part way through the file. Despite the challenges, clients are satisfied with the LSB's current ability to meet deadlines.

Results of the survey suggest that assigning appropriate staff to files could be improved, particularly in terms of staff experience and workload. This could be a reflection of a combination of the complexity of the files, the incomplete information provided by the clients, the increase in high priority files, and the lack of experience of newer staff.

Technology and IT support have helped LSB address capacity and efficiency. The Branch utilizes an extensive set of IT tools which help to maximize efficiency and capacity.

Clients are satisfied with the LSB services

Client feedback provided through various lines of evidence reveals high levels of satisfaction with the services provided by the Branch, in particular with its ability and flexibility in helping clients find solutions to meet their needs, its ability to accommodate challenging deadlines, its capacity to respond to requests, and the quality of the work produced.

The LSB also plays a key role in helping departments manage any legal risks by identifying and assessing the legal risk and providing options to help mitigate these risks while still achieving the client's objectives. Clients are satisfied with the assistance provided by the LSB in managing their legal risks and found the advice provided by the Branch useful in increasing their knowledge of legal risk with respect to policy and legislative product development.

Training is vital to the development of consistent legislative products

In the absence of a specialized degree program in legislative drafting, it is necessary that the LSB provide extensive training to its legislative counsel. It is important that LSB products and advice are consistent in terms of quality and content. This is achieved, in part, through the internal training provided as well as the various tools and processes in place for quality control.

Several training sessions were provided over the evaluation period, covering subjects such as basic legislative drafting and the importance of context in legislative texts, among many others. Mentorship is also an important tool for developing the specialized skills and knowledge of legislative counsel. Many staff members expressed a desire for additional training. According to the 2011 PSES, satisfaction with training is higher within the Branch than within either the Department of Justice or the federal public service overall.

Gaps in client understanding of drafting roles and processes affect efficiency

There is generally high satisfaction with the drafting process and products; however, efficiency is undermined by gaps in client knowledge and understanding. While the LSB makes an effort to provide training to clients, the capacity to offer training has become increasingly challenging due to the greater demands put on LSB staff to meet requests for legislative services. Maintaining the knowledge acquired through training provided by the Branch is also challenged by turnover in client departments, which limits the effectiveness of knowledge transfer. As it becomes more difficult to provide training and to ensure knowledge will be transferred within the client departments, the gap in client knowledge of the drafting process and their role and responsibilities in that process could widen.

The efficiency of the drafting process is also affected by the limited capacity of clients to contribute to the drafting process in both official languages, which eliminates a level of scrutiny by those in the best position to provide direction with respect to policy context and terminology.

Increasing demand challenges future capacity of the LSB to maintain delivery of high quality services

The resources allocated to meet client demand is dependent on file priority and complexity, as well as on the type of services required and the department or agency that made the request. Often staff is reassigned to meet urgent deadlines.

Although the LSB has been meeting the changing demand for services (in terms of volume and complexity), it is becoming increasingly challenging to do so. LSB managers reported that current levels of demand were only being met due to the dedication of LSB staff, who works a considerable amount of overtime. There is concern that, with the anticipated increases in demand, current staffing levels will not suffice in maintaining capacity and quality.

The assessment of efficiency and economy was hampered by a lack of LSB file data

The efficiency and economy analysis was constrained by the lack of information in iCase concerning the level of complexity and legal risk of the Branch files. As a result, it was not possible to assess the extent to which the appropriate level of counsel is being assigned to a file.

The cost-recovery approach meets LSB's current financial resource requirements

The mixed model seems to be appropriate in meeting LSB's financial needs. Under the LSB's mixed financial model, costs incurred from administration, management and harmonization activities are covered under A-base funding.

LSB managers are less satisfied with the administrative processes associated with cost recovery in the mixed financial model. The administrative burden and the lack of training to navigate the invoicing system were mentioned by most key informants. This system is expected to become more efficient over time as managers and clients become more familiar with it and as issues with invoicing are addressed. Recently implemented changes to the cost recovery process could address some of these issues. The effectiveness of this approach will be examined in a future evaluation.

6.2. Recommendations and Management Response

The evaluation findings indicate that the LSB clients are highly satisfied with the work of the Branch. However, its managers and staff, as well as its partners and clients, have all expressed concern that the LSB is experiencing some challenges keeping up with the demand for its services. This section discusses three issues arising from these findings and the recommendations and management responses to these issues are presented.

Improving the Quality of Client Participation in the Legislative Process

The evaluation identified some areas where a better understanding of roles and responsibilities on the part of the client is needed.

The LSB offers some training to clients to provide them with the knowledge required to prepare complete instructions for and participate in the legislative drafting process. However, the Branch's capacity to provide external training is limited by the increasing volume of high priority files and related workload pressures. Less than half (47%) of surveyed clients reported having received training about legislative principles, processes and options. Those who had, reported the training as being good or very good with respect to content (94%), relevance (90%) and clarity (91%).

The high turnover of staff in many federal departments and agencies further exacerbates the problem as even if staff receives LSB training, knowledge transfer may not occur when they

leave, particularly in departments where participation in the legislative drafting process does not happen frequently.

There appears to be a gap between clients' level of understanding of the drafting process and their essential role and responsibilities within the process. While most surveyed clients (74%) reported having good or very good awareness of legislative principles, processes and options, LSB managers noted that client requests are often not fully prepared.

The implications of clients and key partners not fully understanding the information needed to support the development of legislation are that the requests are often incomplete. Results of the file review indicate that even in that small sample, at least one piece of information was missing from every file.

In turn, this has implications for the efficiency of the drafting process. Absence of critical information may mean that legislative counsel must wait for instructions or commonly, proceed without full instructions (often resulting in considerable duplication of work as instructions are changed or policies are more fully articulated). Given that LSB staff is already working at full capacity, opportunities to reduce unnecessary or duplicative work must be sought.

It is recognized that in the current fiscal climate, the LSB cannot be expected to train all clients. However, there may be other ways the LSB can improve the efficiency and effectiveness of clients' participation in legislative drafting process.

Recommendation: That the LSB work with clients and key partners to clarify their respective roles and responsibilities in the legislative process with a view to improving the quality and completeness of requests for legislative services.

Management Response:

Agreed.

The LSB has separately identified the need to provide additional training to client departments and key partners, including to counsel in Departmental Legal Services Units, in order to improve:

- their understanding of roles and responsibilities in the development of legislative texts;
- their appreciation of the level of preparation required; and
- the clients' capacity to provide complete instructions to legislative counsel.

The LSB plans to use improved project management tools to clarify roles and responsibilities to participants in the legislative development process.

Moreover, it is expected that these improved project management tools will also aid in improving the quality and completeness of legislative services requests.

Reassignment of Legislative Counsel to Higher Priority Files

To meet increasingly complex drafting requests, and increasing demand overall, the Branch has been working at maximum capacity within current resource levels. LSB managers, DLSU counsel and Central Agency representatives have expressed concern with the LSB's capacity to maintain the same high quality of services and products in the current and anticipated drafting environment.

Findings from the interviews and case studies suggest that LSB management must often re-allocate legislative counsel to high priority files, which can result in other files having to wait until a full drafting team is available to work on them or having to change the drafting team part way through the file, neither of which is a desirable situation from the perspective of the clients or the legislative counsel. In 10 of the 29 legislative files reviewed there was evidence of a change in legislative counsel at some point during completion of the file. Similarly, in the case studies, all of which were high priority files, the interviewed clients mentioned that many legislative counsel had been reassigned to their file (from others) in order to meet deadlines.

A considerable proportion of the Branch staff is concerned with the practice of being reassigned to different files. Results from the 2011 PSES indicate that 40% of LSB staff reported that the quality of its work suffered as a result of changing priorities. Some key informants noted that making changes to the drafting team during the course of a file can slow its progress, and hence increase its cost. At a time when resources are limited, it is important to ensure that the drafting processes are as efficient and economical as possible.

Recommendation: That the LSB consider options to minimize the reassignment of legislative counsel from one file to another.

Management Response:

Agreed.

Since the LSB does not control the volume of work, the priorities established for that work or unanticipated absences of its legislative counsel, the reassignment of legislative counsel cannot be avoided in all cases. Nevertheless, it is anticipated that the improved project management tools for legislative projects that are currently in development to implement the LSB's more formalized process for resource planning will assist client departments to plan more effectively. As a consequence, it may be possible for the LSB to more frequently avoid re-assignment of legislative counsel due to unforeseen or inadequately planned legislative projects. If reassignment cannot be avoided, it may still be possible to minimize the impact of the reassignment by ensuring that new counsel have ready access to information that would permit them to continue from where the former counsel left off.

Data Collection to Support the Next Evaluation

Currently, the LSB does not enter much beyond data needed for cost recovery into iCase on bill files because these files are secret.

Another limitation to the iCase data collected by LSB is that file risk and complexity data are not collected. Starting in September 2013, file risk data will be collected in iCase for Protected B files only as part of the Legal Risk Management Renewal Project. The LSB currently does not have measures in place for file complexity.

Because of the co-drafting model, the file assignment process is different from that used for advisory and litigation files and does not lend itself as readily to law practice management measures (appropriate level of counsel assigned to files according to levels of risk and complexity).

In this evaluation, there was limited information about trends in legislative drafting other than the opinions of key informants. It would be helpful in the next evaluation of LSB if there were objective information about the level of legal risk and complexity of all LSB drafting files.

Recommendation: That the LSB consider options to collect file risk and complexity information on all drafting files to support future evaluations of the LSB.

Management Response:

Agreed.

As secret information is not able to be recorded in iCase, the LSB will continue to maintain separate records respecting file risk for its secret files.

The LSB will explore a means by which to gather information about file complexity for its legislative drafting files.

Appendix A:
Evaluation Matrix

Evaluation Matrix

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
1. Relevance				
Continued Need for the LSB	1.1. To what extent is the LSB responsive to the legislative drafting needs of the Government of Canada?	Extent to which the LSB is relevant to the legislative drafting needs of the Government of Canada	Comparison of ongoing Government of Canada (GoC) legislative drafting requirements to the types of services offered by the LSB Perceived relevance of LSB services to the needs of the GoC	Document review LSB departmental clients/ survey, interviews Justice legal staff/ interviews PCO, TBS policy makers/interviews LSB staff/interviews, survey LSB client case files/analysis
	1.2. Has the demand for legislative services changed and how?	Nature of/extent to which demand for legislative services has changed	Trends in client requests for legislative services by type of service Changes in types of requests New or special requests	LSB departmental clients/ survey, interviews Justice legal staff/ interviews PCO, TBS policy makers/interviews LSB staff/interviews, survey LSB client case files/analysis LSB administrative records/analysis
Alignment with Government Priorities	1.3. To what extent are the activities of the LSB aligned with: 1. GoC priorities? and 2. strategic outcomes of Justice?	Extent to which LSB activities are aligned with GoC priorities	Consistency between LSB activities and legislated responsibilities Changes made to LSB activities to maintain alignment with changes to GoC priorities	Document review LSB managers/interviews Justice legal staff/ interviews PCO, TBS policy makers/interviews
		Extent to which LSB activities are aligned with the strategic outcomes of Justice	Consistency between LSB activities and Justice strategic outcomes	Document review LSB managers/interviews Justice legal staff/ interviews
Alignment with Federal Roles and Responsibilities	1.4. To what extent do the activities of the LSB align with federal roles and responsibilities?	Extent to which LSB activities are aligned with the federal government's role and responsibilities.	Alignment of the responsibilities with the legislated authority of the GoC (and outside of P/T legislated authority) Alignment of staff roles/responsibilities with the responsibilities of the LSB	Document review

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
Performance				
Achievement of Expected Outcomes				
2. Direct Outcomes				
Effectiveness	2.1. To what extent has the LSB contributed to the creation of legislation that is responsive to federal government policy directions?	Responsiveness of the LSB to current GoC needs and policy directions	Ability to respond to needs of the GoC Harmonization files completed Policy developed related to legislative and regulatory processes (with PCO and TBS) Streamlined regulations Services provided to the PCO	LSB staff/interviews PCO, TBS policy makers/interviews LSB administrative records LSB client case files/analysis Case studies
		Responsiveness of the LSB to current client needs	Ability to respond to requests/needs of Justice Ability to respond to requests/needs of clients Drafted legislation completed Drafted regulations completed	LSB departmental clients/interviews, survey PCO, TBS policy makers/interviews Justice legal staff/ interviews LSB staff/interviews, survey LSB administrative records LSB client case files/analysis Case studies
		Provision of legislative services, by type of services provided	Number/type/nature of legislative products created in response to federal government policy directions by type of service provided -drafting, harmonization, support to SRC, legal advice -advising on/developing federal policy regarding regulatory and drafting processes	LSB administrative records/analysis PCO, TBS policy makers/interviews
		Extent to which LSB clients are satisfied with the responsiveness of LSB services, by type of service provided	Client satisfaction with responsiveness of LSB staff by type of service -drafting, harmonization, support to SRC, legal advice -advising on/developing federal policy regarding regulatory and drafting processes	LSB departmental clients/interviews, survey PCO, TBS policy makers/interviews Case studies

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
		Extent to which the LSB has contributed to the creation of legislative products that express intended federal government policy directions	Client experience working with LSB Alignment of requests with services provided and results Contribution of legislative products created to policy directions	LSB departmental clients/ interviews LSB client case files/analysis Case studies
	2.2. To what extent has the LSB contributed to the creation of federal legislation that is accessible to Canadians?	Extent to which federal legislation drafted is clear and consistent in both official languages, while respecting the civil law and common law in private matters	Type and adequacy of quality assurance protocols/procedures, etc. in place to ensure clarity and consistency of language, and civil and common law traditions Capability of staff (e.g., credentials, training received) to draft legislation to meet bijural and bilingual requirements Clarity of language and consistency between French and English	LSB staff/interviews, survey LSB staff/PSES Documentation/review LSB client case files/analysis LSB departmental clients/ interviews, survey Other legal professionals/ interviews
		Nature/extent of use of Justice Laws website	Justice Laws website usage -number of hits, repeat users, areas targeted	Website statistics/analysis
		Extent to which legislation is available/accessible in appropriate formats	Format in which federal legislative products are provided Ease of accessing legislation in the formats available Satisfaction with formats available	Publication/dissemination schedules/analysis LSB departmental clients/ interviews, survey Other legal professionals/ interviews
	2.3. To what extent has the LSB enhanced awareness/ understanding of federal legislation, legislative principles, processes and options by federal departments and agencies?	Level of awareness/ understanding within the federal government of federal legislation, legislative principles, processes and options by target audience ⁶⁶	Client awareness of relevant federal legislation, legislative principles, processes and options Satisfaction with training received (content, clarity and relevance)	Training files/feedback results/analysis LSB departmental clients/ interviews, survey

⁶⁶ Target audiences may include clients from federal departments and agencies, participants in LSB training, outreach and communications activities.

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
	2.4. To what extent has the LSB enhanced its capacity (skills, tools, information) to deliver consistent federal legal and legislative products?	Evidence of activities undertaken to enhance capacity in the LSB to deliver consistent products to its clients and to the GoC	Number/type/nature of quality improvement and capacity building efforts planned/undertaken by the LSB Number/type/nature of capacity enhancing tools developed/applied (e.g., Charter check list)	Document review LSB staff/interviews
Extent to which LSB staff perceives Branch capacity has been enhanced through internal training and knowledge management tools		Staff satisfaction with training received (content, relevance) Staff satisfaction and use of materials designed to enhance consistency Staff satisfaction with quality control processes/protocols within the LSB	Training files/feedback results/analysis LSB staff/interviews, survey PSES results (Q20)	
Extent to which other recipients of LSB capacity building efforts perceive capacity is enhanced		Client satisfaction with training received (content, relevance)	Training files/feedback results/analysis Justice legal staff/ interviews LSB departmental clients/interviews, survey	
3. Intermediate Outcomes				
Effectiveness	3.1. To what extent has the LSB contributed to the creation of federal legislation that respects the Constitution and other legal requirements?	Nature of/extent of LSB measures to ensure that legislative drafts respect the Constitution and other legal constraints	Number/type/nature of Charter challenges ⁶⁷ Type and adequacy of quality assurance measures in place	LSB client case files/analysis LSB staff/interviews, survey Case Studies
	3.2. To what extent has the LSB contributed to a bilingual and bijural federal legislative framework?	Extent to which the bijuralism website is used	Justice Laws, Bijuralex.ca usage by type of user -number of hits, repeat users, areas targeted	Web site statistics/analysis
		Extent to which LSB has contributed to a bilingual and bijural federal legislative framework	Experiences/perceptions of committee members and federal government departments representatives	Document ⁶⁸ review LSB departmental clients/ interviews PCO, TBS policy makers/interviews

⁶⁷ Note: This would be restricted to closed cases.

⁶⁸ For example, results of public consultations and parliamentary committee reviews related to legislative legal literature, doctrine and jurisprudence which discuss the program. If appropriate, this could include national and international dimensions.

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
				Justice legal staff/ interviews Case studies
	3.3. To what extent has the LSB contributed to government departments and agencies being better able to manage their legal risks?	Extent of LSB contribution to legal risk management	Number/percentage of files where legal risk is reported as high and nature of strategies used to manage/mitigate risk Avoidance of legal risks Perceptions of government departments and agencies on LSB contribution to legal risk management Perceptions of Justice officials (e.g. DLSU) of LSB contribution to legal risk management	LSB administrative records/analysis LSB client case files/analysis LSB departmental clients/ interviews, survey Justice legal staff/ interviews LRM evaluation/analysis Case studies
4. Ultimate Outcomes				
Effectiveness	4.1. To what extent has the LSB contributed to a federal government that is supported by effective and responsive legal services?	Cumulative	Achievement of direct and intermediate outcomes	Cumulative/contribution analysis LSB staff/interviews PCO, TBS policy makers/interviews Justice legal staff/ interviews
	4.2. To what extent has the LSB contributed to a fair, relevant and accessible justice system that reflects Canadian values?	Cumulative	Achievement of direct and intermediate outcomes	Cumulative/contribution analysis LSB staff/interviews PCO, TBS policy makers/interviews Justice legal staff/ interviews
5. Demonstration of Efficiency and Economy				
Efficiency and Economy	5.1. Has the LSB's resource utilization been appropriate, in relation to the resources allocated, activities and outputs produced and demands for services, by area of service delivery?	Budget and work plan priorities and activities in relation to outputs delivered by service area	Cost of legal inputs for each service line/type of service Resources used to produce request by type of request and by service line Sufficiency (i.e., quality and quantity) of planned/allocated resources to support tasks required Redundancy, duplication, surplus of resources Analysis of planned versus actual	Document review LSB financial database/ analysis LSB administrative records/ analysis LSB staff/interviews, survey Case studies

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
			inputs/resources used	
	5.2. Is the LSB’s capacity to deliver services sufficient given current and future demand for services, by area of service delivery?	Level of service in relation to demand for services (past, current, projected)	Volume of requests per staff Volume of requests per service line Ability to complete requests (within reasonable timelines) Over or under-commitment of resources that compromised the quality, quantity, appropriateness or timeliness of required outputs Future human resource needs (churn/vacancies) Changes that have been made to increase the level of outputs produced with resources allocated	LSB administrative records/analysis Documentation/review LSB staff/survey, interviews LSB staff/PSES LSB departmental clients/ interviews, survey
	5.3. Are the LSB’s activities sufficiently integrated and coordinated to support the achievement of results?	Extent to which integration of LSB activities supports the achievement of expected results	Level of coordination/integration of activities within LSB, Justice and LSB client departments and agencies Satisfaction with the level of coordination	LSB staff/interviews/survey Justice staff/interviews
	5.4. To what extent has the LSB been able to use IT support and technology to improve efficiency and effectiveness of service delivery, by area of service delivery?	Extent to and nature in which IT innovation has been developed/applied by service area	IT supports in place Effects of IT on administrative practices/service delivery	LSB files/analysis LSB staff/interviews/survey
		Extent to which LSB use of IT support and technology is consistent with or comparable to other jurisdictions	Comparison of LSB IT support and technology to that in other jurisdictions Trends in use of IT support and technology in legislative services/ analysis	LSB staff/interviews LSB files/analysis Literature/environmental scan

Evaluation Issue	Question	Performance Indicator	Measures	Data Sources/Methods
	5.5. Does the financial model ⁶⁹ utilized by the LSB provide appropriate and sustainable funding for the LSB to meet current and future demand for legislative services?	Sufficiency of A-base funding to discharge the Minister's responsibilities ⁷⁰	Resource coverage by A-base funding Proportion of LSB work completed that is not cost recoverable (relative to amount of A-base funding) Gap between financial inputs and resource requirements for outputs	LSB managers/interviews LSB files/data Financial documentation/review
		Trends in financial models for supporting/funding legislative services	Examples from other Justice branches/services (e.g., Public Law Sector) Examples from other jurisdictions that provide similar types of legal services within government Comparison of alternative models with the LSB model (with respect to federal Canadian needs)	Literature/environmental scan Financial documentation/review LSB managers/interviews Finance staff/interviews
	5.6. Are there alternative ways of delivering the LSB's services by areas of service delivery?	Trends in practices/service delivery models	Examples from other jurisdictions Comparison of alternative models with federal Canadian needs	Literature/environmental scan LSB staff/interviews

⁶⁹ The mixed model used by LSB includes A-base funding (30%) and a cost recovery component (70%). Some aspects of service delivery are a mix of cost-recovered and A-base funding, while other aspects are fully funded through one or the other way.

⁷⁰ Improvements to the cost recovery process were implemented in the current fiscal year; therefore, it is too early to examine its sufficiency as part of the funding model.

Appendix B:
File Review Templates

**Evaluation of the Legislative Services Branch
File Review – Drafting Files**

Overview

1. Assigned File Code Number: _____

Any related file code numbers: _____

2. Date request sent:

(mm/dd/yy)

3. Date file opened/work started:

(mm/dd/yy)

4. Date file closed/work ended:

(mm/dd/yy)

5. Section of LSB DASG in charge of file:

Legislation
Section

HQ Regulations
Section

Transport Canada
Regulations Section

Health Canada
Regulations Section

National Defence
Canada Regulations
Section

6. a) Request initiated by: Justice Canada Specify area: _____

Other government department/agency. Specify: _____

b) Other departments involved in the drafting process: Yes [Specify in the space provided below] No

_____	_____
_____	_____
_____	_____

7. Legal issue advised on and brief description of the nature of the type of advice required (e.g., name of bill/regulation, any info from cover page, evidence of previous work on same issue). Do not reference any information that would waive solicitor-client privilege.

8. Did the drafting counsel (French) change over the course of the file? Yes No

b) Did the drafting counsel (English) change over the course of the file? Yes No

Drafting Request

9. Reason for request

- New regulations _01 Yes _0 No
- New legislation _01 Yes _0 No
- Revisions to existing regulations _01 Yes _0 No
- Revisions to existing legislation _01 Yes _0 No

10. Drafting instructions:

- Date provided to LSB: _____
- Language of instructions: _01 French _02 English _03 Both French and English
- Enabling authority identified: _01 Yes _0 No
- Pre-drafting authority identified: _01 Yes _0 No

11. Level of detail included in the initial instructions

- MC provided _01 Yes _0 No
- RIAS provided _01 Yes _0 No
- Critical path provided _01 Yes _0 No
- Legislative Counsels requested additional information from the client _01 Yes _0 No
- Other evidence of level of detail: _____

12. Instructions were revised/ changed significantly over the course of the file _01 Yes. # times _____
_0 No

13. a) Discussion with client on instrument choice _01 Yes _0 No
 b) Did the request change as a result of the discussion? _01 Yes _0 No
 c) If yes, describe change: _____

Drafting Information

14. a) Deadline for completion of the drafting contained in request _01 Yes _0 No
 b) Deadline request made by: _01 Central agency: _____
_02 Other government dept: _____

15. Deadlines Set/Changed (enter all deadlines identified in the file):

Deliverable/Date deadline assigned	Deadline Date	New deadline date (if changed)	Reason for change	Deadline Met?	Reason not met
				Yes No	

16. a) Based on the documentation in the file, did drafting counsel identify issues that should be referred to other areas within LSB or within Justice?

- ___01 Yes, to other areas of LSB. Specify: _____
- ___02 Yes, Public Law Services ___03 Yes, Litigation Unit ___04 Yes, Legal Services Unit
- ___05 Yes, to other areas of Justice. Specify: _____
- ___0 None identified

Consultation Activities

17. Evidence of involvement with PCO/TBS or the PMO on drafting issues or instructions, or related matters:

- ___01 Yes ___0 No

18. Legal advice/consultation sought (Note: consultations can include oral/written updates or discussions of possible strategies, options, approaches to the file (please check the most appropriate choice):

- a) Other NHQ LSB area ___01 Yes. Specify area: _____
- ___0 No ___88 Unable to assess

If yes, reason for consultation within LSB:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Potential legal options | ___05 Potential litigation strategies | ___06 Seeking policy direction |
| ___07 Sharing information | ___08 Technical expertise | ___09 Legal advice/opinion |
| ___10 Consequentials | ___11 Authority to enact | ___12 Conforms to Charter |
| ___13 Incorporation by reference | | |
| ___66 Other _____ | | |

- b) Regional office ___01 Yes. Specify: _____
 ___0 No ___88 Unable to assess

If yes, reason for consultation with Regional office:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Potential legal options | ___05 Potential litigation strategies | ___06 Seeking policy direction |
| ___07 Sharing information | ___08 Technical expertise | ___09 Legal advice/opinion |
| ___10 Consequentials | ___11 Authority to enact | |
| ___66 Other _____ | | |

- c) DLSU ___01 Yes. Specify: _____
 ___0 No ___88 Unable to assess

If yes, reason for consultation with DLSU:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Potential legal options | ___05 Potential litigation strategies | ___06 Seeking policy direction |
| ___07 Sharing information | ___08 Technical expertise | ___09 Legal advice/opinion |
| ___10 Consequentials | ___11 Authority to enact | |
| ___66 Other _____ | | |

- d) Other units within Justice ___01 Yes Specify: _____
Specify: _____
Specify: _____
Specify: _____
Specify: _____
___0 No ___88 Unable to assess

If yes, reason for consultation with other Justice Units:

- | | | |
|--|--|--|
| <input type="checkbox"/> __01 Identifying and assessing legal risk | <input type="checkbox"/> __02 The potential impact of legal risk | <input type="checkbox"/> __03 Ensuring consistent approach across government |
| <input type="checkbox"/> __04 Potential legal options | <input type="checkbox"/> __05 Potential litigation strategies | <input type="checkbox"/> __06 Seeking policy direction |
| <input type="checkbox"/> __07 Sharing information | <input type="checkbox"/> __08 Technical expertise | <input type="checkbox"/> __09 Legal advice/opinion |
| <input type="checkbox"/> __10 Consequentials | <input type="checkbox"/> __11 Authority to enact | <input type="checkbox"/> __12 Conforms to Charter |
| <input type="checkbox"/> __13 Incorporation by reference | <input type="checkbox"/> __14 Constitutional issues | <input type="checkbox"/> __15 Administrative law issues |
| <input type="checkbox"/> __16 Privacy/access to information | | |
| <input type="checkbox"/> __66 Other _____ | | |

e) Other __01 Yes __0 No __88 Unable to assess Specify: _____

If yes, reason for consultation with other government departments:

- | | | |
|--|--|--|
| <input type="checkbox"/> __01 Identifying and assessing legal risk | <input type="checkbox"/> __02 The potential impact of legal risk | <input type="checkbox"/> __03 Ensuring consistent approach across government |
| <input type="checkbox"/> __04 Potential legal options | | <input type="checkbox"/> __06 Seeking policy direction |
| <input type="checkbox"/> __07 Sharing information | <input type="checkbox"/> __08 Technical expertise | |
| <input type="checkbox"/> __10 Consequentials | <input type="checkbox"/> __11 Authority to enact | |
| <input type="checkbox"/> __66 Other _____ | | |

Quality Assurance Processes

19. Quality control processes completed evident in the file documentation (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> __01 Peer review | <input type="checkbox"/> __02 Editing (French) | <input type="checkbox"/> __03 Editing (English) |
| <input type="checkbox"/> __05 Jurilinguistic review | <input type="checkbox"/> __06 Bijural review | <input type="checkbox"/> __07 Drafting notes (from Deskbook) |
| <input type="checkbox"/> __08 References to similar legislation/regulations | | |
| <input type="checkbox"/> __66 Other _____ | | |

20. Evidence of research into wording of regulation/legislation

- __01 Yes __02 No

21. Evidence on file that comments were taken into account (i.e., revised draft or discussed reason not to revise)

- __01 Yes __02 No

b) If no, is there a record on file to explain why some comments were not accepted by the Legislative Counsels?

- __01 Yes __02 No

22. Challenges or issues related to language/wording of regulation/legislation (Check all that apply):

- _01 Client objections _02 Consistency between F/E _03 Clarity of language
- _05 Precedence/similar wording _06 Other government department, P/T, or Aboriginal group objections
- _08 References to similar legislation/regulations
- _66 Other: _____

Factors Contributing to File Complexity

23. a) Is there a discussion/indication of risk level indicated in the file? _01 Yes _0 No

b) If yes, was the risk described as: _01 High _02 Medium _03 Low

c) If yes, was the risk communicated to the client?
_01 Yes _0 No

24. Factors that characterise the file/challenges faced (select all):

- a) Case involves regulatory and legislative components _1 Yes _2 No
- b) Pre-drafting authority obtained _1 Yes _2 No
- c) Exception to pre-publication _1 Yes _2 No
- d) Fiscal/economic implications /Royal Recommendation required _1 Yes _2 No
- e) Related regulatory/legislative/litigation files to the file _1 Yes _2 No
- f) Motions to amend _1 Yes _2 No
- g) Changes to be made prior to publication in CGII _1 Yes _2 No
- h) High priority file _1 Yes _2 No
- i) Media coverage _1 Yes _2 No
- j) Order in Council required _1 Yes _2 No
- k) Public Feedback/Input _1 Yes _2 No
- l) Consequentials to the drafting _____ approximate # identified [enter 0, if none]
- m) Other Specify: _____

iCase information

25. How many hours did drafting counsel and other LSB staff spend on the file?

Type	#	
__01 LA0	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__02 LA1	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__03 LA2A	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__04 LA2B	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__05 LA3A	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__06 LA3B	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__07 LA3C	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__08 Other	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____

File Information

12. a) Deadline for opinion contained in request _1 Yes _2 No
- b) Deadline request made by: _1 Requesting Client
_2 JUS
_3 Court
_4 Central agency (specify): _____
_5 Other government dept (specify): _____
- c) Reason for deadline: _____
- d) Was the advice/opinion provided within the requested deadline? _1 Yes _2 No
_3 Unable to assess
13. Risk level identified in the file _1 Yes (Specify level) _____
_2 No

Consultation Activities

14. Based on the documentation in the file, did counsel consult with other areas within LSB?
- a) Bijuralism Team _1 Yes _0 No
- If yes, reason for consultation with the Bijuralism Team:
- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Potential legal options | <input type="checkbox"/> _05 Potential litigation strategies | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Sharing information | <input type="checkbox"/> _08 Technical expertise | <input type="checkbox"/> _09 Legal advice/opinion |
| <input type="checkbox"/> _10 Authority to enact | <input type="checkbox"/> _66 Other _____ | <input type="checkbox"/> _88 Unable to assess |
- b) Jurilinguistic Team _1 Yes _0 No
- If yes, reason for consultation with the Jurilinguistic Team:
- | | | |
|---|--|--|
| <input type="checkbox"/> _01 Ensuring consistent approach across government | <input type="checkbox"/> _02 Potential legal options | <input type="checkbox"/> _03 Potential litigation strategies |
| <input type="checkbox"/> _04 Seeking policy direction | <input type="checkbox"/> _05 Sharing information | <input type="checkbox"/> _06 Technical expertise |
| <input type="checkbox"/> _08 Legal advice/opinion | <input type="checkbox"/> _66 Other _____ | <input type="checkbox"/> _88 Unable to assess |

c) Legislation Section _1 Yes _0 No

If yes, reason for consultation with the Legislation Section:

- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Potential legal options | <input type="checkbox"/> _05 Potential litigation strategies | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Sharing information | <input type="checkbox"/> _08 Technical expertise | <input type="checkbox"/> _09 Legal advice/opinion |
| <input type="checkbox"/> _10 Authority to enact | <input type="checkbox"/> _66 Other _____ | <input type="checkbox"/> _88 Unable to assess |

d) Regulations Section _1 Yes _0 No

If yes, reason for consultation with the HQ Regulations Section:

- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Potential legal options | <input type="checkbox"/> _05 Potential litigation strategies | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Sharing information | <input type="checkbox"/> _08 Technical expertise | <input type="checkbox"/> _09 Legal advice/opinion |
| <input type="checkbox"/> _10 Authority to enact | <input type="checkbox"/> _66 Other _____ | <input type="checkbox"/> _88 Unable to assess |

15. Based on the documentation in the file, did counsel consult with other areas within Justice?

a) PLS _1 Yes _0 No

If yes, reason for consultation with PLS:

- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Potential legal options | <input type="checkbox"/> _05 Potential litigation strategies | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Sharing information | <input type="checkbox"/> _08 Technical expertise | <input type="checkbox"/> _09 Legal advice/opinion |
| <input type="checkbox"/> _10 Authority to enact | <input type="checkbox"/> _11 Constitutional issues | <input type="checkbox"/> _12 Administrative law issues |
| <input type="checkbox"/> _13 Privacy/access to information | <input type="checkbox"/> _66 Other _____ | <input type="checkbox"/> _88 Unable to assess |

b) DLSU _1 Yes _0 No

If yes, reason for consultation with DLSU:

- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Potential legal options | <input type="checkbox"/> _05 Potential litigation strategies | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Sharing information | <input type="checkbox"/> _08 Technical expertise | <input type="checkbox"/> _09 Legal advice/opinion |
| <input type="checkbox"/> _10 Authority to enact | <input type="checkbox"/> _11 Subject matter expertise | <input type="checkbox"/> _66 Other _____ |
| <input type="checkbox"/> _88 Unable to assess | | |

c) Other Justice Unit(s). Specify: _____

If yes, reason for consultation with other Justice units:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Potential legal options | ___05 Potential litigation strategies | ___06 Seeking policy direction |
| ___07 Sharing information | ___08 Technical expertise | ___09 Legal advice/opinion |
| ___10 Subject matter expertise | | |
| ___66 Other _____ | | ___88 Unable to assess |

16. Based on the documentation in the file, did counsel consult with PCO? ___1 Yes ___0 No

If yes, reason for consultation with PCO:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Sharing information | ___05 Technical expertise | ___06 Seeking policy direction |
| ___07 Consultation required | ___08 Notice of objection filed/follow-up required | ___09 Department affected by legislation/regulations |
| ___66 Other _____ | | ___88 Unable to assess |

17. Evidence of consultation with other central agencies: Specify _____

If yes, reason for consultation with other central agencies:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Sharing information | ___05 Technical expertise | ___06 Seeking policy direction |
| ___07 Consequentials | ___08 Consultation required | ___10 Notice of objection filed/follow-up required |
| ___09 Department affected by legislation/regulations | | |
| ___66 Other _____ | | |
| ___88 Unable to assess | | |

18. Evidence of consultation with other government departments. Specify: _____

If yes, reason for consultation with other government departments:

- | | | |
|--|--|--|
| ___01 Identifying and assessing legal risk | ___02 The potential impact of legal risk | ___03 Ensuring consistent approach across government |
| ___04 Sharing information | ___05 Technical expertise | ___06 Seeking policy direction |
| ___07 Consultation required | ___08 Notice of objection filed/follow-up required | ___09 Department affected by legislation/regulations |
| ___66 Other _____ | | ___88 Unable to assess |

19. Evidence of consultation with litigation groups

If yes, reason for consultation with litigation groups:

- | | | |
|---|---|---|
| <input type="checkbox"/> _01 Identifying and assessing legal risk | <input type="checkbox"/> _02 The potential impact of legal risk | <input type="checkbox"/> _03 Ensuring consistent approach across government |
| <input type="checkbox"/> _04 Sharing information | <input type="checkbox"/> _05 Technical expertise | <input type="checkbox"/> _06 Seeking policy direction |
| <input type="checkbox"/> _07 Consequentials | <input type="checkbox"/> _08 Consultation required | <input type="checkbox"/> _10 Notice of objection filed/follow-up required |
| <input type="checkbox"/> _09 Department affected by legislation/regulations | | |
| <input type="checkbox"/> _66 Other _____ | | |
| <input type="checkbox"/> _88 Unable to assess | | |

20. Is there evidence of briefings to senior managers or other potential stakeholders as the legal advice was being developed?

- _1 Yes. Specify: _____
- _0 No

Quality Assurance Processes

21. Quality control processes completed evident in the file documentation (Check all that apply):

- _1 Peer review (members of LSB advisory group)
- _2 Review of draft opinion by client
- _3 Review of draft opinion by DLSU
- _4 Review of draft opinion by Litigator
- _5 Review of draft opinion by Chief Legislative Counsel
- _6 References to legal precedents (either prior opinions or court decisions)
- _7 References to acts, regulations, memos, opinions, correspondence (past and present)
- _66 Other (specify)

Challenges

22. a) Is there a discussion/indication of risk level indicated in the file?

- _1 Yes _0 No

b) If yes, was the risk communicated to the client?

- _1 Yes _0 No

iCase information

23. What was the level of the primary counsel?

__1 LA0 __2 LA1 __3 LA2A __4 LA2B __5 LA3A __7 Can't tell

24. How many hours did drafting counsel and other counsel spend on the file?

Type	#	
__01 LA0	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__02 LA1	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__03 LA2A	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__04 LA2B	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__05 LA3A	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__06 LA3B	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__07 LA3C	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____
__08 Other	_____	Hours for 1: _____; 2: _____; 3: _____; 4: _____; 5: _____

Appendix C:
Case Study Template and Interview Questions

Case Study File #X: Drafting File

Stakeholder group	#	Roles/responsibilities of interviewees
LSB counsel - drafting		
DLSU counsel		
Clients		
Total KIIs		NA

Summary of KII Results

Responsiveness of the LSB

Description of the request (LSB)

--

Link to and understanding of policy requirement (LSB & Client)

LSB Counsel	
Client	

Challenging factors, including urgency (LSB& Client)

LSB Counsel	
Client	

Facilitating factors (LSB)

--

Clients needs met (LSB & Client)

LSB Counsel	
Client	

Improvements (LSB & Client)

LSB Counsel	
Client	

Collaboration and Consultation

Description of the working relationship (LSB & Client)

LSB Counsel	
Client	

Description of consultation requirements/experiences (LSB)

--

Improvements (LSB & Client)

LSB Counsel	
Client	

Quality Assurance Processes

Process to meet legal requirement (*Constitution Act, Charter of Rights and Freedoms* and other relevant legal requirements) (LSB)

--

Resulting quality enhancement (LSB & clients)

LSB Counsel	
Client	

Improvements (LSB)

--

Process to develop legislative product (LSB)

--

Resulting quality enhancement-clarify and consistency (LSB)

--

Improvements (LSB)

--

Process to meet bilingual and bilingual requirements (LSB)

--

Resulting quality enhancement (LSB & clients)

LSB Counsel	
Client	

Improvements (LSB)

--

Legal Risk

Level of legal risk (LSB & Client)

LSB Counsel	
-------------	--

Client	
--------	--

Options proposed to mitigate risk and result of discussions (LSB & Client)

LSB Counsel	
Client	

Degree of assistance in managing dept's risk (Client)

--

Efficiency

Appropriateness of resource utilization (LSB & Client)

LSB Counsel	
Client	

Duplication of work (LSB & Client)

LSB Counsel	
Client	

External factors that influenced efficiency (LSB & Client)

LSB Counsel	
Client	

Best Practices/Lessons Learned

LSB Counsel	
Client	

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Drafting Case Studies: LSB Counsel

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in conjunction with other case file information. Any quotes used in the report will be selected to ensure that no individual is identifiable from these. Your individual answers will not be shared with the LSB. Identifying details of the files themselves will not be presented in the evaluation report.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (file type, client department, etc).

Responsiveness of the Legislative Services Branch

2. a) Please describe: i) the nature of the request; ii) requested/required timelines (i.e., urgency of the request); iii) how quickly was the LSB able to respond to the request? What factors challenged and/or facilitated the LSB's ability to respond to the request? (*Prompts - adequacy of drafting instructions, completeness of policy development, procedures, communications, resource allocation, competing priorities, etc.*)

b) To what extent were the initial request and drafting instructions, as well as any further information provided, available in both official languages?
3. a) Did the client provide an explanation for the way its policy objectives with respect to the file fit with the legislative/regulatory framework?

b) Did you understand the explanation provided by the client? How did you ensure the legislative product met the client's policy objectives while respecting the legislative/regulatory framework? Were there any challenges in so doing?
4. Were the client's needs met, relative to the request made? How could the legislative drafting process have been improved (by either the client or the LSB, or both) with respect to a) communications between the LSB and the client, and b) clarity of instructions/request?

Collaboration and Consultation

5. How would you describe the working relationship between yourself and the client? What factors contributed to, or detracted from, a positive working relationship between the LSB and the client? In your opinion, are there processes/practices that could improve how the LSB and clients work together?
6. Please describe the extent to which this file required consultation with other Justice groups or with other government departments/central agencies. Do you believe these consultations enhanced the quality and legality of the legislative product? Why or why not?
7. What factors contributed to, or detracted from, a positive collaboration between the LSB and other Justice or government groups? In your opinion, are there processes/practices that could improve how the LSB and these groups work together?

Quality Assurance

8. Please describe the process used to ensure that this LSB legislative product respects the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other relevant legal requirements. Do you believe this process enhanced the quality of the legislative product? *[if not]* Can you suggest how this process could be improved or strengthened?
9. What quality assurance process was used to develop this legislative product? *[Prompts: revision services, jurilinguistic revision services, bijural review services, guidebooks, etc.]* Do you believe this process enhanced the quality of the legislative product, particularly with respect to consistency and clarity? *[if not]* Can you suggest how this process could be improved or strengthened?
10. What process was used to ensure that the legislative product meets bilingual and bijural requirements? Was the review and revision process effective? Do you believe this process enhanced the quality of the legislative product? *[if not]* Can you suggest how this process could be improved or strengthened?

Legal Risk

11. Were any legal risks associated with the file identified? *[if yes]* Please describe the level of legal risks associated with this file.
12. Did you propose any options to mitigate the legal risks associated with this file to the client? What were the results of discussions and proposals?

Efficiency

13. Do you believe the LSB's resource utilization was appropriate on this file, specifically with respect to a) the level of counsel assigned to the file? b) the existing workload of counsel assigned to the file? c) if applicable, the timeline for completion associated with the file?
14. Were there any other factors beyond your control that impacted on your ability to provide services efficiently? *[if yes]* Please describe.
15. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

16. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the legislative drafting process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Advisory Case Study: LSB Counsel

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in conjunction with other case file information. Any quotes used in the report will be selected to ensure that no individual is identifiable from these. Your individual answers will not be shared with the LSB. Identifying details of the files themselves will not be presented in the evaluation report.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (client department, nature of advice, etc).

Responsiveness of the Legislative Services Branch

2. a) Please describe: i) the nature of the request; ii) requested/required timelines (i.e., urgency of the request); iii) how quickly was the LSB able to respond to the request? What factors challenged and/or facilitated the LSB's ability to respond to the request? (*Prompts- adequacy of drafting instructions, completeness of policy development, procedures, communications, resource allocation, competing priorities, etc.*)
3. Were the client's needs met, relative to the request made? How could the advisory process have been improved (by either the client or the LSB, or both) with respect to a) communications between the LSB and the client, and b) clarity of instructions/request?

Collaboration and Consultation

4. How would you describe the working relationship between yourself and the client? What factors contributed to, or detracted from, a positive working relationship between the LSB and the client? In your opinion, are there processes/practices that could improve how the LSB and clients work together?
5. Please describe the extent to which this file required consultation with other Justice groups or with other government departments/central agencies. Do you believe these consultations enhanced the quality and legality of the legislative product? Why or why not?
6. What factors contributed to, or detracted from, a positive collaboration between the LSB and other Justice or government groups? In your opinion, are there processes/practices that could improve how the LSB and these groups work together?

Legal Risk

7. Were any legal risks associated with the file identified? [*if yes*] Please describe this level of legal risk.
8. Did you propose any options to mitigate the legal risks associated with this file to the client? What were the results of discussions and proposals?

Efficiency

9. Do you believe the LSB's resource utilization was appropriate on this file, specifically with respect to a) the level of counsel assigned to the file? b) the existing workload of counsel assigned to the file? c) if applicable, the timeline for completion associated with the file?
10. Were there any other factors beyond your control that impacted on your ability to provide services efficiently? *[if yes]* Please describe.
11. Did you observe any duplication of work or redundancies associated with this file? *[if yes]*
Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

12. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the advisory process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Legislative Drafting Case Studies: DLSU Counsel

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in conjunction with other case file information. Any quotes used in the report will be selected to ensure that no individual is identifiable from these. Your individual answers will not be shared with the LSB. Identifying details of the files themselves will not be presented in the evaluation report.

The interview should take approximately one hour to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (file type, client department, etc).

Responsiveness of the Legislative Services Branch

2. What role did the legislation play in the achievement of the client department's policy objectives/priorities?

3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)
 - b) To what extent were the initial request and drafting instructions available in both official languages? Was the client able to provide equal support to both official languages throughout work on this file?
4. a) Did the client provide an explanation for how the client department's policy objectives with respect to the file fit with the client's legislative framework?
 - b) Was LSB staff understanding of and responsive to this explanation, and did the staff consider it in drafting the legislative product? Did the staff identify any potential challenges/issues with respect to how the policy objectives would fit with the legislative framework?
5. Were the client department's needs met, relative to the request made? How could the legislative drafting process have been improved (by the client, departmental legal service unit or the LSB, or all three) with respect to a) communications between the LSB, departmental legal service unit and the client, and b) clarity of instructions/request?

Collaboration and Consultation

6. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB, departmental legal services unit and clients work together?

Quality Assurance

7. Did the legislative product respect the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other relevant legal requirements?
8. Did the legislative product meet bilingual and bijural requirements?

Legal Risk

9. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
10. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
11. Were these discussions and proposals of assistance to client department in managing their legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

12. Do you believe the LSB's resource utilization was appropriate on this file?
13. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? *(Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work) [if yes]* Please describe.
14. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

15. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the legislative drafting process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Regulatory Drafting Case Studies: DLSU Counsel

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in conjunction with other case file information. Any quotes used in the report will be selected to ensure that no individual is identifiable from these. Your individual answers will not be shared with the LSB. Identifying details of the files themselves will not be presented in the evaluation report.

The interview should take approximately one hour to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (file type, client department, etc).

Responsiveness of the Legislative Services Branch

2. What role did the regulations play in the achievement of the client department's policy objectives/priorities?

3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)
 - b) To what extent were the initial request and drafting instructions available in both official languages? Was the client department able to provide equal support to both official languages throughout work on this file?
4. a) Did the client department provide an explanation for how the policy objectives of the file fit with the client's regulatory framework?
 - b) Was the LSB staff understanding of and responsive to this explanation, and did the staff consider it in drafting the legislative product? Did LSB staff identify any potential challenges/issues with respect to how the policy objectives would fit with the regulatory framework?
5. Were the client department's needs met, relative to the request made? How could the regulatory drafting process have been improved (by the client, departmental legal service unit or the LSB, or all three) with respect to a) communications between the LSB, departmental legal service unit and the client, and b) clarity of instructions/request?

Collaboration and Consultation

6. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB, departmental legal service units and clients work together?

Quality Assurance

7. Did the legislative product (regulations) respect the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other relevant legal requirements?
8. Did the legislative product (regulations) meet bilingual and bijural requirements?

Legal Risk

9. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
10. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
11. Were these discussions and proposals of assistance to the client department in managing their legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

12. Do you believe the LSB's resource utilization was appropriate on this file?
13. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? *(Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work) [if yes]* Please describe.
14. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

15. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the regulatory drafting process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Advisory Case Study: DLSU Counsel

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

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The interview should take approximately one hour to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (client department, nature of advice, etc).

Responsiveness of the Legislative Services Branch

2. What role did the advice play in the achievement of the client department's policy objectives/priorities?

3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)
4. Were your needs met, relative to the request made? How could the advisory process have been improved (by the client, the departmental legal service unit or the LSB, or all three) with respect to a) communications between the LSB, departmental legal service unit and the client, and b) clarity of instructions/request?

Collaboration and Consultation

5. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB and clients work together?

Legal Risk

6. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
7. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
8. Were these discussions and proposals of assistance to the client department in managing their legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

9. Do you believe the LSB's resource utilization was appropriate on this file?
10. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? (*Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work*) *[if yes]* Please describe.
11. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

12. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the advisory process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Legislative Drafting Case Studies: Clients

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

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We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (file type, client department, etc).

Responsiveness of the Legislative Services Branch

2. What role did the legislation play in the achievement of your department's policy objectives/priorities?
3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)

b) To what extent were the initial request and drafting instructions, as well as any further information provided, available in both official languages?
4. a) Did you provide an explanation for how your department's policy objectives with respect to the file fit with the legislative framework?

b) Was LSB staff understanding of and responsive to this explanation, and did the staff consider it in drafting the legislative product? Did the staff identify any potential challenges/issues with respect to how the policy objectives would fit with the legislative framework?
5. Were your department's needs met, relative to the request made? How could the legislative drafting process have been improved (by either the client or the LSB, or both) with respect to a) communications between the LSB and the client, and b) clarity of instructions/request?

Collaboration and Consultation

6. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB and clients work together?

Quality Assurance

7. Did the legislative product respect the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other relevant legal requirements?
8. Did the legislative product meet bilingual and bijural requirements?

Legal Risk

9. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
10. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
11. Were these discussions and proposals of assistance to you in managing your department's legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

12. Do you believe the LSB's resource utilization was appropriate on this file?
13. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? *(Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work) [if yes]* Please describe.
14. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

15. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the legislative drafting process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Regulatory Drafting Case Studies: Clients

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

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We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (file type, client department, etc).

Responsiveness of the Legislative Services Branch

2. What role did the regulations play in the achievement of your department's policy objectives/priorities?
3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)

b) To what extent were the initial request and drafting instructions, as well as any further information provided, available in both official languages?
4. a) Did you provide an explanation for how the policy objectives of the file fit with the regulatory framework?

b) Was the LSB staff understanding of and responsive to this explanation, and did the staff consider it in drafting the legislative product? Did LSB staff identify any potential challenges/issues with respect to how the policy objectives would fit with the regulatory framework?
5. Were your needs met, relative to the request made? How could the regulatory drafting process have been improved (by either the client or the LSB, or both) with respect to a) communications between the LSB and the client, and b) clarity of instructions/request?

Collaboration and Consultation

6. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB and clients work together?

Quality Assurance

7. Did the legislative product (regulations) respect the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other relevant legal requirements?
8. Did the legislative product (regulations) meet bilingual and bijural requirements?

Legal Risk

9. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
10. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
11. Were these discussions and proposals of assistance to you in managing your legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

12. Do you believe the LSB's resource utilization was appropriate on this file?
13. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? *(Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work) [if yes]* Please describe.
14. Did you observe any duplication of work or redundancies associated with this file? *[if yes]* Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

15. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the regulatory drafting process in the future.

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Advisory Case Study: Clients

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation process.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. This interview will inform one of five case studies about specific files that were opened during the last five years. The purpose of this interview is to be informed of your experience working on this file and to obtain your opinion on what worked well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in conjunction with other case file information. Any quotes used in the report will be selected to ensure that no individual is identifiable from these. Your individual answers will not be shared with the LSB. Identifying details of the files themselves will not be presented in the evaluation report.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe your role on this file as well as the nature of the file (client department, nature of advice, etc).

Responsiveness of the Legislative Services Branch

2. What role did the advice play in the achievement of your department's policy objectives/priorities?
3. a) Please describe the urgency of the initial request for LSB's services. How quickly did the LSB respond to the request for services? What factors could have affected their responsiveness? (*Prompts- nature of request, deadline/timelines, adequacy of drafting instructions, completeness of policy development*)
4. Were your needs met, relative to the request made? How could the advisory process have been improved (by either the client or the LSB, or both) with respect to a) communications between the LSB and the client, and b) clarity of instructions/request?

Collaboration and Consultation

5. How would you describe the working relationship between yourself and the LSB staff? What factors contributed to, or detracted from, a positive working relationship between yourself and the LSB? In your opinion, are there processes/practices that could improve how the LSB and clients work together?

Legal Risk

6. Were any legal risks associated with this file identified? *[if yes]* Please describe this level of legal risk.
7. Were any options proposed by LSB to mitigate the legal risks associated with this file? What were the results of discussions and proposals?
8. Were these discussions and proposals of assistance to you in managing your legal risks? *[if yes]* How? *[if not]* Why not?

Efficiency

9. Do you believe the LSB's resource utilization was appropriate on this file?
10. What results did the LSB's resource utilization (for example, workload of counsel assigned to the file, availability of revisers) have on the activities and outputs produced throughout the duration of this file?

11. Are you aware of any factors beyond the control of the LSB staff that impacted on the staff's ability to provide services efficiently? (*Prompt: developments/changes that occurred that created obstacles, delays or duplication of effort for LSB staff in completing the work*) [if yes] Please describe.
12. Did you observe any duplication of work or redundancies associated with this file? [if yes] Can you suggest ways that this work could have been completed more efficiently?

Best Practices and Lessons Learned

13. Please describe any best practices or lessons learned resulting from this file that could be applied to other similar files, or to any files in general, that would help to improve/streamline the advisory process in the future.

Appendix D:
Staff Survey Questionnaire

Justice Canada
Evaluation of the Legislative Services Branch:
Survey of Legislative Services Branch Staff

In which official language would you like to complete the questionnaire? / Dans quelle langue officielle voulez-vous répondre au questionnaire?

- English
- Français

The Department of Justice is conducting an evaluation of the **Legislative Services Branch (LSB)**. The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government.

Thank you for participating in a survey for the evaluation of the LSB. The purpose of this survey is to obtain information that will contribute to an assessment of the extent to which the LSB provides effective and responsive legal services to federal government departments and agencies.

In addition to this survey, the evaluation includes other lines of evidence, such as: a review of documents and data; key informant interviews with representatives from the Department of Justice and other federal departments and agencies; a file review; and case studies. Your response is very important to us.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the survey will be analysed in aggregate. Your individual answers will not be shared with the LSB.

The survey should take approximately 30 minutes to complete. We would appreciate your completing this survey by **[Date]**.

R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation. If you have questions about the survey, please contact Carole Chartrand of R.A. Malatest & Associates Ltd., at c.chartrand@malatest.com or at 613-688-1847, extension 103. For questions about the evaluation in general, you may communicate with Louise Grace of the Department of Justice Evaluation Division, at louise.grace@justice.gc.ca or at 613-946-7473.

Background

[Ask all]

1. When did you first join the Department of Justice?

1. Less than a year ago
2. Between 1 and 5 years ago
3. Between 6 and 10 years ago
4. More than 10 years ago

2. What is your classification level?

1. Counsel or Legislative Counsel (LA-1 and LA-2A)
2. Senior Counsel, General Counsel, or Senior General Counsel (LA-2B, LA-3)
3. Manager (LC)
4. Professional, non-counsel (EC)

**3. In which section or unit do you currently work?
(Please select ONE)**

1. Regulations Section
2. Legislation Section
3. Advisory and Development Services Section
4. Legislative Revision Services Group
5. Other

**4. As part of your work with the LSB, what services do you provide?
(Select all that apply)**

1. Drafting regulations
2. Drafting legislation
3. Advisory
4. Harmonization
5. Revision
6. Management

Requests and Instructions

5. In the past five years, please indicate if you have noticed a change in terms of each of the following: [1.1, 1.2, 5.1]

Request is defined as any request for legislative services

	Decreased	Remained the same	Increased	Unable to Assess
[ASK ALL]				
a) The overall volume of requests/files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The overall complexity of the requests/files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) The volume of requests/files involving more than one government department/ agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) The volume of requests/files involving both legislative and regulatory drafting at the same time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) The volume of requests/files with high profile issues/high media coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) The volume of requests/files with short timelines/deadlines for completion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) The volume of requests/files that involve Charter issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) The volume of requests/files that involve close collaboration with PCO or other central agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) The volume of requests/files that have economic/financial aspects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[ASK ONLY those involved in Regulations Drafting (Q4 = 1) or Q3= 1 AND Q4 = 6]				
j) The volume of requests/files with which a Regulatory Impact Analysis Statement (RIAS) is sent with the drafting instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) The volume of requests/files exempt from pre-publication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) The volume of requests/files that require significant changes be made prior to publication in the <i>Canada Gazette II</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[ASK ONLY those involved in Legislation Drafting (Q4 = 2) or Q3= 2 AND Q4 = 6]				
m) The volume of requests/files that involve enabling authority for subordinate instruments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) The volume of requests/files for which pre-drafting authority has been granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) The volume of requests/files with a significant number of motions to amend	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Ask all]

6. To what extent have changes to requests made of the LSB over the past five years affected the Branch’s ability to provide high quality service in response to those requests? [1.2]

	1 To no extent/ Not at all	2	3	4	5	6	7	8	9	10 To a great extent	Unable to assess
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. In your experience, to what extent do client requests include the following at the time they are made? [2.1, 5.1]

	1 To no extent/ Not at all	2	3	4	5	6	7	8	9	10 To a great extent/ Always	Not applicable
a) The necessary policy development to support the request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The background information (relevant legislation/ regulations, opinions, correspondence, etc.) to support the request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Information and instructions in both official languages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Overall adequate information to support the services requested from the LSB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drafting Process

[Ask only if Q4 = 1 or 2 or Q3= 1 or 2 AND Q4 = 6]

8. What is the average duration of the drafting project(s) in which you are involved? [2.1, 5.2]

1. 0-3 months
2. 4-7 months
3. 8-12 months
4. More than 12 months

9. To what extent do you agree with the following statements about the drafting process? [2.2, 5.1]

	1 Totally disagree	2	3	4	5	6	7	8	9	10 Totally agree	Not applicable
a) The current co-drafting model is effective	<input type="checkbox"/>										
b) File assignment within LSB is appropriate with respect to workload	<input type="checkbox"/>										
c) File assignment within LSB is appropriate with respect to experience	<input type="checkbox"/>										
d) Instructing officers designated by the client department are competent to review and comment in both official languages	<input type="checkbox"/>										
e) Instructing officers designated by the client department are able to give substantive advice on drafts	<input type="checkbox"/>										
f) Instructing officers being present in the drafting rooms while developing the draft is effective	<input type="checkbox"/>										
g) Drafting rooms are available when needed	<input type="checkbox"/>										
h) Drafting rooms are adequately equipped	<input type="checkbox"/>										

10. In your experience, to what extent do you have the opportunity for sufficient and timely consultation with the following groups to ensure quality and consistency in drafting products? [2.2, 2.4, 5.1]

Products are defined as Bills, regulations, and opinions

	1 Not at all	2	3	4	5	6	7	8	9	10 Always	Unable to assess
a) The client(s)	<input type="checkbox"/>										
b) Senior counsel, general counsel and senior general counsel from LSB	<input type="checkbox"/>										
c) Legislative counsel from a Regulations Section (excluding co-counsel)	<input type="checkbox"/>										
d) Legislative counsel from the Legislation Section (excluding co-counsel)	<input type="checkbox"/>										
e) Jurilinguists	<input type="checkbox"/>										
f) Revisors	<input type="checkbox"/>										
g) Bijuralists	<input type="checkbox"/>										
h) Advisory and Development Services Group	<input type="checkbox"/>										
i) Public Law Sector	<input type="checkbox"/>										
j) Litigation Branch	<input type="checkbox"/>										
k) Criminal Law Policy Section	<input type="checkbox"/>										
l) Other Justice sections	<input type="checkbox"/>										
m) DLSU Counsel	<input type="checkbox"/>										
n) Privy Council Office	<input type="checkbox"/>										
o) Other central agencies	<input type="checkbox"/>										

11. To what extent do any of the following factors present challenges to the Branch’s ability to meet client requests within reasonable timelines? [2.1]

	1 Not a factor at all	2	3	4	5	6	7	8	9	10 A very significant factor	Not applicable to my position
a) Deadlines requested by clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The completeness of information provided in the drafting instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Changes to drafting instructions over the course of a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) The completeness of information provided in the RIAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Changes in requests associated with the parliamentary calendar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Changes to the legislative priorities of government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Difficulties scheduling time with instructing officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Overall workload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) The workload of the Legislative Revision Services Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) The workload of the Advisory and Development Services Section	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) The level of re-drafting in response to input/comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) The involvement of multiple departments on a single file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) The level of legal consultation/ advisory services required on a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) The level of legal risk associated with a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) The level of media attention associated with a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Advisory Services

[Ask only if Q4 = 3 or 6]

12. How frequently do you provide services to requests from LSB staff on the following? [2.1]

	1 Never	2	3	4	5	6	7	8	9	10 Very frequently	Not applicable
a) Comparative law matters	<input type="checkbox"/>										
b) Advice on language matters	<input type="checkbox"/>										
c) Instrument choice	<input type="checkbox"/>										
d) Incorporation by reference	<input type="checkbox"/>										
e) Interpretation of legislative text	<input type="checkbox"/>										
f) Enabling authority	<input type="checkbox"/>										
g) Review of legal precedents	<input type="checkbox"/>										

13. How frequently do you provide the following services to external clients? [2.1]

	1 Never	2	3	4	5	6	7	8	9	10 Daily	Not applicabl e
a) Legal advice	<input type="checkbox"/>										
b) Advice on language matters	<input type="checkbox"/>										
c) Instrument choice	<input type="checkbox"/>										
d) Incorporation by reference	<input type="checkbox"/>										
e) Interpretation of legislative text	<input type="checkbox"/>										
f) Review of legal precedents	<input type="checkbox"/>										
g) Review of facta/affidavits	<input type="checkbox"/>										
h) Advice respecting enabling authority	<input type="checkbox"/>										

**14. In your experience, to what extent do you have the opportunity for sufficient and timely consultation with the following groups to ensure quality and consistency in advisory services?
[2.2, 2.4, 5.1]**

	1 Not at all	2	3	4	5	6	7	8	9	10 Always	Unable to assess
a) The client	<input type="checkbox"/>										
b) Senior counsel, general counsel and senior general counsel from LSB	<input type="checkbox"/>										
c) Legislative counsel from a Regulations Section	<input type="checkbox"/>										
d) Legislative counsel from the Legislation Section	<input type="checkbox"/>										
e) Jurilinguists	<input type="checkbox"/>										
f) Revisors	<input type="checkbox"/>										
g) Bijuralists	<input type="checkbox"/>										
h) Public Law Sector	<input type="checkbox"/>										
i) Litigation Branch	<input type="checkbox"/>										
j) Criminal Law Policy Section	<input type="checkbox"/>										
k) Other Justice sections	<input type="checkbox"/>										
l) DLSU counsel	<input type="checkbox"/>										
m) Privy Council Office	<input type="checkbox"/>										
n) Other central agencies	<input type="checkbox"/>										

15. To what extent do any of the following factors present challenges to the Branch’s ability to meet client requests for advisory services within reasonable timelines? [2.1]

	1 Not a factor at all	2	3	4	5	6	7	8	9	10 A very significant factor	Not applicabl e to my position
a) Deadlines requested by clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The completeness of information provided in the request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Changes to the request over the course of a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Difficulties scheduling time with client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Overall workload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) The workload of the Legislative Revision Services Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) The workload of the Legislation Section	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) The workload of the Regulations Sections	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) The amount of re-drafting required in response to input/comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) The amount of legal consultation required on a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) A high level of legal risk associated with a file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tools and Resources

[Ask all]

16. In your opinion, how useful are the following tools for ensuring consistency in the drafting process and legislative products? [2.4, 3.1]

	1 Not at all useful	2	3	4	5	6	7	8	9	10 Extremely useful	Unable to assess
a) Legislation Deskbook	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Regulations Manual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Other drafting guides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) CYBERLEX	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) EPIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Bijurilex.ca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Laws website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Termium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. In your opinion, do you have sufficient/appropriate information technology and support available to do your work effectively and efficiently? [5.4]

- Yes
- No
- Unable to assess

18. In your opinion, are there other tools that would improve your work? [2.4, 3.1, 5.1]

- Yes (specify): _____
- No
- Unable to assess

19. In your opinion, is there evidence of any duplication of effort in LSB services? [5.1]

- Yes (specify): _____
- No
- Unable to assess

20. Have you noticed any gaps or shortcomings in LSB services? [5.1]

- Yes (specify): _____
- No
- Unable to assess

Training

[Ask all]

21. Over the past five years, have you received any LSB training in any of the following areas? [2.4]

	Yes	No	Unable to Assess/ Do not remember
a) Legislative drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Legislative process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Regulatory process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Substantive law issues (ex. user fees, bijuralism)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. When did the most recent LSB training you received take place? [2.4]

1. Within the last 12 months
2. Between 1 year and 5 years ago
3. More than 5 years ago
4. I have never received training [Go to Q24]

23. To what extent do you agree with the following statements about LSB training? [2.4]

	1 Strongly disagree	2	3	4	5	6	7	8	9	10 Strongly agree	Not applicable
a) The internal training I received was relevant to my work.	<input type="checkbox"/>										
b) There is a need for additional internal training on legislative drafting.	<input type="checkbox"/>										
c) There is a need for additional internal training on interpretation of legislative texts.	<input type="checkbox"/>										

	1 Strongly disagree	2	3	4	5	6	7	8	9	10 Strongly agree	Not applicable
d) There is a need for additional internal training on the legislative process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) There is a need for additional internal training on the regulatory process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) The frequency of the internal training provided by LSB is adequate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Are there areas in which you would like to receive additional training? [2.4]

1. Yes. (specify): _____
2. No

25. a) Have you ever provided LSB training to persons outside the LSB?

1. Yes
2. No [Go to Q27]

b) When did you last provide LSB training? [2.4]

1. Within the last 12 months
2. Between 1 year and 5 years ago
3. More than 5 years ago

c) To whom did you provide training? [2.4]

(Select all that apply)

1. Other Justice staff
2. External clients

26. Please select the topic area(s) that you have provided to other government personnel? [2.4]

	Yes	No	Unable to Assess/ Do not remember
a) Legislative drafting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Interpretation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Legislative process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Regulatory process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Substantive law issues (ex. user fees, bijuralism)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. Do you have any further comments you would like to add?

- Yes (specify)
- No further comments

Thank you for taking the time to complete this survey.

Appendix E:
Client Survey Questionnaire

Justice Canada
Evaluation of the Legislative Services Branch:
Client Survey

In which official language would you like to complete the questionnaire? / Dans quelle langue officielle voulez-vous répondre au questionnaire?

- English
- Français

Introduction

The Department of Justice is conducting an evaluation of the **Legislative Services Branch (LSB)**. The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government.

Thank you for participating in a survey for the evaluation of the LSB. The purpose of this survey is to obtain information on your perspectives and experiences with the services provided by the LSB, including legislative and regulatory drafting services.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the survey will be analysed in aggregate. Your individual answers will not be shared with the LSB.

The survey should take approximately 15 minutes to complete. We would appreciate your completing this survey by [Date].

R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation. If you have questions about the survey, please contact Carole Chartrand of R.A. Malatest & Associates Ltd., at c.chartrand@malatest.com or at 613-688-1847, extension 103. For questions about the evaluation in general, you may communicate with Louise Grace of the Department of Justice Evaluation Division, at louise.grace@justice.gc.ca or at 613-946-7473.

1. When was the last time you received services from LSB?

- Within the past year
- Between 1 and 2 years ago
- Between 2 and 3 years ago
- Between 3 and 5 years ago
- More than five years ago [**thank and end survey**]

2. What type of service(s) have you received from LSB in the past five years? (Please check all that apply) [1.1]

- Legislative Drafting Services (Ask Q4 to Q6)
- Regulatory Drafting Services (Ask Q7 to Q11)

3. Are there any other services that you would need from LSB that are not currently available? [1.1,1.2]

- Yes. Please describe: _____
- No other services needed
- Unable to assess

LEGISLATIVE (BILL) DRAFTING SERVICES

[Ask Q4-Q6 of those who selected Legislative Drafting Services in Q2]

4. Approximately how many legislative drafting projects (Bills) have you been involved in over the past five years? [1.2, 5.2]

- 1 to 3
- 4 to 7
- 8 to 12
- More than 12
- Unable to assess

5. On average, what was the duration of the legislative drafting projects (Bills) you have been involved with? [2.1, 5.2]

- 0-3 months
- 4-7 months
- 8-12 months
- More than 12 months
- Unable to assess

6. The following questions assess your level of satisfaction with various aspects of the services provided to you. Please rate your level of agreement with the following aspects of the legislative (Bill) drafting services that LSB provided you in the past five years.

To what extent do you agree that the LSB ...

	1 Totally Disagree	2	3	4	5	6	7	8	9	10 Totally Agree	Not applicable
a) responded in a timely manner to requests for legislative drafting services [5.2]	<input type="checkbox"/>										
b) worked to establish mutually acceptable deadline(s) [2.1; 5.2]	<input type="checkbox"/>										
c) met mutually acceptable deadline(s) [2.1; 5.2]	<input type="checkbox"/>										
d) fully understood the nature of the problem/issue for which you received assistance [2.1]	<input type="checkbox"/>										
e) sought your expectations regarding the desired policy outcomes of the legislative drafting [2.1]	<input type="checkbox"/>										
f) advised you of issues/developments which may impact your department/ agency, if applicable [2.1]	<input type="checkbox"/>										
g) regularly provided informative progress reports or ongoing feedback about the status of your request for services [2.1]	<input type="checkbox"/>										
h) identified potential legal risks related to the legislative drafting work, if applicable [3.3]	<input type="checkbox"/>										
i) involved you in the review/development of legal options to mitigate identified legal risks, if applicable [3.3]	<input type="checkbox"/>										
j) proposed appropriate solutions for legal and drafting issues raised, if applicable [2.3]	<input type="checkbox"/>										

	1 Totally Disagree	2	3	4	5	6	7	8	9	10 Totally Agree	Not applicable
k) provided options (e.g., instrument, alternatives) appropriate to your policy and program objectives, if applicable [2.1,2.2]	<input type="checkbox"/>										
l) provided high-quality legislative drafting services overall [1.1]	<input type="checkbox"/>										

REGULATORY DRAFTING SERVICES

[Ask Q7-Q11 of those who selected Regulatory Drafting Services in Q2]

7. How many regulatory drafting projects have you been involved in over the past five years? [1.2, 5.2]

- 1 to 3
- 4 to 7
- 8 to 12
- More than 12
- Unable to assess

8. On average, what was the duration of the regulatory drafting project(s) you have been involved with? [2.1, 5.2]

- 0-3 months
- 4-7 months
- 8-12 months
- More than 12 months
- Unable to assess

9. What sections of the Drafting and Advisory Services Group have provided you with LSB regulatory drafting services? (Please check all that apply)

- Headquarters Regulations Section
- Transport Canada Regulations Section
- Health Canada Regulations Section
- National Defence Canada Regulations Section
- Environment Canada Regulations Section

**10. What section or unit provided you with the majority of your LSB regulatory drafting services?
(Please check one only and respond to the rest of this section based on the response you have checked)**

- Headquarters Regulations Section
- Transport Canada Regulations Section
- Health Canada Regulations Section
- National Defence Regulations Section
- Environment Canada Regulations Section

11. The following questions assess your level of satisfaction with various aspects of the services provided to you. Please rate your level of agreement with the following aspects of the regulatory drafting services that you were provided in the past five years.

To what extent do you agree that the LSB ...

	1 Totally Disagree	2	3	4	5	6	7	8	9	10 Totally Agree	Not applicable
a) responded in a timely manner to requests for regulatory drafting services [5.2]	<input type="checkbox"/>										
b) worked to establish mutually acceptable deadline(s) [2.1, 5.2]	<input type="checkbox"/>										
c) met mutually acceptable deadline(s) [2.1, 5.2]	<input type="checkbox"/>										
d) fully understood the nature of the problem/ issue for which you received assistance [2.1]	<input type="checkbox"/>										
e) sought your expectations regarding the desired policy outcomes of the regulatory drafting [2.1]	<input type="checkbox"/>										
f) advised you on issues/developments which may impact your department/ agency, if applicable [2.1]	<input type="checkbox"/>										
g) regularly provided informative progress reports or ongoing feedback about the status of your request for services [2.1]	<input type="checkbox"/>										

	1 Totally Disagree	2	3	4	5	6	7	8	9	10 Totally Agree	Not applicable
h) identified potential legal risks related to the regulatory drafting work, if applicable [3.3]	<input type="checkbox"/>										
i) involved you in the review/development of legal options to mitigate identified legal risks, if applicable [3.3]	<input type="checkbox"/>										
j) proposed appropriate solutions for legal and drafting issues raised, if applicable [2.3]	<input type="checkbox"/>										
k) provided options (e.g., instrument, alternatives) appropriate to your policy and program objectives, if applicable [2.1, 2.2]	<input type="checkbox"/>										
l) provided high-quality regulatory drafting services overall [1.1]	<input type="checkbox"/>										

Overall Considerations

[Ask All]

12. Please rate your overall level of satisfaction with the following aspects of the legislative products or services you were provided.

	1 Not at all satisfied	2	3	4	5	6	7	8	9	10 Completely Satisfied	Not applicabl e
a) Accessibility of legislative products and services in the official language of your choice [2.2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Provision of legislative products in formats that are easy to access [2.2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Consistency of the advice and legislative products provided [2.1]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Clarity of the legislative texts drafted [2.2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) LSB's capacity to respond to requests [1.1, 5.2]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. How would you rate your knowledge of the LSB service standards? [2.3]

- Very Good
- Good
- Fair
- Poor
- Unable to assess

14. Please rate your level of understanding of your department's/agency's legal risks as related to its legislation and/or regulations (i.e., likelihood of adverse outcome). [3.3]

- Very Good
- Good
- Fair
- Poor
- Unable to assess

15. How would you qualify your own awareness of legislative principles, processes and options? [2.3]

- Very Good
- Good
- Fair
- Poor
- Unable to assess

16. Have you taken part in any training provided by the LSB with respect to increasing awareness and understanding of legislative principles, processes and options? [2.3, 2.4]

- Yes
- No

17. [If Yes] How would you qualify this training in terms of content, relevance and clarity? Please rate. [2.3, 2.4]

	Poor	Fair	Good	Very Good	Unable to Assess
a) Content	<input type="checkbox"/>				
b) Relevance	<input type="checkbox"/>				
c) Clarity	<input type="checkbox"/>				

18. In your opinion, what, if any, obstacles present a challenge to obtaining LSB legal services?

(Please check all that apply) [5.2]

- Managerial approval
- Cost concerns
- Timeline concerns
- Accessibility concerns
- No obstacles
- Unable to assess
- Other (specify): _____

19. Do you have any further comments you would like to add?

- Yes (specify):
- No further comments

Thank you for taking the time to complete this survey.

Appendix F:
Key Informant Interview Questionnaires

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Legislative Services Branch Managers

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. The purpose of this interview is to be informed of your experience as a manager of the LSB and to obtain your opinion on what is working well and what could be improved.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analyzed in aggregate. Any quotes used in the report will be selected to ensure that no individual is identifiable from the quote. Your individual answers will not be shared with the LSB.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential to a case you were involved in or know about.

The interview should take approximately one hour to complete. Do you have any questions before we begin?

Introduction

Please describe your current role/position and responsibilities within the LSB.

Contribution to Canada's Legislative Framework

1. What methods does the LSB use to create legislation that is responsive to federal government policy directions? In what ways is it/is it not responsive? Are the methods available sufficient? Are there circumstances where one approach/method is better than others? [1.1, 2.1, 4.1]
2. To what extent has the LSB contributed to the creation of federal legislation that is accessible to Canadians? How does the LSB ensure that drafted legislation is easily accessible? In what format(s) can drafted legislation be accessed? [2.2, 4.2]
3. How has the LSB contributed to streamlining regulations over the past five years? Please explain. [2.1, 4.2]
4. In what ways has the LSB contributed to a bilingual and bijural federal legislative framework? [3.1]
5. How has the LSB worked with federal government departments and agencies to assist them in managing their legal risks? (*Prompts: identifying legal risks, proposing options, providing advice on instrument choice*) In general, how successful have these efforts been in managing legal risks? [3.3]

Requests for Services

6. Have you noticed any changes in the nature of requests for services from LSB in the past five years? For example, have there been changes in the volume or type of legal issues, the complexity and/or urgency of the requests being made, the legal risk level, or any other characteristics? [*if yes*] How has the demand changed? What are the implications of these changes for the LSB? [1.2]
7. Over the past five years, what measures have been taken in response to changes in demand that have helped increase LSB output given the resources available? Have these measures been effective? Please explain what has or has not been effective and what else could be done to better meet demand (with the same level of resources). [5.1, 5.2]

8. Is the LSB's capacity to deliver services sufficient given current and expected demand for its services? For example, is staff able to complete assigned work within reasonable timelines and meet deadlines mutually agreed upon with clients? *[if not]* What is hindering the staff's ability to do so? [5.1, 5.2]
9. Is the LSB able to meet the various types of requests made by clients? Are there any apparent or emerging gaps in LSB services? [3.2]
10. Are the resources available within the LSB sufficient to complete the tasks required of the Branch, both in terms of quality and quantity? *[if not]* What additional resources are required in order for the LSB to complete its tasks? [5.1, 5.2]

Quality Assurance

11. Does the LSB have the capacity to draft legislation that meets bilingual and bijural requirements? What measures are in place to ensure that legislation drafted meets bilingual and bijural requirements? [2.1, 4.2]
12. Please describe the measures taken within the LSB to ensure that the legislation it drafts respects the *Constitution Act*, the *Canadian Charter of Rights and Freedoms*, and other legal requirements. In your experience, are these measures adequate? *[if not]* Can you suggest how these measures could be improved or strengthened? [3.1]
13. Are you satisfied with the quality assurance measures in place within the LSB [*Probes: revision services, jurilinguistic revision services, bijural review services, guidebooks, etc.*]? Are they sufficient to ensure the creation of consistent legislative products? (For example the Justice Laws website and Bijurilex, drafting manuals etc.) [2.1, 2.4]
14. Are there ways that you think the clarity of the products of the LSB could be improved? [2.2]
15. To what extent has the LSB enhanced its capacity (skills, tools, information) to deliver consistent federal legal and legislative products? What was the nature of the capacity building efforts? [2.3, 2.4]

Efficiency and Economy

16. Has the LSB's resource utilization been appropriate, in relation to the resources allocated, activities and outputs produced, and demands for services? [5.1]

17. Have you observed any duplication of work or redundancies within the LSB? *[if yes]* How could this work be completed more efficiently? [5.1]
18. To what extent does the LSB coordinate/integrate its activities in order to increase efficiency? Do you feel these efforts are sufficient to achieve desired results? *[if not]* Can you suggest how coordination could be improved within the LSB? [5.3]
19. Does the LSB have the necessary technology in place to help staff complete the work? What have been the effects (positive or negative) of the level of technology adopted by the LSB on your work? [5.4]
20. Is the mixed financial model utilized by the LSB appropriate and sufficient to meet current and future demand for legislative services? Is A-base funding sufficient to adequately discharge the Minister's responsibilities? *[if not]* What alternatives are there to cover demand? [5.5]
21. Can you identify ways of making your work, and more generally the work of the LSB, more efficient? [5.6]

Do you have any further questions or anything you would like to add to this interview?

Thank you for participating in this interview!

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Legislative Services Branch Clients

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. The purpose of this interview is to obtain information about your experiences with and your perspectives of the services provided by the LSB.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analysed in aggregate. Any quotes used in the report will be selected to ensure that no individual is identifiable from the quote. Your individual answers will not be shared with the LSB.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential to a case you were involved in or know about; rather, focus on your work experiences with the LSB.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Introduction

1. Please describe the kinds of projects you have worked on with the LSB. What were your role and responsibilities when working on these projects?

Drafting Needs and Services

2. Over the past five years, have the services of the LSB aligned with the drafting needs of your department/agency? Please describe what the legislative and regulatory drafting needs of your department/agency have been and the extent to which they have been met, or not, by the LSB. [1.1]
3. Have you noticed any changes in the nature of requests made by your department/agency for the services of the LSB in the past five years? For example, have there been changes in the volume or type of legal issues, the complexity and/or urgency of the requests being made, the legal risk level, or any other characteristics? *[if yes]* How has the demand changed? Do you foresee any impending changes in demand or the types of requests that may affect the LSB's capacity to work within the given timelines? [1.2, 5.5]
4. Has the LSB been able to meet the requests made by your department/agency? Do they provide your department/agency with options appropriate to your policy and program objectives on different instruments to achieve your objectives? [2.1]
5. How has the work of the LSB contributed to a bilingual and bijural legislative framework? Please explain. Are the French and English versions of legislative products equivalent? [3.1]
6. How has the LSB worked with your department/agency to assist you in managing your legal risks? (*Prompts: identifying legal risks, proposing options to mitigate the risks identified, providing advice on instrument choice*) [3.2]

Quality

7. Does the LSB work to establish, and complete work within, agreed-upon timelines? If not, please describe the situation and any factors that may have interfered. [5.2]
8. Are the legislative texts (bills and regulations) drafted by the LSB clear and understandable to those in your department/agency who access it? Please describe what makes it clear or unclear. [2.2]
9. Are you satisfied with the quality assurance measures in place within the LSB (e.g., skills, tools, processes)? Are they sufficient to ensure the creation of consistent legislative products? (For example the Justice Laws website and Bijurilex, drafting manuals etc.) [2.4]

10. Overall, are you satisfied with the quality and consistency of the work the LSB has provided to your department/agency over the past five years? Please explain. [2.4]

Capacity Building

11. What steps has the LSB taken with your department/agency to increase awareness of the federal legislation, processes and options relevant to your work? (*Probes: e.g., instrument choice or alternative to using legislation or regulations to achieve your departmental objective*) [2.3]

12. Have you participated in any training activities offered by the LSB within the past five years? [*if yes*] What type of training did you receive? Were you satisfied with this training? Was it relevant to your work? [2.4]

13. Have there been any training or information sessions that deal with legislative principles such as rule of law and consistency of language offered by the LSB? [*if yes*] Have training efforts been sufficient in this regard? Are there areas where more could be done to enhance awareness and understanding of legislative principles? [2.3]

Do you have any further questions or anything you would like to add to this interview?

Thank you for participating in this interview!

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Legislative Services Branch Partners
(Privy Council Office, Treasury Board Secretariat, Justice)

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analysed in aggregate. Any quotes used in the report will be selected to ensure that no individual is identifiable from the quote. Your individual answers will not be shared with the LSB.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential to a case you were involved in or know about; rather, focus on your work experiences with the LSB.

The interview should take approximately 45 minutes to complete. Do you have any questions before we begin?

Background

1. Please describe your current role/position and responsibilities, specifically as they relate to working with the LSB. In what respects have you worked with the LSB over the past five years (*e.g., seeking or providing advice; what type of advice; policy development; review; consultation*)?

2. In what ways does the LSB coordinate/integrate its activities with those of your department/unit (or vice versa)? Can you suggest ways that coordination could be improved? [5.3, 5.6]

Relevance

3. In your opinion, to what extent do the services of the LSB meet the needs of the government of Canada in terms of drafting legislation and regulations, and policy development? Is there anything you are aware of that would require the LSB to change the way it provides legal services? [1.1]
4. a) Have there been any changes to the nature or volume of requests being made of LSB by your unit/department over the past five years? (*if yes*) What kinds of changes have you noticed?

b) Have the required timeframes for completing requests changed? [1.2, 1.3]
[PCO - files with pre-drafting authority]

c) Have the changes to the nature or volume of requests affected the working relationship with LSB in any way? [1.2, 1.3]

d) Do you anticipate any changes in the demand for LSB services emerging over the next two to three years? [*if yes*] To your knowledge, will LSB have sufficient resources to address these changes? [1.2, 5.2]

Direct Outcomes

5. To what extent and in what ways has the LSB contributed to the creation of federal legislation that is accessible to federal government clients? To Canadians in general? [2.2, 4.2]
6. To what extent is the drafting process responsive to your needs as a partner? [*Probe: meeting deadlines*] [2.1, 4.1]
7. In what ways do LSB legislative products contribute to federal policy directions? [2.1]

Intermediate Outcomes

8. a) [*Do not ask JUS*] To what extent has the LSB helped your department/unit address legal risks? Could the LSB do more in this regard? If so, in what way? [3.3]
- b) [*Ask ALL*] To what extent/in what ways has your department/unit assisted LSB in identifying and/or resolving legal challenges or potential legal issues?

Do you have any further questions or anything you would like to add to this interview?

Thank you for participating in this interview!

Justice Canada
Evaluation of the Legislative Services Branch
Key Informant Interview Guide for Other (non-governmental) Groups

Date:	Time:
Name:	Title:
Relationship to Branch:	Telephone Number:

The Department of Justice is conducting an evaluation of the Legislative Services Branch (LSB). The purpose of the evaluation is to assess the extent to which the LSB provides relevant and effective legislative and regulatory drafting services to the federal government. R.A. Malatest & Associates Ltd., a professional research firm, was hired by the Department to assist with the evaluation.

Thank you for agreeing to participate in an interview for the evaluation of the LSB. The purpose of this interview is to obtain information about your perspective on the products developed by the LSB.

Your participation is completely voluntary. Your identity will not be attached to your individual responses. Responses from the interviews will be analysed in aggregate. Any quotes used in the report will be selected to ensure that no individual is identifiable from the quote. Your individual answers will not be shared with the LSB.

We would like to remind you to be mindful of solicitor-client privilege when responding to questions or using examples. Please avoid sharing details of any information that you think might be confidential to a case you were involved in or know about.

The interview should take approximately 15 minutes to complete. Do you have any questions before we begin?

Questions

1. Please describe the legislative products of the LSB that you have accessed/used over the past five years (*Prompts: regulations, legislation, Justice website*)?
2. In your experience, do you consider the legislation/regulations drafted by the LSB to be appropriately accessible? [2.2]

3. Have you used the Justice Laws website? *[if yes]* Do you find the website useful in terms of its contents? Is it kept current? Is it easy to navigate/find what you are looking for? [2.2]
4. Are the federal legislative products clear and consistent in terms of:
 - a) language use within the products themselves (French and/or English)?
 - b) language use between the French and English versions? [2.2]
5. Are the federal legislative products clear and consistent in terms of the law? (common law, civil law, or both--please specify) [2.2]
6. How well would you say the legislation and regulations produced by the LSB respect Canada's bijural legal tradition of common law and civil law? Please comment based on the tradition(s) that you work within or are familiar with. [2.2]

Do you have any questions or anything you would like to add to this interview?

Thank you for participating in this interview!