Legislative Research and the Legislative Process

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Outline

- What is legislation?
- Legislative process refresher
- Why are Laws created
- Where to find legislative materials

What is Legislation?

- Federal and Provincial:
- Bills
- Statutes (Acts)
 - Include revisions and consolidations
- Regulations
- Also:
- Municipal Bylaws
- Federal Legislation
- International Legislation

But How Is Legislation Created?

Statutes: Federal

- 1. Notice of Introduction
 - i. Only for House of Commons
- 2. Introduction and First Reading
 - i. House of Commons
 - ii. Senate
- 3. Second Reading
- 4. Committee Study
- 5. Report stage
- 6. Third Reading
- 7. Consideration by other House
- 8. Royal assent
- 9. Proclamation

Statutes: Provincial

- 1. Introduction
- 2. First Reading
- 3. Second Reading
- 4. Committee of the Whole
- 5. Third Reading
- 6. Royal Assent
- 7. Proclamation

Regulations

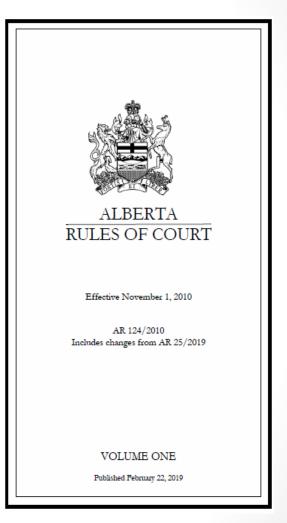
- Both Federal and Provincial Acts have Regulations attached to them
- They are:
 - Subordinate legislation (the act gives permission to create regulations)
 - Specific details (how, where, when, who)
 - Often drafted by the departments affected by the act
 - Published in Part II of both the Canada and the Alberta Gazettes
- Remember!
 - The act tells you what the law is, but the regulation tells you how to follow the law

What is an example of a popular Regulation?

Alberta Rules of Court

This important tool is actually a Regulation!

- Judicature Act, RSA 2000, c J-2 (Current as of Dec 11, 2018)
 - Alberta Rules of Court, Alta Reg 124/2010



The Canada and Alberta Gazette

- Federal
 - Part I
 - public notices,
 - official appointments and proposed regulations
 - miscellaneous notices from the private sector that are required to be published by federal statute or by regulations
 - Part II
 - Amended regulations
 - New regulations
 - Part III
 - Publishes the text of any new laws immediately after receiving royal assent

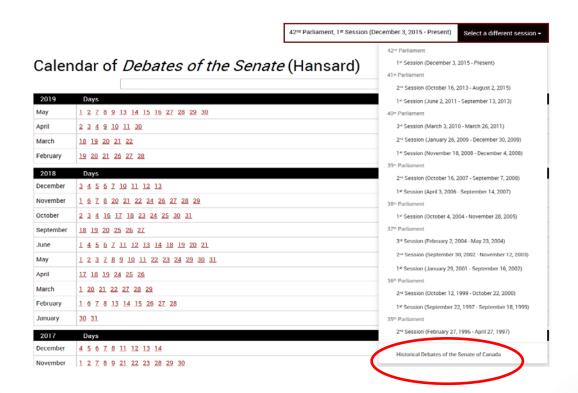
- Provincial
 - Part I
 - Proclamations,
 - Orders in Council, Appointments,
 - Resignations and Retirements,
 - Government Notices and Advertisements
 - Part II
 - Amended regulations
 - New regulations

But Why are Laws Created?

- Legislative intent
 - Why is a specific law created and for what purpose
- Key components:
 - Bills
 - Introductory statement
 - Any notes
 - Debates
 - Associated material
 - Commission reports
 - Submissions from NGOs etc

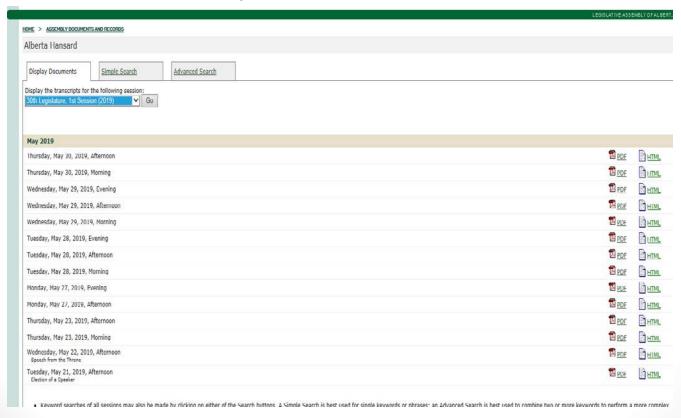
Debates of the House of Commons and Senate (Hansard)

- Both Houses publish Debates
 - From 1996-present can be found on each respective House's Debates page
 - Historical can be found under a separate tab within list



Alberta Hansard

- Verbatim transcript of AB Legislative Proceedings
- Began in 1972 (complete online)
 - Prior to this: Scrapbook Hansard



Is this the Official Version?

- What is an official version?
- Can I use a piece of legislation that I found online in court?
 - Depends!
- Check jurisdiction
 - Federal
 - Provincial

How And Where To Find Legislation

Sources for Current Legislation

- Online
 - Federal
 - Parliament of Canada
 - Justice Laws
 - Government of Canada website
 - Library and Archives Canada
 - Alberta
 - Legislative Assembly of Alberta (Bills and Hansard)
 - Alberta Queens Printer
 - Current Provincial Laws
 - AB gazettes from 1995-current
 - CanLii
- Print
 - Revised statues
 - Annual volumes
 - Current consolidations

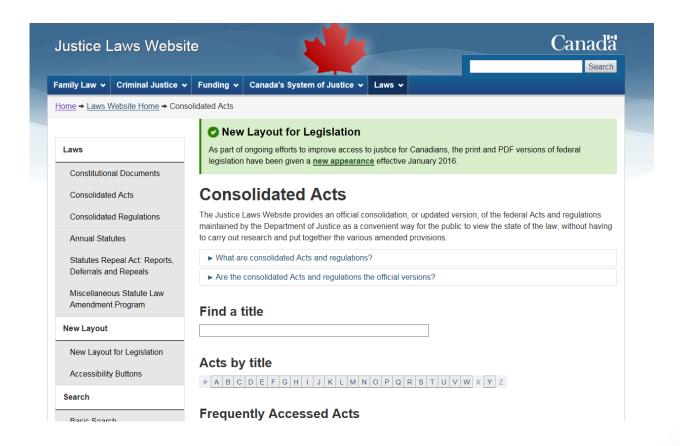
Parliament of Canada (LEGISinfo)

- Bills from 1996-present
 - Both Senate and House of commons
 - Lists the stage that the bill is at, if it has passed and inforce date/Royal Assent
- Hansard



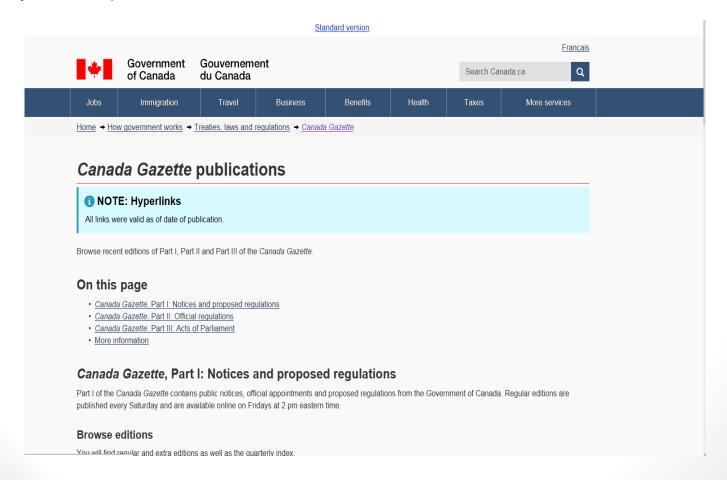
Department of Justice Canada

Current consolidated Federal Acts and Regulations



Canada Gazette

 Found through the Government Of Canada Website (1998present)



Historical Canada Gazettes

Found on the Canada Gazette Archives

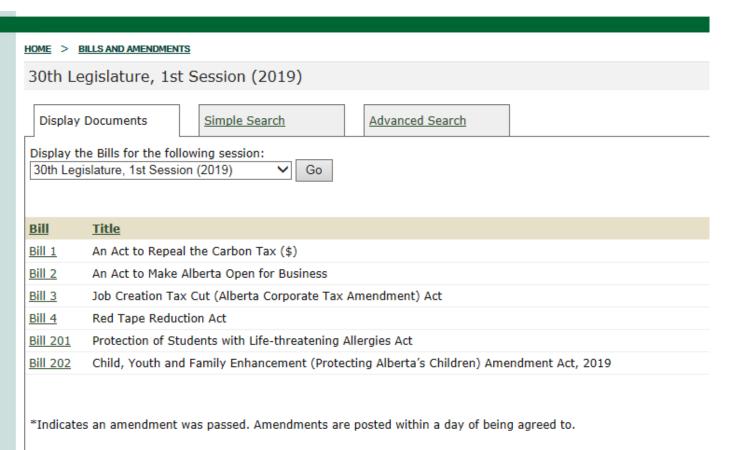


Legislative Assembly of Alberta

- All bills from the 1st session of the 1st legislature
 - Contains:
 - Stage of the bill in the house (from 2001-present)
 - Coming in to force date (if passed through)
 - Amendment notes
- Hansard
 - Links to official Hansard and Scrapbook Hansard



Legislative Assembly of Alberta: Bills



Alberta Queens Printer

- Current statutes and regulations only
 - No historical items
- Free to download
 - Although it can be confusing
- Does have other legislative publications
 - Alberta Gazette: 1995-current
 - Ministerial Orders for
 - Advanced Education
 - Economic Development and Trade
 - Labour
 - Municipal Affairs
 - Orders in Council 1998-current

Alberta Queens Printer



CanLII

2003-present

- Current consolidated legislation
- Related regulations
- Point-in-time (Compare)
- Search across legislation & cases
- Simple 'note-up' of sections both statutes and regulations
- Both Federal and Provincial!

CanLII



Français English

Search all databases

Document text	?	Q
Case name, document title, file number, author or citation	?	
Noteup: cited case names, legislation titles, citations or dockets	?	

Primary law

Tilliary law		
Canada (Federal)	Ontario	Newfoundland and Labrador
British Columbia	Quebec	Yukon
Alberta	New Brunswick	Northwest Territories
Saskatchewan	Nova Scotia	Nunavut
Manitoba	Prince Edward Island	

Commentary

Books, articles, reports and more...

CanLII Connects

2019-05-29	Summary of Northern Sunrise County v Virginia Hills Oil Corp: Northern Sunrise County v Virginia Hills Oil Corp, 2019 ABCA 61 (CanLII)
2019-05-29	Summary of Jonsson v Lymer: Jonsson v Lymer, 2019 ABCA 113 (CanLII)
2019-05-29	Summary of Vanmaele v Feltham: Vanmaele v Feltham, 2019 ABCA 45 (CanLII)
2019-05-29	Summary of Mylonas v Kadman: Mylonas v Kadman, 2019 ABCA 39 (CanLII)

Legislative Finding Tools in Print

<u>Table of Public Statutes (pink)</u>

Table of Private Acts (blue)

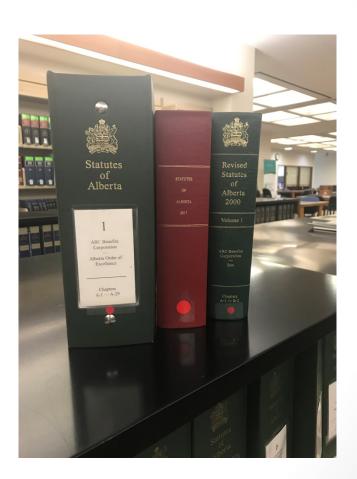
Both tables Includes list of amendments to specific sections of a statute since last revision with CIF dates

Historical Footnotes

Embedded in the statute at the bottom of each section (not subsection); show each time that section has been amended since last revision

Alberta Print Legislation

- Three editions
 - Green binders
 - Current consolidations
 - Red bound volumes
 - Yearly revisions and additions
 - Green bound volumes
 - Consolidated revisions



How to read the Table of Public Statutes

TABLE OF PUBLIC STATUTES

1990

PART 1

This table shows all Acts in the Revised Statutes of Alberta 1980, and all amendments thereto, and all other Public Acts and amendments enacted between December 31, 1990 and December 31, 1990.

Sections amended are printed in bold type

"Proc." means to come into force on Proclamation but no Proclamation has been issued as of December 31, 1990 "Rep." means repealed by "R & S" means repealed and superseded by

Chapter numbers containing the abbreviation "(supp)" refer to amendment Acts included in volume 8 of RSA 1980 by reason of being unproclaimed as of December 31, 1980.

NOTE: The Revised Statutes of Alberta 1980 were proclaimed in force January 1, 1982.

For Public Acts enacted before December 31, 1980 and neither repealed by nor consolidated in RSA 1980 see Part 2 of this Table

TITLE OF ACT	CITATION	AMENDMENTS
Administration of Estates Act	RSA 80 cA-1	s19 RSA 1980 c1(supp) s2 Eff. Nov 1/85; s20 Rep. RSA 1980 c1(supp) s3 Eff. Nov 1/85; s25 1988 c31 s1; s64 RSA 1980 c1(supp) s4 Eff. Nov 1/85
Administrative Procedures Act	RSA 80 cA-2	The state of the s
Advanced Education Statutes Amendment Act, 1987	1987 cl	
Advanced Education Statutes Amendment Act, 1990	1990 cl	s3(3) Proc.
Aerial Photographic Survey Act	-	RSA 80 cA-3 Rep. 1983 c1 s1
Age of Majority Act	RSA 80 cA-4	
Agent-General Act	RSA 80 cA-5	s5 1983 cD-25.5 s23
Agricultural Chemicals Act	RSA 80 cA-6	514 1984 c1 s2; 525 1984 c1 s3
Agricultural Development Act	RSA 80 cA-7	11 1988 G1 12; 1990 C2 32; 44 1990 C2 34; 55 1990 C2 44(a) Eff. Jan 1791, (b) Proc.; 55.1 1990 C2 45; 56 1990 C2 46; 57 1990 C2 47; 57 1990 C2 40; 57 1990 C2 40; 57 1990 C2 40; 57 1990 C2 41; 57 1990 C2 41;
Agricultural Operation Practices		

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Legal Profession Act (RSA 2000 cL-8)
         s4 RSA 2000 c16(Supp) s75 Eff. Apr 4/01;
         s7 RSA 2000 c16(Supp) s75 Eff. Apr 4/01; 2001 c23 s7;
         s11 2001 c23 s7; 2003 c42 s12;
         s12 2003 c42 s12:
         s17 2009 c53 s97 Eff. Nov 1/10; 2011 c14 s15 Eff. Oct 1/11;
         ss27,28 2007 c36 s2;
         s30 2001 c23 7;
         s32 2003 c42 s12;
         $34 Rep. 2009 c7 s7 Eff. June 24/09;
         s36 2003 cP-19.5 s141 Eff. Mar 18/04;
         s38 2008 c43 s7;
         s40 2001 c23 s7; 2009 c7 s7 Eff. June 24/09;
         s41 2003 c42 s12 Eff. June 24/09; 2009 c7 s7 Eff. June 24/09; 2011 c20 s9;
         s42 2009 c7 s7 Eff. June 24/09;
         s44 2001 c23 s7 Eff. Nov 30/04;
         s45 2003 c42 s12; 2009 c7 s7 Eff. June 24/09;
         s47 Rep. 2008 c25 s23 Eff. Dec 17/08;
         s48 RSA 2000 c16(Supp) s51 Eff. Apr 1/01;
         s53,59,60 2011 c20 s9;
         •61 2003 -42 s12-
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History Notes: *Legal Profession Act*, RSA 2000, c L-8, s 41.

RSA 2000 Chapter L-8 Section 41 LEGAL PROFESSION ACT

41...

- (3) The Benchers may make rules respecting the enrolment of a person under subsection (1), including but not limited to rules establishing conditions to which the enrolment is subject, including
- (a) restrictions on the areas of law in which a person may practise in Alberta,
- (b) the condition that a person must be sufficiently proficient in English to be able to engage competently in the practice of law, and
- (c) the payment of a fee.

RSA 2000 cL-8 s41; 2003 c42 s12; 2009 c7 s7; 2011 c20 s9

Regulations

- No print consolidation in Alberta
 - Canlii and Queens Printer have online consolidations
- Official version is still the print version
- Index is cumulative, but only shows regulations currently in force
- Annual index has to be supplemented with last issue's index
- Point in time only available on Canlii

How to find regulations in print

up to and including: 258/2017

INDEX OF REGULATIONS

FILED UNDER THE REGULATIONS ACT

Subsisting on December 31, 2017

	Alta. Reg.	Amendmen	ts
ABC Benefits Corporation Act			•
ABC Benefits Corporation	272/06	232/2001.	5/2006
ABC Beliefits Corporation			
		68/2008, 3	
		62/2013, 38	8/2013
Administrative Procedures and			
Jurisdiction Act	(4/2002	202/2007	1000000
Authorities Designation	64/2003		
		254/2007, .	30/2013,
		89/2013, 1	74/2013
Designation of Constitutional Decision			
Makers	69/2006	254/2007,	170/2012,
		89/2013, 18	89/2015.
		245/2017	

Tracing Regulations

Gazette II annual index 2017

Chartered Professional Accountants Act

Chartered Professional Accountants84/2015

Child Care Licensing Act

Child Care Licensing.......143/2008185/2008, 154/2011, 31/2012, 62/2013, 152/2916

Child and Youth Advocate Act

Child and Youth Advocate......53/201250/2017, 250/2017

NOTE: AR 250/2017 comes into force on the coming into force of the Child Protection and Accountability Act

Historical Notes

Part 4 Administrative Matters

Forms

- 19(1) The form for an application for a licence or a renewal of a licence under section 4 of the Act is set out in Schedule 6.
- (2) The form for a notice of appeal referred to in section 21(3) of the Act is set out in Schedule 7.

Repeal

20 The Child Care Regulation (AR 180/2000) is repealed.

Expiry

21 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2020.

AR 143/2008 s21:152/2016

Can't trace online but don't have print on hand?

- HeinOnline!
 - A database available through your UAlberta Library Access
 - Scanned in versions of historical legislation in Canada
 - Can use it to look up the table of public statues and trace form there
 - Pros:
 - Tracing "print" online
 - Clean scans of historical legislation
 - Won't need to carry every volume needed to trace a long history
 - Cons
 - No hyperlinks to move back and forth between changes
 - Can make the tracing a touch slower

Should I do this in print?...It depends...

- Yes "Official"?
- Yes History of changes to a section of an Act
- Yes To be absolutely completely comprehensive (Updated legislation; judicial consideration)
- Yes Online results seem odd?
- Yes When "online" is "off-line"!

Questions?