

2.6 The federal Department of Justice

The department is divided, for administrative and functional purposes, into a number of service areas. Lawyers in the department may be assigned as legal advisers to other government departments or agencies as part of departmental legal services, or to offices in Vancouver, Edmonton, Saskatoon, Winnipeg, Toronto, Montreal and Halifax as part of regional legal services. The sections in headquarters legal services are described below.

Advisory and research services. This section prepares legal opinions requested by the federal government and its departments and agencies.

Civil law. This section conducts litigation and gives legal advice to the government on all matters of a non-criminal nature arising in Quebec.

Civil litigation. The lawyers in this section are responsible for the conduct of the non-criminal litigation involving the federal government originating in those provinces where the common law prevails. This litigation includes customs and excise tax matters, expropriation cases, disputes over contracts, accident claims, suits for defamation and claims for breach of copyright.

Constitutional, administrative and international law. This section co-ordinates and provides legal advice in the general fields of constitutional and administrative law within the federal government and its various departments and agencies. It is concerned with long-term policy in constitutional affairs and problems of federal-provincial relations. The section also deals with the areas of public and private international law. Canada became a member of The Hague Conference on Private International Law in 1968 and the department is responsible for Canadian participation. This section co-ordinates Canadian activities in the conference, which meets every other year, and has a similar role with regard to Unidroit, the International Institute for the Unification of Private Law. In both public and private international law this section has a particular interest in matters concerning countries of the British Commonwealth.

Criminal law. Lawyers in this section participate in criminal litigation in every jurisdiction. They co-operate with members of the department's six regional offices in prosecution of violations of federal statutes and regulations and are involved in extradition of persons to and from Canada. An additional and important function is work on criminal law amendment which involves considering and assessing suggestions for amendment of the criminal code and certain other statutes received from many sources. The section advises the justice minister on these recommendations.

Legislation. This section is concerned with preparation of legislation from the time a topic is given approval in principle by Cabinet until the resulting enactment receives royal assent. Periodic revisions of the *Statutes of Canada* are also compiled here.

Policy planning. This section develops legal initiatives and responses to emerging social problems. In co-operation with other departments and levels of government, it assesses recommendations for changes in the law proposed by the Law Reform Commission of Canada and other groups.

Privy council. This section examines what is sometimes called subordinate legislation. Parliament often delegates certain legislative functions to other bodies and officials and it is the responsibility of this section to consult with the clerk of the privy council in order to maintain general supervision over the legislative product resulting from this delegation and to consider whether it is within the authority conferred by Parliament (see Statutory Instruments Act, 1970-71, c.38). The section is asked to assume responsibility for the actual drafting of certain subordinate legislation. Lawyers in this section also act as legal advisers to the clerk of the privy council and his staff.

Programs and law information development. This section develops and administers service, research or information programs with respect to such matters as legal aid, compensation for crime victims, native court workers and law for the layman.