



Rules as Code Legislative Counsel's Perspective

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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