Outline

• Role of Legislative Counsel in the Rules as Code Discovery Pilot Project
• Benefits of the Pilot Project
• Issues for Legislative Counsel
• Looking Ahead
Role of Legislative Counsel in the Rules as Code Discovery Pilot Project

- There are currently no Department of Justice policies regarding rules as code at this stage
- Challenge function
- Observation of and participation in the process
- Access to the final product (user interface)
Benefits of the Pilot Project

- Understand the process
- Challenge the policy and test the logic
- Coded version of the legislative text and validation of a proof of concept prototype
- Parties regulated by rules as code have improved accessibility to the rule of law
Issues for Legislative Counsel

During Pilot Project

• Existing legislative text rather than drafting a new legislative text
• Minimal challenge of policy
• Coding completed by third party
• Problems accessing the user application testing environment
Issues for Legislative Counsel (cont’d)

During Future Projects

• Impact of coding on policy development and drafting
• Who will Code
• When would encoded version be available to the public
• What tool will be used
Issues for Legislative Counsel (cont’d)

During Future Projects (cont’d)

• Status of the Code
  • Is conferring legal status to codified rules an option?
    Legitimate expectations – who is liable when coding goes wrong?
    Will Canada produce trilingual laws (co-drafting in code)?

• Other considerations
  • Incorporation by reference
  • Cabinet confidentiality
  • Parliamentary scrutiny and privilege
Looking Ahead

• Continue to participate in Rules as Code projects in the near future
• Continue to partner with the Canada School of Public Service and Support clients in their adventure to gain more Rules as Code knowledge
• Share legislative counsel’s perspective with the multi-disciplinary team
• Share our newly gained knowledge with other legislative counsel
• Engage decision-makers to shape new drafting processes