Report on the operation of Bilingual Legislatures and the practise of bilingual law making in Canada.

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National Assembly for Wales

Cynulliad   National
Cenedlaethol Assembly for
Cymru   Wales

Introduction

The visit was undertaken between 23rd and 29th October 2005 under the auspices of the Commonwealth Parliamentary Association in Wales. I wish to express my appreciation of the assistance, advice and hospitality extended to me by both Officials and Parliamentarians at all three of the legislatures I visited.

The visit included:

(1) A day at the New Brunswick Legislative Assembly in Fredericton.
(2) A day at the Canadian Federal Parliament in Ottawa.
(3) An afternoon at the Assemblée Nationale de Quebec.

Amongst those who were kind enough to give me their valuable time were:

In New Brunswick:

Shayne Davies	- Assistant Clerk to the Legislative Assembly.
Hon. Keith Ashfield	- Member of the Legislative Assembly and Minister for Natural Resources.
Jody Carr	- Member of the Legislative Assembly.
Daniel Bussières	- Sargeant at Arms in the Legislative Assembly.

In Ottawa:

R.R. Walsh	- Law Clerk and Parliamentary Counsel, House of Commons.
Richard Deius	- Deputy Law Clerk and Parliamentary Counsel, House of Commons.
Paul Bélisle	- Clerk of the Senate and Clerk of the Parliaments.
Mark Audcent	- Law Clerk and Parliamentary Counsel for the Senate.
Deborah Palumbo	- Deputy Law Clerk for the Senate.
Louis Bard	- Chief Information Officer, Executive Director, Information Services, House of Commons.
Michael Roy	- Director, Parliamentary Publications Information Services
Benoit Giroux	- Director, Information Services, Printing, House of Commons.

Hon. Hedy Fry   - MP

Hon. Sarmite Bulte   - MP

Jason Kenney   - MP Opposition Deputy House Leader,
                             House of Commons.

In Quebec:

William Cusano   - Député and Premier Vice-President de
                             l'Assemblée Nationale.

Richard Daignault   - Conseiller Director des Relations
                             Interparliamentaries et Internationales.

Purpose of visit

In my role as Chair of the Business Committee, I have constant involvement with the strategy and detail of the operation of our National Assembly as a bilingual legislature in terms of the use of both languages in our procedures and in the creation of bilingual legislation.

The Better Governance for Wales White Paper signalled fundamental changes in our day to day operation, as well as an expanded legislative role. It is, therefore, an opportune moment to look at the practice of bilingual parliaments elsewhere.

I selected Canada because, within one manageable visit, I would be able to experience different approaches to bilingualism within several parliaments. In addition, Canada has a lengthy experience of bilingualism and has developed a wealth of expertise.

In the course of the visit, I also gathered some useful information on other aspects of parliamentary and legislative procedure, which I have included in this Report because I believe they will be of interest.

It is useful to note that a previous visit in September 2000 to Canada was made by a team led by the Counsel General. This produced a very detailed report on bilingual legislation and a bilingual judicial system.

Jenny Randerson AM meeting with William Cusano of the Assemblée Nationale Québec

New Brunswick

Although this Province has a population only approximately one-quarter of the size of that of Wales, its National Assembly, with 55 members, is similar in size to our own. Hence, it faces some of the same challenges that we will face with enhanced legislative powers.

Currently, its political make-up is finely balanced (Government 28 MLAs and Opposition 26).

Surprisingly, New Brunswick is Canada's only official bilingual province. Around 31% of the population has French ancestry. Of the 55 MLAs, there are only approximately 5 who find it difficult to express themselves in English, while about 12 of them do not speak any French. It is their tradition to ensure that either their speaker, or at least one of the Deputies, can speak French.

A new Official Languages Act was introduced in 2002, although the Legislative Assembly has been operating bilingually for many years. Simultaneous translation of debates and committees operates in both languages. In other respects, the provisions of the Act are similar to the obligations of our own Assembly.

However, it is clear that there are pressures on the translation service which, to some extent, relies on recruiting translators from Quebec in order to have sufficient capacity.

The Legislative Services Department has been co-drafting legislation since the 1980s. That is, both French and English versions are developed simultaneously by two lawyers who are French and English speaking respectively. This is regarded as highly preferable to translation, which produces an inferior version in the language into which it is translated.

Moncton University has a bilingual law course which has assisted the availability of French speaking lawyers. They also use jurilinguists to check their drafting; that is people who are expert in language and are not necessarily legally trained, although they develop legal expertise over time.

There are other interesting points to note about the Legislative Assembly. Although it has moved towards a highly electronic mode of working, it still produces paper copies of all legislation as an authoritative reference point.

The Legislative Assembly has developed a very interesting process of public consultation, despite being very traditional in many of its working practices.
Committees, which are consulting the public on issues, undertake a tour of the Province when they meet at different venues on consecutive days. Meetings are advertised in newspapers. Those wishing to make representations, contact the Assembly and book a time slot of half-an-hour at the Committee meeting. They make a presentation of 20 minutes and are subsequently questioned for 10 minutes. This places the onus on those wishing to speak to put forward positive, well-formed

proposals, and the system apparently works well. It contrasts with the process adopted in our Regional Committees of a public question time, plus presentations made by organisations at the request of the Committee.

The Legislative Assembly currently works to a 4 week cycle, which includes 3 week blocks of Assembly sittings, with the 4th week used for constituency or committee work. This facilitates "touring" committees. Last year, for example, they dealt with a Bill to devolve more power to rural communities. The Committee toured about a dozen venues across the Province, spending 1-2 days at each. This process took about 6 weeks.

The legislative work of the Assembly may provide some evidence of the workload we can eventually expect here. In the last session, they dealt with 81 Bills, of which 45 were passed. Five of these were Private Bills. The unusually high failure rate was due to the close political balance.

The Assembly, as a whole, sits for approximately 70 days per year from 1.00 to 6.00 p.m. on a Tuesday and Thursday and from 10.00 a.m. to 6.00 p.m. on a Wednesday and Friday. However, sittings tend to be extended until 1.00 p.m. towards the end of the year in order to complete business.

Appendix 1 sets out the Committee structure, although it is important to note that Committees do not sit to a regular cycle and some of them can fail to sit for a whole session. Committees do not usually deal with policy development, although the Health and Education Committees have broader mandates. Select Committees only last as long as the particular issue they are studying lasts. Frequent use is made of Committees of the whole House.

The Budget has traditionally been reviewed by the Committee of Supply, which is a Committee of the whole House. However, an Estimates Standing Committee has recently been established to deal with it instead. Over 100 hours of debate and scrutiny were devoted to the Budget last year. This consisted of 6 days of debate in the House and the rest of the time was scrutiny in the Committee of Supply.

The current structure and procedures of the Legislative Assembly are very traditional. There appears to be a less regular programme of recesses and of committee meetings than there is in our Assembly, for instance. Speeches are much longer, with a maximum of 40 minutes in meetings of the House. However, the Legislative Assembly has recently established a Commission on Legislative Democracy, which reported in March 2005.

Appendix 2 sets out the scope of the Report and interactive arrangements for comment on the Report. Points to note include the proposal to move to a more proportional system of election, very similar to ours. Interestingly, this includes the proposal that candidates should not be allowed to stand for both constituency and list elections. As the current Legislative Assembly has very poor representation for women, there are hopes that a proportional system would enhance this and there are additional proposals to "reward" political parties which have more than 35% of their candidates who are women, by increasing their state financing.

There are also extensive proposals to encourage young voters to participate in the democratic process. These include a province-wide mock election programme and a mail-out to all voters as they turn 18 from the Electoral Commission, explaining the electoral and democratic system. Other proposals are a "Promoting Democracy in Schools" Programme, which includes Speaking Tours by MLAs, political fairs, election simulations and debates in schools. Youth websites, Democracy Camps, on-line voter registration and the involvement of parents with a "Bring your Child to Vote" initiative at election time, are also proposed. The Report suggests dedicated funding for these Youth Initiatives.

Other interesting aspects of the Report relate to recommendations to enhance public consultation. These include a suggested $5k annually to be allocated to each MLA for public consultation, through town hall meetings and citizens' forums on policy initiatives. It is suggested that all MLAs be provided with individual websites and that an online "e-petition" feature should be set up to allow citizens to start and manage their own petitions. Petitions are already an established feature of the Legislative Assembly's business but the Report recommends they be given a higher priority.

Other aspects of the Report deal with issues which have already been tackled here and propose similar solutions. These include an Electoral Commission, better research support for MLAs and a fixed election date. There are proposals to enhance the role of Committees in the Legislative Assembly, to include standing policy committees.

Ottawa

The Federal Parliament operates along traditional bi-cameral lines. It is the most thoroughly bilingual legislature in the world. All staff working for the Parliament have to be bilingual. When this rule was introduced some 20 or so years ago, there was some controversy, but it is now accepted.

About one-quarter of the Senate are truly bilingual, with a higher percentage among younger Senators. Most Senators can speak some French. In the Senate, the language spoken is 85% English and 15% French. In the Commons, the percentage of French spoken is higher.

Simultaneous translation is done into both languages, as it is in New Brunswick. The Record is available bilingually the next day. There is a Constitutional right to speak in either language, which goes back to the 1940s and translation of proceedings has been undertaken since 1955. There is a move now to allow speeches in Aboriginal languages. Translation is provided by one single translation service provided by the Government. There is a Protocol between Government and the Parliament on translation timings.

Younger Canadians are more likely to be able to speak French, as a result of the education system. Hence, they do not have a problem in recruiting bilingual staff.

Although all Government legislation is bilingually drafted, in the Senate and House they do not have the resources to provide the same facilities for private members'

legislation. The Senate, for instance, has only 3 lawyers to serve 105 Senators. They introduce about 35 Bills a year, as well as frequent amendments to Government Bills. As well as drafting assistance, they provide legal advice to Senators: this is mainly, but not exclusively, opposition members (Appendix 3).

Until recently, the University of Ottawa ran a Masters Programme on Legislative Drafting, but this has now ceased, so the Department of Justice now provide seminars for lawyers. The Department of Justice also has a Plain Language Committee to streamline and modernise the language of legislation. This has had a big impact.

The legal service in the House of Commons deals with approximately 260 private members. There are 4 drafting lawyers working in English and French. In addition, there are 3 legal translators: 2 of them work from English into French and one from French into English. There are also 3 legislative editors who edit and review the text; one of those is a retired lawyer. In addition, they employ separate proof-readers.

The team has drafted 500 Bills this session; 250 of which were actually introduced into the Commons. As well as Bills, the team drafts amendments to Government Bills for members. Therefore, these take precedence over opposition and private members' bill drafting when there is pressure on time.

The Information Services Department prepare separate English and French Hansards, but using the same page and reference numbers. Not everything is published on paper, but all is available on the net.

The team expressed concern at our procedure of publishing both the Record and Legislation only in electronic form. As IT specialists, they made the point that an electronic version can be altered without leaving evidence of that change, whereas an original paper version cannot be altered in the same way. They strongly advocated the need for a master paper copy of all published materials, as did representatives in New Brunswick. They also pointed out the difficulties with archiving electronic material over a long period of time. A similar concern was raised with me by the lawyers working for the Parliament.

Within the Parliament, all Members and staff select a "First Choice" language and computers are set up to provide documents in that language. Therefore, there appears not to be the flexibility to move from one language to another that we have.

The Parliamentary website is entirely bilingual, with the exception of material from press conferences held by other organisations not directly connected to the Government. In practice, all Press Releases are bilingual, including those from Opposition Parties, with the exception of the Bloc Quebecois, which produces them only in French.

During my visit, I attended a lunch organised by the local CPA branch in honour of Jack McConnell, First Minister of Scotland. We were both officially welcomed to the Senate that afternoon as we watched their proceedings.

We then watched Question Time in the Commons, which is a very vigorous exchange. Members do not have to submit questions in advance: they simply indicate

their desire to ask a question. This effectively moves them on to the "supplementary" stage from the outset. Questions are answered by a panel of Ministers. The P.M. then allocates the question as it is asked – and the topic becomes known – to the appropriate Minister or he answers it himself. This "panel" approach is akin to the Scottish model.

Both the Senate and the Commons have active youth programmes, linking with both school and university students. See Appendix 4.

The Information Services Department produces reports from individual Members to their electors, according to strict criteria concerning bilingualism and political content.

Québec

The majority of the population are French speaking and, despite the failure of attempts at Independence, there are still strong and active voices calling for it.
The National Assembly of Quebec works largely on the UK Parliamentary model, although the Second Chamber has been abolished.

The situation is different from in Ottawa and New Brunswick; although Members can speak in either English or French, there is no simultaneous translation of proceedings, which are predominantly in French. The Hansard contains only a record of proceedings in the language in which it was spoken with no translation. However, all Bills, Acts and official documents are produced in both languages. In practice, legislation is translated from French into English. It is produced in the two column format. They experience seasonal pressures by translators because of the build-up of legislation towards the end of the session.

In Quebec, they consider the education system to be the key to their language development. According to the Canadian Constitution, they have to provide English language services in both hospitals and education up to University level, for instance. However, only the children of parents who went to English language schools in Canada itself, are entitled to attend English medium schools.

Conclusions

Practices vary from one Parliament to another. There are many aspects of bilingualism which are more fully developed in both Fredericton and Ottawa, than here in Wales. However, Quebec is obviously different in that they are working towards a distinct Francophone system and provide bilingual services only in so far as required by the Canadian Constitution.

Points of Interest for further investigation

Although this visit had no official status, I feel it would be helpful to indicate some elements of good practice and some differences from our own procedures, which could be borne in mind as we roll-out our new procedures and powers.

1. The need to address the supply and training of translators and especially to provide sufficient translators with a level of legal expertise.
The need to increase the size of legal teams, especially bilingual lawyers. As set out above, the legal teams consist not simply of lawyers, but also jurilinguists, proof-readers etc. This aspect applies to both the Government and to the Assembly. Co-drafting of Government legislation is clearly the appropriate aim. Is there a need to engage with the H.E. Sector in Wales to provide further training?

   Two of the three legislatures I visited provide simultaneous translation of oral proceedings into both languages. This was a topic of debate here when the Assembly was first established.

2. In the light of the concerns expressed in Ottawa about our practice of publishing the Record and legislation only in electronic form, is there a need to publish and archive official paper copies of all our records of proceedings and of all legislation?

3. There are interesting lessons to be learned from New Brunswick especially on greater engagement with young people to encourage them to participate more fully in the democratic process.

   The New Brunswick approach to public consultation, both by Committee and Members, could be applied here in Wales.

   The issue of Assembly financing and production of AMs reports to constituents has been questioned here. However, in Ottawa, it is regarded as an important part of public information and consultation, although strict criteria are applied.

4. There is clear evidence in this Report that the legislative workload of provincial Assemblies is higher than some in Wales are currently expecting post 2007.

   Post 2007, Members will require considerable legal advice and support in drafting bills and amendments, which is not currently provided here.

Appendix 1

Legislative Assembly of New Brunswick
Legislative Committees

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Committee Membership

Friday, October 14, 2005

Standing Committees

1. Privileges
2. Public Accounts
3. Private Bills
4. Crown Corporations
5. Procedure
6. Legislative Administration
7. Law Amendments
8. Ombudsman
9. Estimates

Select Committees

1. Select Committee on Education
2. Select Committee on Health Care

Standing Committee on Privileges

- Hon. Mr. Green (C)
- Hon. P. Robichaud (VC)
- Mr. Betts
- Mr. Carr
- Mr. Williams
- Mr. Doucet
- Mr. Haché

Standing Committee on Public Accounts

- Mr. Branch (C)
- Mr. Sherwood (VC)
- Mr. Williams
- Mr. C. LeBlanc
- Mr. Malley
- Mr. Betts
- Mr. Carr
- Mr. MacDonald
- Mr. Haché
- Mr. Jamieson
- Mr. Allaby

Standing Committee on Private Bills

http://www.gnb.ca/legis/business/committees/membership-e.asp

10/24/2005

- Mr. Sherwood (C)
- Mr. Betts (VC)
- Mr. MacDonald
- Mr. Holder
- Mr. Stiles
- Mr. Williams
- Mr. Malley

- Mr. Landry
- Mr. Armstrong
- Mr. Kennedy
- Mr. McGinley
- Mr. Burke

Standing Committee on Crown Corporations

- Mr. Stiles (C)
- Mr. Holder (VC)
- Mr. Sherwood
- Mr. Betts
- Mr. Carr
- Mr. Malley
- Mr. MacDonald

- Mr. V. Boudreau
- Mr. MacIntyre
- Mr. Doucet
- Mr. Arseneault

Standing Committee on Procedure

- Hon. Mr. Green (C)
- Hon. P. Robichaud (VC)
- Hon. Mr. Harrison
- Mr. Holder
- Mr. C. LeBlanc
- Mr. MacDonald

- Mr. Lamrock
- Mr. Allaby

Legislative Administration Committee

- Hon. Mr. Harrison (C)
- Mr. Holder (VC)
- Hon. Mr. Green
- Hon. P. Robichaud
- Mr. C. LeBlanc
- Mr. Stiles
- Mr. Williams

- Mr. Branch
- Mr. Lamrock

Standing Committee on Law Amendments

- Mr. Carr (C)
- Mr. Betts (VC)
- Hon. Mr. Green
- Mr. C. LeBlanc
- Mr. Stiles
- Mr. Sherwood
- Mr. MacDonald

- Mr. R. Boudreau
- Mr. McGinley
- Mr. Murphy
- Mr. Burke

Standing Committee on Ombudsman

- Mr. Malley (C)
- Mr. Betts (VC)
- Mr. Holder
- Mr. MacDonald
- Mr. Williams

- Mr. A. LeBlanc
- Mr. Brewer
- Mr. Kenny

Standing Committee on Estimates

- Mr. MacDonald (C)
- Mr. Williams (VC)
- Hon. P. Robichaud
- Hon. D. Graham
- Hon. Mrs. MacAlpine
- Hon. Mr. Steeves

- Mr. Stiles
- Mr. Allaby
- Mr. V. Boudreau
- Mr. Lamrock
- Mr. Ouellette

Select Committee on Education

- Mr. Betts (C)
- Mr. Carr (VC)
- Mr. Malley
- Mr. C. LeBlanc
- Mr. Holder
- Mr. Sherwood
- Mr. Stiles

- Mrs. Robichaud
- Mr. Foran
- Mr. Ouellette
- Mr. Brewer

Select Committee on Health Care

- Mr. Williams (C)

- Mr. Albert

- Mr. Sherwood (VC)
- Mr. Stiles
- Mr. C. LeBlanc
- Mr. Holder
- Mr. Carr
- Mr. Malley

- Mr. R. Boudreau
- Mr. Kennedy
- Mr. V. Boudreau

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The Commission on Legislative Democracy completed its mandate on March 31, 2005

Final Report and Recommendations
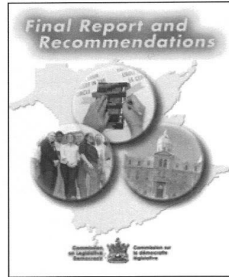
The New Brunswick Commission on Legislative Democracy is pleased to provide you with a copy of its Final Report and Recommendations.

Following more than a year of research, consultations, and deliberation the Commission's Final Report contains 89 significant recommendations to create a more citizen-centred democracy in New Brunswick. The report was released publicly today by the Commission and tabled in the Legislative Assembly by Premier Bernard Lord.

Give us your opinion on the report and its recommendations by clicking on our interactive website features, **Quick Quiz** and **Speak Up!**. Fill out our detailed **On-line Questionnaire** to give us even more feedback. **...more**

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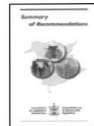
For those who would prefer an easy access to the recommendations of the Commission, here is the Summary of our 89 recommendations.

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Final Report and Recommendations

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Chapter 8

"*Working with Parliamentary Counsel to Sponsor a Private Member's Bill*"[1]

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  - Drafting
  - Consultation
- A Legislative Drafter's Principal Concerns
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  - Does the bill fit well into the laws of Canada?
- The Legislative Process
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Parliamentary Counsel:

Legislative drafting is just one of the many legal services offered by parliamentary counsel. In the Senate, the Law Clerk and Parliamentary Counsel (Mark Audcent: 992-2416) is an officer of the Senate who has four principal functions: (1) constitutional advisor and legal counsel to the Senate, to its officers and committees, and to individual Senators; (2) legislative drafter; (3) law clerk; and (4) corporate counsel.

The Solicitor-Client Relationship:

The complexities surrounding the role of counsel to an institution and concerns for confidentiality make the question of who is the client an important one. In the Senate, the individual Senator is counsel's client. A Senator enjoys solicitor-client

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[1] Excerpt from a presentation by Mark Audcent, Law Clerk and Parliamentary Counsel of the Senate of Canada, on October 24, 1997, as part of the Library of Parliament Seminar Series

privilege, which only the Senator can waive. Because of privilege, counsel will only discuss a draft bill with the Senator, the Senator's staff, counsel's own staff, other counsel and persons authorized by the member.

Because of privilege, it is important that counsel know whether a member is undertaking a project alone or on behalf of a group, on the member's own behalf or on behalf of others. Is the member acting for or cooperating with a committee; the leadership; a political caucus; an informal group of members? Express instructions allow counsel to know with whom information can be shared. Counsel should not have to infer from a situation that it must be the member's wish that the project be discussed with another. Counsel should also be expressly warned if the subject-matter of the bill is considered so sensitive as to affect background information searches. Generally, the client is advised to free counsel as much as possible from unnecessary confidentiality restrictions.

The Drafting Process:

The drafting process involves three principal stages. These can be roughly summarized as being: (1) instructions; (2) drafting; and (3) feedback.

Instructions: Instructions are given by the member. It is at this stage that a member converts an idea into a coherent proposal for possible legislation. In order to prepare to give instructions to counsel, the client member must first engage in research and policy development. In the Government, the authorization to proceed to drafting is contained in a Memorandum to Cabinet. This is a sophisticated document, prepared by a line department with the benefit of all of its specialist resources. In Parliament, members are given staff, research budgets and access to the Library of Parliament in order to help them complete their research and policy development. The Library offers two core services: reference librarians locate and provide background information; and research branch subject-matter specialists in a wide variety of disciplines to assist with policy analysis and development. Counsel may assist a member in developing a work plan for research and development stage, but the research and policy development itself cannot be counsel's responsibility. This first stage in the process is concluded when the member reduces the instructions to writing in draft form and meets with counsel to finalize them.

Drafting: Drafting is done by the legislative drafter. It is the second stage in the process. The drafter also begins by doing research, on issues such as constitutionality, the best legislative approach and precedents, and time must be allowed for this. The drafter expects the client to arrange for and provide access to specialists and whatever

other resources prove to be necessary to master the subject-matter of a bill. The drafter also needs personal access to the member for discussion and further instructions. Legal issues that arise out of the drafting can be discussed at this stage.

Consultation: Feedback on a draft bill is sought by the member and the drafter and is provided by selected third parties. The member needs feedback on the political and policy aspects of the bill. The drafter needs feedback on the drafting. A good long time should be allocated to this stage: the more feedback, and the more diverse the feedback, the better. The adjustments to a bill that arise out of the consultation and feedback process allows the bill to be perfected. Do not sacrifice feedback to a false sense of secrecy or rush. A member should use the consultation process to line up the witnesses that the bill will require: policy advocates; policy specialists; legal advisors. It is important that key witnesses commit to support the bill before introduction.

A Legislative Drafter's Principal Concerns:

A legislative drafter's principal concerns arise from asking the following three questions: (a) is a bill the best solution for the desired objective?; (b) is the bill constitutional?; (c) does the bill fit well into the laws of Canada?.

Is a bill the best solution?: The fact that members are legislators does not make legislation the best solution, or even a good solution, to every problem. It has been said that we over-legislate in Canada. In this light, is the member's goal best accomplished by an Act of Parliament? An objective that is better addressed by a motion, a regulation, or a program or policy directive can look out of place when dressed up as an Act of Parliament. Merely wishing to claim sponsorship of a bill or to debate an issue on the floor of the House is not a sufficient reason to dress any proposal up as a bill. A draft bill that shouldn't be will not stand to the credit of the member in the long run.

Is the bill constitutional?: The constitutionality of a federal bill can be challenged in three ways. It can be alleged that the bill is in relation to a matter of provincial jurisdiction. The drafter has only so much flexibility to address certain issues by an exercise of the federal power. Secondly, it can be alleged that some measure in a bill infringes what is a wide range of rights and freedoms guaranteed in the *Canadian Charter of Rights and Freedoms* and in the *Canadian Bill of Rights*. Finally, a parliamentary legislative drafter must be vigilant in advising a member when provisions in a bill make it a money bill or require a royal recommendation.

Does the bill fit well into the laws of Canada?: Canada has one of the most cohesive bodies of statute law in the world. Why? Because drafting is done by

specialists. Because drafting bills in two official languages reveals linguistic flaws at an early drafting stage. Because the drafting function is centralized, in the Legislation Section of the Department of Justice and the legislative services of the two Houses. And because federal drafting conventions are standardized and have been in place long enough to allow the entire body of law to be brought into conformity with them.

In this context, one of the drafter's goals is to protect the integrity of the body of law that is the Statutes of Canada. The drafter will recommend that the proposed law be inserted where it best fits into the laws of Canada; that it use vocabulary in the accepted way; that it be in plain language; that it respect federal drafting conventions; that certain policy decisions, such as penalties for example, be adjusted to fit into the wider scheme of Canada's laws.

The Legislative Process:

Finally, the bill is ready to be unveiled to the parliamentarians and the public. The bill must earn the public consensus every law needs. It will be tested in fire before each of the Houses, which are called upon to decide whether to "advise and consent" to the making of the proposed law "...for the peace, order and good government of Canada".

Responsibility for the bill: Public service rules of responsibility prevail. A bill is both the member's proposal and the member's responsibility. A legislative drafter should not be expected to speak in committee as an advocate for the member's bill that counsel has drafted. The bill is the member's proposal, not counsel's. An appearance by the drafter can lead too easily to questions concerning instructions that counsel should neither answer nor be put in a position of avoiding or refusing to answer. Also, the House is as much entitled to independent counsel as is the sponsoring member and it is not possible for counsel to serve two masters. The drafting of a bill should rarely if ever be the focus of public comment by any member, sponsoring or other: the draft may well reflect instructions on the very point in question; the comment may be erroneous; counsel has no chance to reply. This protection of counsel is the counterbalance to the client's privilege. Compliments are always welcomed by counsel; complaints are best made in private and dealt with by the Clerk of the House or through ordinary channels.

A sponsoring member's checklist: Immediately prior to introduction, the sponsoring member should run a check list to make sure that the politics have received the same professional attention as the drafting. Suggested checks include:

- Have the press and public been sensitized to the policy issue?

- Are press releases and other materials prepared in both languages?
- Have best responses been prepared to all foreseeable criticism?
- What lobbying has been done in caucuses and with individual members?
- If the bill is non-partisan, are members of other parties participating?
- Are the Library and committee staff well briefed and positive?
- Are quality witnesses lined up?
- Has a sponsor in the other House been selected and briefed?

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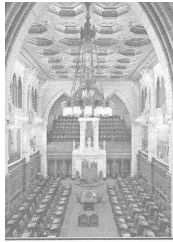
SENATE of CANADA
FACT SHEET

Working with Canada's Youth

The Senate offers a number of employment programs designed to give Canadian youth opportunities to learn about Parliament.

Senate Page Program

Each year, 15 university students from all over Canada are chosen to be Senate pages. They serve for a one-year period, with the possibility of renewal for a second year. All pages must be enrolled as full-time students in one of four universities in the National Capital Region.[1]

Senate pages have an opportunity to gain valuable work experience and first-hand knowledge of Canadian parliamentary affairs. As of the 2003–2004 academic year, some pages can even earn academic credit for their work in the Senate.

Senate pages support the work of senators in the Chamber and in committees by collecting and distributing official documents, and acting as messengers for the Speaker, senators and Table Officers. Inside the Senate Chamber, pages can observe important debates and learn about the parliamentary process. They may also participate in special events, such as the Opening of Parliament, the swearing-in of new senators, royal assent, and state funerals.

Summer Employment

In addition to the Senate Page Program, the Senate Administration also hires approximately 30 university students each summer to work in a variety of directorates, including Legal and Legislative Services, Finance, Human Resources, Communications and the Protective Service. Summer students gain meaningful work experience while learning about the Senate.

Friends of the Senate

Through the Friends of the Senate program, the Senate has established a partnership with Ridgemont High School in Ottawa and L'École secondaire de l'Île in Gatineau, Quebec, to provide physically and mentally challenged students with the opportunity to develop life skills to prepare them for the working world. Students gain experience in various areas of the Senate Administration, providing assistance and support, and learning new skills or improving existing ones.

How to Apply

For more information on how to apply for the Senate's youth employment programs, please contact:

Human Resources Directorate
The Senate of Canada
1300-40 Elgin Street
Ottawa, Ontario
K1A 0A6

Toll-free: 1-800-267-7362
Telephone: (613) 943-1654 (in the National Capital Region)
Fax: (613) 992-1995
Web Site: www.parl.gc.ca

[1] The University of Ottawa, Carleton University, the Université du Québec en Outaouais (formerly the Université du Québec à Hull) and Saint Paul University.

SENATE OF CANADA

1-800-267-7362

www.parl.gc.ca

In addition to its own youth employment programs, the Senate works with the House of Commons and the Library of Parliament to help make possible the following education programs for students and teachers. Visit their Web sites for more information.

Forum for Young Canadians

Forum for Young Canadians (www.forum.ca) is a bilingual educational program aimed at giving 16- to 19-year-old high school and CEGEP students an in-depth understanding of the federal government. It also gives participants the opportunity to meet and establish friendships with other youths from across the country. Each year, some 500 students take part in Forum for Young Canadians.

During the week-long program, students visit Parliament, the Supreme Court, and various federal government departments and agencies. In addition to learning about our system of government directly from members of these institutions, participants have a chance to debate public policy issues with their peers. One of the high points of the program is a breakfast reception with senators and an address by the Speaker of the Senate in the Senate Chamber.

Encounters with Canada

The Canadian Unity Council, a non-profit and non-partisan organization, brings hundreds of 15- to 17-year-old students from across the country to Ottawa each year to learn about Canada's parliamentary system through Encounters with Canada (www.encounters-rencontres.ca).

This program helps young people gain a better understanding of their country and its people, and encourages them to pursue and succeed in higher education. Founded in 1982, the program has given over 40 000 students a bird's-eye view of Canada's system of government. One of the highlights is an informal meeting with senators.

Teachers Institute on Canadian Parliamentary Democracy

The Teachers Institute on Canadian Parliamentary Democracy (www.parl.gc.ca) brings together teachers from across Canada to gain first-hand insight on Parliament. Teachers bring their personal experiences back to the classroom, where they help their students better understand Canada's democratic system. As part of each annual week-long program, approximately 80 participants have a chance to meet with senators and visit the Senate Chamber to hear from the Speaker. Many teachers have commented that the experience was valuable, both personally and professionally.