

Legislation in Action

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1. Legislation in Action

1.1 Legislation in Action



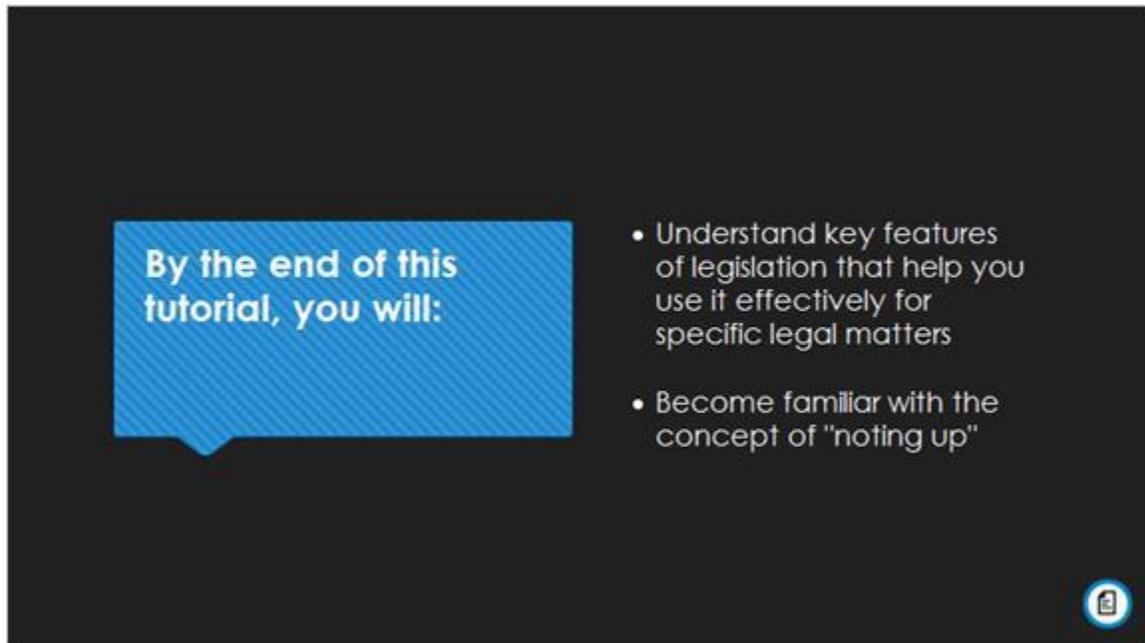
Notes:

Hello, my name is Meris. I'm a law librarian, and I'll be walking you through this tutorial. Now that you've learned the key elements of how legislation is created, this tutorial will inform you of several key things about how legislation works once it's been passed, that will affect your actual use of legislation.

You advance the slides yourself. Click "Next" when you want to continue. As well, you may need to adjust the size of your browser window.

Throughout this tutorial, we will refer to websites where you can find documents. Links to online resources and websites will appear again at the end of this tutorial. You can also download the full transcript of this tutorial.

1.2 Learning Objectives



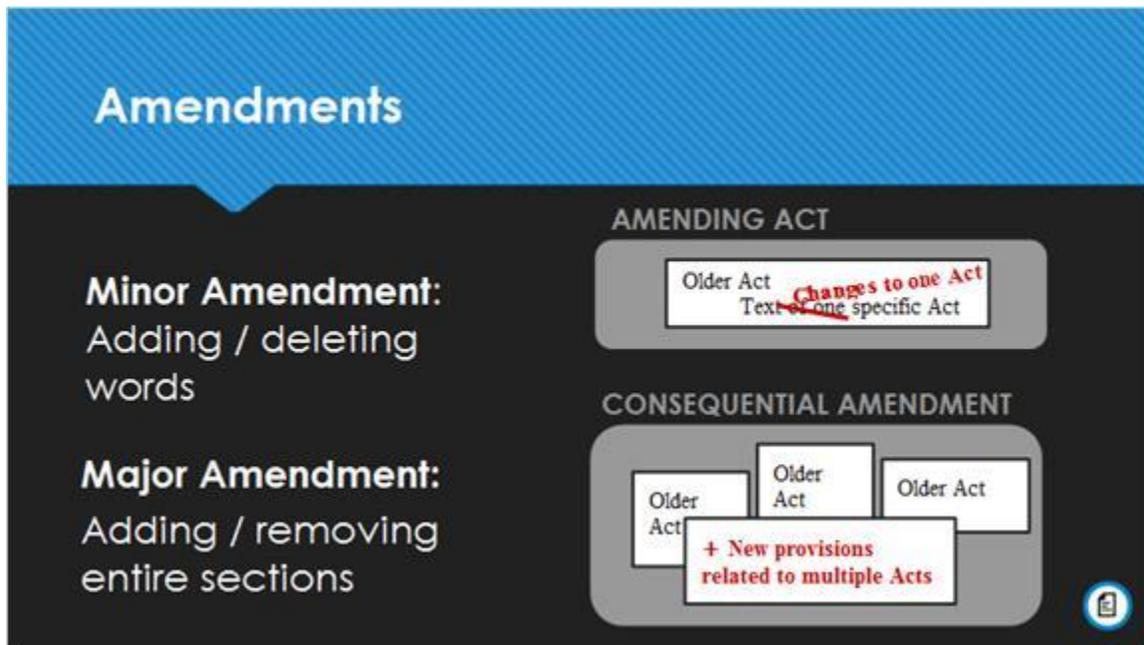
By the end of this tutorial, you will:

- Understand key features of legislation that help you use it effectively for specific legal matters
- Become familiar with the concept of "noting up"

Notes:

The purpose of this tutorial is to help you understand the basics of how to use legislation effectively, after it's been passed. Most acts change over time. First by amendments that change the actual content of the act. And second, by judicial consideration, a process that interprets the meaning and application of an act in the context of a particular case. Both of these processes can make significant change to what an act says or how it's interpreted. And need to be tracked in order to know if an act is relevant for your needs. This tracking process is sometimes referred to as "noting up." Let's look first at amendments, then at judicial consideration.

1.3 Amendments



Notes:

Once a bill has passed successfully through the legislative process, received Royal Assent, and come into force, is that the end? No! Legislation isn't stagnant; it is often changed or repealed by an ongoing amending process--changes in government, new policy directions, technological changes, or urgent needs for correcting a problem, are just a few of the reasons for making amendments.

Amendments can be minor in scope, adding or deleting individual words. Or they can be major, such as adding or removing entire sections.

Acts are primarily amended by other, newly-passed acts. This happens in two ways:

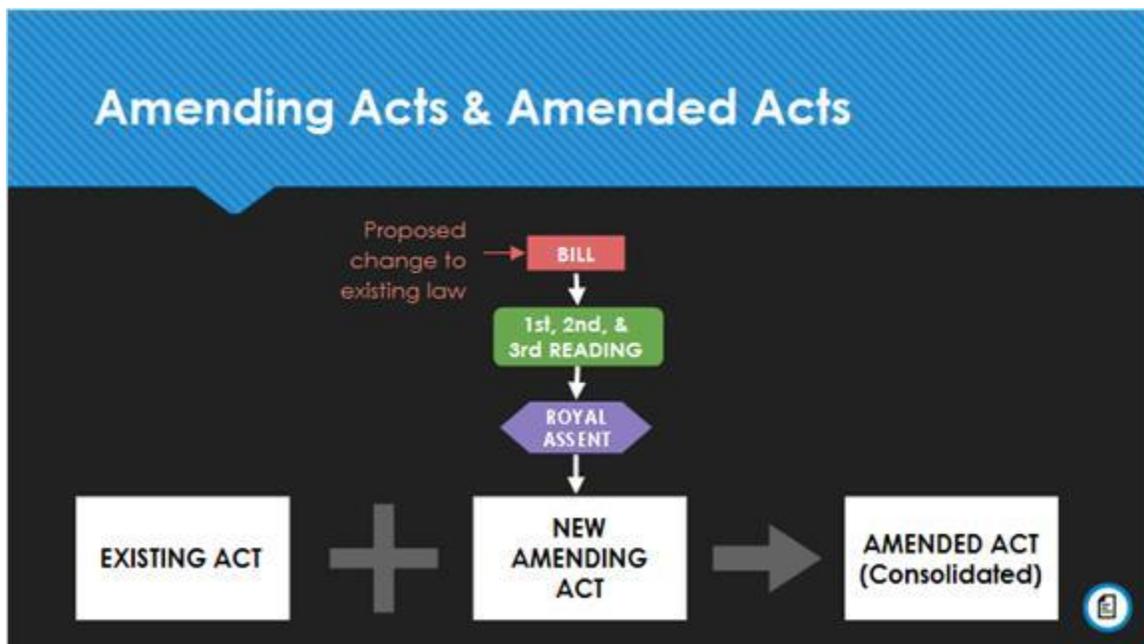
Amending acts are acts whose title indicates they update specific existing acts or areas of legislation (such as an Act to Amend the Traffic Safety Act, or an Act to Amend certain Acts relating to Agriculture and Agri-food).

Consequential amendments can be found in any section of any new act; they make changes to similar or related sections of existing acts (for example, the new Transportation of Dangerous Goods Act amends several existing acts that

include related or similar content, including the Traffic Safety Act, Railways Act, and Environmental Protections Act).

Amendments are made to specific sections or subsections of an act. This is important to know for locating both the amending section and the amended section, when you want to see exactly how the amendment changed the existing section of the act.

1.4 Amending Acts & Amended Acts



Notes:

There are always at least two acts involved in the amendment process. The amending act, and the amended act or acts.

When the government makes changes to law, it often creates amending acts, which make changes to existing laws. These amending acts must go through the same legislative process as the original laws that they are amending. If passed, the amending act will add new sections or make other changes to existing legislation.

A consolidated act is one that's been updated and incorporates all amendments as of a certain date, into the original text.

1.5 Current v Historical



Notes:

Each time an act is amended, it results in a new version of the act. The most recent version of an act, which includes all amendments in force as of a particular date, is called a “current consolidation.” The “current to” date of a consolidation is the most recent date that any new, in force amendments were checked for and added to the consolidation. Current consolidations are always in electronic format. Most quality online sources are very current, usually within a week or two at the most, but there are times when you may still need to check, in case any new amendments have not yet been incorporated into the text of the consolidation.

A “previous version” of an act is any version prior to the current consolidation, and may be in either electronic or print format, depending on how old it is. There can be many previous versions of a given act, each one going further back in time. When you are searching for legislation, keep in mind whether you need the current consolidation or a previous version, or perhaps both. If you are seeking a previous version for a particular date in the past, this is called “point in time” research. You may also need to compare different previous versions to see how an act has changed over time.

1.6 Current v Historical



Notes:

Current consolidations can be found in a variety of sources, as well as in the comprehensive databases such as Quicklaw, Westlaw, and CanLii. There is considerable variation among databases on how far back in time their online acts go.

- The Alberta Queen's Printer Professional site contains point-in-time statutes dating back to the latest revision of the Alberta Statutes, in the year 2000.
- The free Queen's Printer Laws site does not contain any point-in-time material.
- Federally, the Justice Laws website allows point-in-time access back to 2003 for acts, and to 2006 for regulations.
- QuickLaw contains historic statutes back to varying dates, and not for every province.

Please note that for Alberta, the only official source of legislation are the *Annual*

and Revised Statutes, in print form from the Alberta Queen’s Printer, available in the Library. The “official” version is the one you must cite to for court. Federally, legislation found on the Department of Justice laws website is official.

Click on the green boxes to go directly to these web pages, or “Next” to continue with the tutorial.

1.7 Revisions

Revisions

15. Oh Canada
16. Our home and
17. Native land
18. True patriot love
19. In all thy sons command
20. With glowing hearts
21. We see thee rise
22. The True North
23. Strong and free

Predecessor: 15.1

New chapter numbers
Rearrangements
Sections renumbered

↓

TABLE OF CONCORDANCE

Revision ≠ Consolidation

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Notes:

I mentioned a “revision” a moment or so ago... Let me explain what that is.

Over time, an act can become unwieldy with many amendments to many different sections. A revision is a complete review and rewriting of all existing acts in a particular jurisdiction, that incorporates all amendments made since the previous revision, up to a particular date. It also removes acts and sections that have been repealed. New chapter numbers are assigned to each act, the acts are arranged in a new order, and sections are re-numbered as needed. The result is a **complete new set of all existing acts for the jurisdiction in print format** as of the revision date. There are statute revisions for Canada as a whole, and for each province.

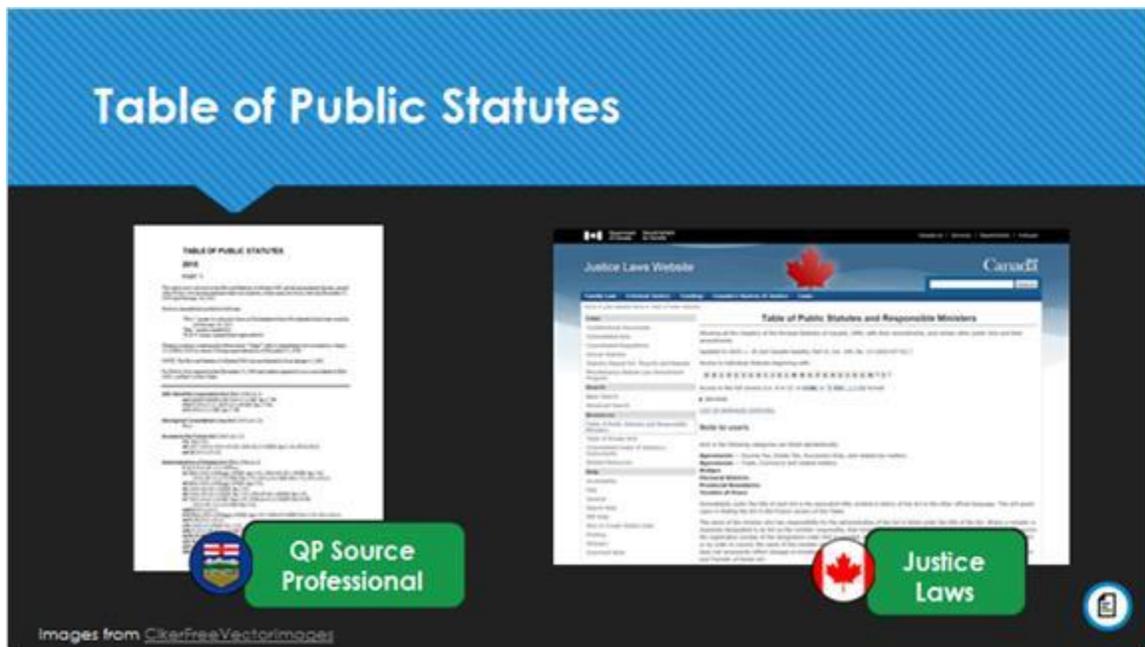
To help you keep track of these changes, a Table of Concordance links the chapter and section numbers of the earlier acts to the newly revised versions. As well, every section in the revision will have a “predecessor section” notation that

links you back, step by step, to that section's previous versions in previous revisions. This is very important for historical research, as it allows you to trace a section backwards through multiple print revisions, all the way back to the first instance of the act.

As you can imagine, completing a revision is an enormous undertaking. Revisions used to be done every 15 years or so. Now, with constantly updated online consolidations of acts as the mainstream process, the need for periodic mass statute revisions will likely be much less frequent--perhaps they may disappear altogether.

Is a revision the same as a consolidation? Well, the process has *some* similarities, but they're really two different things. A consolidation is a single act that merely "folds in" all pertinent amendments for that one act and is updated on an ongoing basis. In a revision, **all existing acts** are revised and completely reorganized in a way that is not required for a single consolidation.

1.8 Table of Public Statutes



Notes:

If you're doing legislative research, it's important to know about the **Table of Public Statutes**. It's an alphabetical master list of all acts currently in force, i.e. all acts in the most recent *Revised Statutes*, plus all new acts passed since that revision came into effect.

For each act, the table lists all amendments to all sections of the act, plus coming-into-force information for all amendments to the act. As the availability of

online point-in-time versions of statutes varies amongst different databases, the completeness of the table is invaluable for determining which amendments were in force, at any given point in time.

Provincially for Alberta, a print Table of Public Statutes can be found in the Supplement volume of the Looseleaf Statutes, updated twice a year, so generally no more than 6 months behind. The table can also be found at the end of each annual print volume of statutes, printed on pink pages. An online version of the table is available on the subscription version of the Queen's Printer website, called QP Source Professional.

Federally, the Table of Public Statutes and Responsible Ministers is part of the Justice Laws website. The homepage for the table contains detailed currency information, in two forms. First, it lists which is the most recent statute included. As well, it provides a listing of the most recent Gazette issue, as Gazettes contains proclamations that bring acts into force.

1.9 Judicial Consideration



Notes:

Acts that are cited as authorities by a case can also be “considered” by the case. This is called judicial consideration. Finding if an act has been considered by case law is an important part of “noting it up,” i.e. determining if the meaning and/or application of the act has been clarified by case law. And if so, if it is still useful and relevant to your needs.

In judicial consideration, the case interprets and analyzes the meaning of the act

as a whole, or specific section of the act, in relation to the facts and issues of the case, **to determine how the act should be applied in that particular case.** Judicial consideration can go so far as to find an act, or section of it, unconstitutional or invalid. Judicial consideration represents an important intersection of case and statute law, and adds significantly to the understanding and application of legislation.

To find whether an act or section has been judicially considered, search by the name of the act or section number in a Statute Citator or case database. The comprehensive legal databases such as Westlaw, QuickLaw, and CanLii have good tools for identifying cases that have considered a particular statute. Be careful, however, to note the jurisdiction and version of act being considered, to be sure that you're noting up the correct version of the act or section.

1.10 Regulations

Regulations

Characteristics:

- May contain diagrams, lists, charts, details
- Not debated by Legislature
- Published in Gazette

ACT

Delegation

REGULATION

Alberta Gazette Part 2

Queen's Printer

Part II: Official Regulations

Justice Laws

Notes:

Let's move onto regulations. As we mentioned in the previous tutorial, regulations (or regs) are subordinate or delegated legislation; meaning they arise from the provisions of an authorizing act. They deal with the more operational, technical, or procedural kinds of law which arise around the implementation of an act.

The authorizing act usually contains a section near the end, that authorizes regs to be created. They may contain diagrams, lists, or charts. Regulations are seldom introduced into a legislature or the federal parliament. They do not go

through the process that applies to the passing of new statutes. Regulations are made by the department or ministry that's responsible for the act. And are mostly passed by the means of a legislative order, for example, an Order in Council.

There is no discussion by the legislature or federal parliament. At the most, you may be able to find draft regulations that were published in a call for commentary, and usually this is only available at the federal level.

Regulations are published in the Gazette, and are similar to acts in that they can be amended, consolidated, or repealed. Regulations are first published in the Gazette, part 2, of each of the provincial and territorial legislatures, as well as the federal parliament. Regulations can also be found on the Alberta Queen's Printer site, and the federal Justice Laws website.

Alberta does not make historical versions of regulations available through the Queen's Printer. However, CanLii does offer historical versions covering over a decade. The Justice Laws website provides some historical regulations, back to March 2006.

1.11 Gazette

Notes:

Let's take a closer look at the Gazettes. Gazettes contain a wealth of information. They are essentially the "official newspapers" of federal, provincial, and territorial governments, issued by the Queen's Printer. Most jurisdictions make their Gazette available both in print and online. Alberta, via the Queen's Printer. And in Canada, on the Justice Laws website.

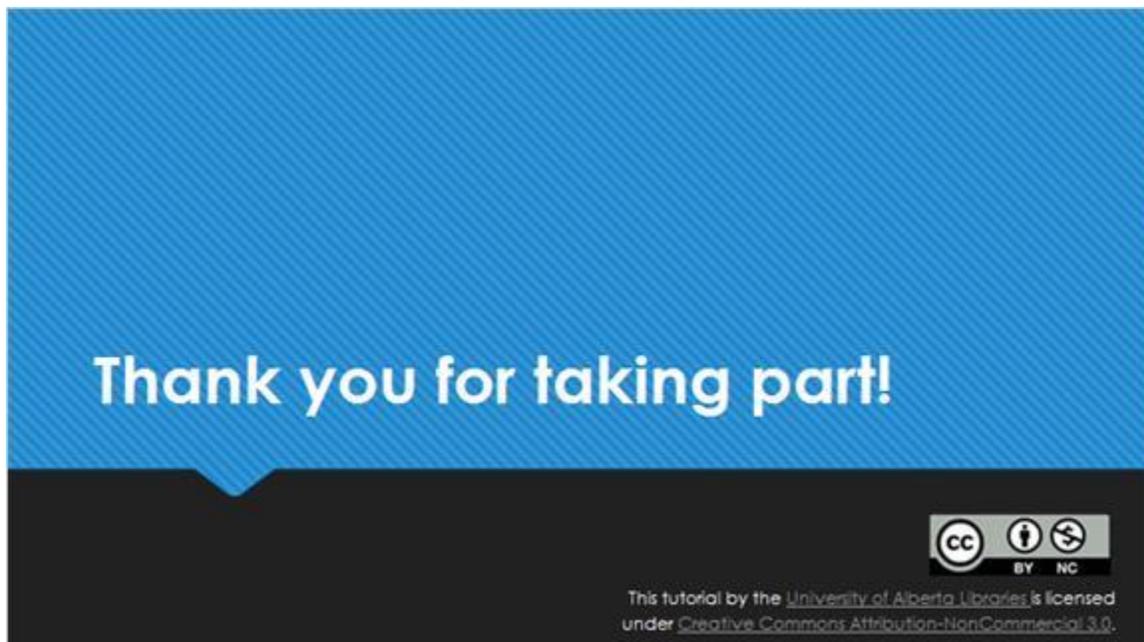
The Gazette consists of multiple parts:

Gazette Part I contains parliamentary notices, orders in council, and other records.

Gazette Part II is where you'll find regulations.

Gazette Part III is only published by the federal government, and contains newly passed statutes.

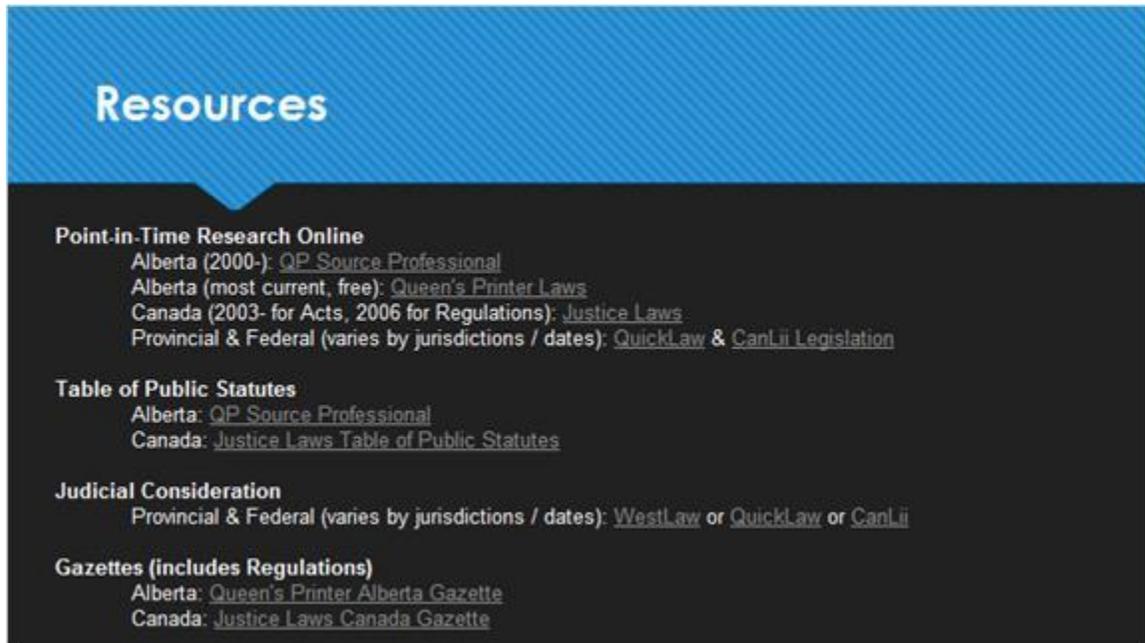
1.12 Thank you!



Notes:

Thank you for participating in this tutorial. Don't forget, if you have any questions about legislation or the legislative process, please contact the library for assistance. We're here to help!

1.13 Resources



Resources

Point-in-Time Research Online
Alberta (2000-): [QP Source Professional](#)
Alberta (most current, free): [Queen's Printer Laws](#)
Canada (2003- for Acts, 2006 for Regulations): [Justice Laws](#)
Provincial & Federal (varies by jurisdictions / dates): [QuickLaw](#) & [CanLii Legislation](#)

Table of Public Statutes
Alberta: [QP Source Professional](#)
Canada: [Justice Laws Table of Public Statutes](#)

Judicial Consideration
Provincial & Federal (varies by jurisdictions / dates): [WestLaw](#) or [QuickLaw](#) or [CanLii](#)

Gazettes (includes Regulations)
Alberta: [Queen's Printer Alberta Gazette](#)
Canada: [Justice Laws Canada Gazette](#)