

LEGISLATIVE DRAFTING CONFERENCE

(Participation at this conference is accredited in provinces where CLE requirements for lawyers are mandatory)

The New Legislative Counsel:
At the Intersection of Law,
Policy and Politics

September 12-13, 2016
Shaw Centre, Room 205/207
55 Colonel By Drive, Ottawa

Overview:

The theme of the conference is the "new legislative counsel". It will begin by considering new political realities that have altered not only the policy content of legislation, but also the way it is developed and prepared, and indeed its political significance as a tool of government. Consideration will also be given to how the media and communications now affect the preparation and enactment of legislation.

The conference will then turn to the role of legislative counsel and how they can equip themselves to work in this new environment. It will include practical sessions focusing on the use of legislative precedents and technological innovations in drafting.



Topics include:

- Political Perspectives
- Communications Perspectives
- The Pull of Precedent
- The Roles of Legislative Counsel
- Technology and Drafting

Planning Committee:

Ms. Annette Boucher, Mr. Jean-François Couture, Mr. Richard Denis,
Mr. Philippe Dufresne, Ms. Janet Erasmus Q.C., Mr. Philippe Hallée,
Ms. Laura Hopkins, Mr. John Mark Keyes, Ms. Barbara Kincaid, Mr. Hoi Kong,
Ms. Melanie Mortensen, Ms. Pamela Muir, Mr. Peter Pagano Q.C.,
Mr. Michel Patrice and Mr. Mark Spakowski

LEGISLATIVE DRAFTING CONFERENCE

The New Legislative Counsel: At the Intersection of Law, Policy and Politics

Monday, September 12, 2016

8:00 – 8:30 am **Registration and Continental Breakfast**

8:30 – 8:35 am **Opening Remarks**

Co-Chairs

- Mr. Jean-François Couture, Secrétariat à la législation, Conseil exécutif, Québec
- Ms. Melanie Mortensen, Legislative Counsel, British Columbia

8:35 – 9:15 am **What's Happened to Law-making in the Current Political Climate**

| The current state of politics in Canada and the implications for law-making.

Presenter

- Mr. Mark Spakowski, Chief Legislative Counsel, Ontario

Speaker

- The Hon. Bob Rae, 21st Premier of Ontario, Senior partner at OKT

9:15 – 10:30 am **Politicians, Public Servants and Legislation**

| How do ministers and their political staff view public servants in the legislative process? What is the role of public servants? This panel will consider these questions and how political-public service relationships have evolved.

Chair

- Mr. Philippe Dufresne, Law Clerk and Parliamentary Counsel, House of Commons

Speakers

- Mr. Morris Rosenberg, President and Chief Executive Officer, Pierre Elliott Trudeau Foundation and former Deputy Minister, Government of Canada
- The Hon. Graham Steele, author, political analyst, Dalhousie law lecturer and former Nova Scotia Cabinet Minister

10:30 – 11:00 am

BREAK

11:00 am – Noon **Communications Perspectives on Law-making**

| This panel will consider the media and communications context for legislation and its influence on the formulation of public policy and its transformation into law.

Chair

- Mr. Mark Spakowski, Chief Legislative Counsel, Ontario

Speakers

- Ms. Kady O'Malley, journalist, *Ottawa Citizen*
- Mr. Alan Freeman, Honorary Senior Fellow, University of Ottawa's Graduate School of Public and International Affairs; weekly columnist, iPolitics.ca

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Noon – 1:00 pm

LUNCH

1:00 – 2:00 pm

The Pull of Precedent (Introduction)

This session will introduce a workshop on drafting legislation based on precedents from other jurisdictions. The workshop will focus on driverless car legislation from the US.

Chair

- Professor John Mark Keyes, University of Ottawa

Speakers

- Professor Ian Kerr, University of Ottawa
- Professor Mistrale Goudreau, University of Ottawa

2:00 – 3:30 pm

The Pull of Precedent (Workshop in three groups: English, French, bilingual)

The groups will explore how legislative counsel should respond to instructions to use the driverless car legislation to draft legislation for their own jurisdictions.

Group Facilitators

- Mr. Éric Pierre Boucher, Legislative Counsel, New Brunswick
- Mr. Jean-François Couture, Secrétariat à la législation, Conseil exécutif, Québec
- Ms. Janet Erasmus, QC, Senior Legislative Counsel, British Columbia
- Mr. John Le Garignon, Former Legislative Counsel, Justice Canada
- Ms. Melanie Mortensen, Legislative Counsel, British Columbia
- Professor John Mark Keyes, University of Ottawa

3:30 – 4:00 pm

BREAK

4:00 – 5:00 pm

The Pull of Precedent (Plenary Discussion)

Results of the group discussions and the panelists' conclusions.

Chair

- Professor John Mark Keyes, University of Ottawa

Speakers

- Professor Ian Kerr, University of Ottawa
- Professor Mistrale Goudreau, University of Ottawa

5:30 – 7:30 pm

RECEPTION AT THE SUPREME COURT OF CANADA

LEGISLATIVE DRAFTING CONFERENCE

The New Legislative Counsel: At the Intersection of Law, Policy and Politics

Tuesday, September 13, 2016

8:00 – 8:45 am **Registration and Continental Breakfast**

8:45 – 9:45 am **Technology and Drafting**

This panel will look at technological innovations affecting legislative drafting.

Chair • Professor Hoi Kong, Associate Professor and Associate Dean,
McGill University

Speakers • Mr. Tarik Nesh-Nash, Founder and CEO, GovRight and Software
Centre, Director of Research Center 'ICT4Dev'
• Ms. Jasmine Lee, Oracle Policy Automation Specialist,
Oracle Applications

9:45 – 10:15 am **BREAK**

10:15 – 12:15 pm **Roles of Legislative Counsel – What Else Is New?**

This panel will explore the new role of legislative counsel and how they can equip themselves to work in the changing environment described in the previous panels. It will include consideration of the impacts of time constraints for developing legislation, loss of experienced drafters through retirement, diminished capacity for policy development, changing expectations about involvement in developing legislation and the role of indigenous people (First Nations) in these processes.

Chair • Mr. Philippe Hallée, Chief Legislative Counsel, Justice Canada

Speakers • Professor Sean Kealy, Boston University
• Mr. Lawrence Purdy, Barrister and Solicitor
• Mr. Richard Denis, Deputy Law Clerk and Parliamentary Counsel,
House of Commons

12:15 – 1:30 pm **LUNCH**

1:30 – 2:00 pm **Directing Traffic at the Intersection of Law, Policy and Politics
(Plenary Discussion)**

The following workshop will focus on developing a checklist of drafting best practices and tips to help legislative counsel fulfill their role in the changing environment explored by the

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The New Legislative Counsel: At the Intersection of Law, Policy and Politics

previous panelists. It will include a case scenario involving Aboriginal government and group discussion related to the development of legislation in a complex, time-sensitive, multi-stakeholder context.

Chair

- Ms. Pamela Muir, Assistant Deputy Minister and Deputy Cabinet Secretary, Executive Council Office, Yukon

Speaker

- Ms. Julie Lynn Blackhawk, Senior Counsel, Aboriginal Affairs Portfolio, Justice Canada, Ottawa

2:00 – 3:30 pm **Directing Traffic at the Intersection of Law, Policy and Politics**
(Workshop in three groups: English, French, bilingual)

Group Facilitators

- Ms. Annette Boucher, Legislative Counsel, Nova Scotia
- Ms. Nathalie Caron, Legislative Counsel, Office of the Law Clerk and Parliamentary Counsel, House of Commons, Ottawa
- Mr. Jean-François Couture, Secrétariat à la législation, Conseil exécutif, Québec
- Ms. Laura Hopkins, Legislative Counsel, Ontario
- Ms. Wendy Gordon, Director, Legislation Section, Office of the Law Clerk and Parliamentary Counsel, House of Commons, Ottawa
- Ms. Pamela Muir, Assistant Deputy Minister and Deputy Cabinet Secretary, Executive Council Office, Yukon
- Mr. Peter Pagano, Chief Legislative Counsel, Alberta
- Mr. Siegfried Peters, Coordinator, Parliamentary Affairs, National Assembly of Québec

3:30 – 3:45 pm **BREAK**

3:45 – 4:15 pm **Drafting Workshops – Plenary**

Chair

- Ms. Pamela Muir, Assistant Deputy Minister and Deputy Cabinet Secretary, Executive Council Office, Yukon

4:15 – 4:30 pm **CLOSING REMARKS**

Co-Chairs

- Mr. Jean-François Couture, Secrétariat à la législation, Conseil exécutif, Québec
- Ms. Melanie Mortensen, Legislative Counsel, British Columbia

REGISTRATION FORM

LEGISLATIVE DRAFTING CONFERENCE

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September 12-13, 2016, Shaw Centre, Ottawa

(Participation at this conference is accredited in provinces where CLE requirements for lawyers are mandatory)

Surname:
First Name:
Title:
Organization:
Address:
..... Postal Code:
Email:
Telephone: Fax:

I am fluent in English French both
(Simultaneous translation is provided during plenary sessions)

REGISTRATION FEE

(Breakfasts, coffee breaks, luncheons, reception and material included)

- CIAJ members **\$695** non members **\$795**
 Students **\$75** (enrolled full-time at Canadian universities)

I WILL ATTEND:

Mon. Sept. 12 Reception at Supreme Court Yes No
I will be accompanied by guest(s) – \$40 each Yes No
Name of Guest(s).....
Do you have any dietary restrictions? Yes No
Which?.....

PAYMENT BY: Cheque Am Ex Visa MasterCard

Account No: Exp. Date:

Name on the card:

Security Code: Signature:

CANCELLATION FEE: Only registrations cancelled by email at least 7 days prior to the event are reimbursed, except for 10% of the amount which is withheld to cover administrative fees. At any time, a participant may be replaced by another person without charge.

ACCOMMODATION: A block of rooms has been reserved at The Westin Ottawa, 11 Colonel By Drive, Ottawa (ON) : Reservations at 1 877-724-8187: rate of \$219 for single/double occupancy (taxes not included). Participants are required to make their own hotel reservations before August 24, 2016 to take advantage of this preferred rate.

TO REGISTER:

Please complete and return this form with your payment:

By mail:

Canadian Institute for the Administration of Justice
PO Box 6128, Station "Centre Ville"
3101 Chemin de la Tour, Room A-3421
Montreal, Quebec, H3C 3J7

By fax :
514-343-6296

By email :
ciaj@ciaj-icaj.ca

For more information about CIAJ, how you can serve CIAJ, and members benefits, contact us at ciaj@ciaj-icaj.ca or at 514-343-6157. You are also invited to visit our website at www.ciaj-icaj.ca

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Individual **\$150**

Individual members active in their profession are entitled to access all the documentation available on CIAJ's website (conference and seminar papers and video-recordings among other benefits). (This membership fee is recoverable by federally-appointed judges under S. 27(1) of the Judges Act. It may also be possible for provincially-appointed judges and others to be reimbursed through professional allowances from their organizations.)

Retired Person **\$75**

Members retired from their profession have the same benefits as individual members.

Student **\$10**

Members enrolled as full-time students have the same benefits as individual members.

I wish to join CIAJ:

No Yes (See category checked above)

Payment added to registration fee

I would like information about **Institutional Membership**

Contributor

As an alternative to annual membership dues, you may choose to become a contributor. You will be issued a tax receipt for a charitable donation (Registration number: 10686 1529 RR 0001).

Amount of donation: \$ _____

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