

Finding Legislative Intent

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Agenda



- Legislative Intent of a federal law
- Legislative Intent of a federal regulation
- Coming into Force



Scenario:



DEAN BEEBY

OTTAWA — The Canadian Press

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An internal study by the Justice Department, never made public, praised Canada's so-called "faint hope" clause for murderers even as the Harper government pressed for - and won - its elimination.

The controversial clause, which allowed first- and second-degree murderers to request an early parole hearing after serving 15 years in prison, was repealed just two days before the federal election was called.

The faint hope clause was introduced the same year as a free vote in Parliament eliminated the death penalty for Criminal Code offences and instead imposed mandatory life sentences for first- and second-degree murder.

The Conservative government later took up the cause of victims' families and introduced a bill to repeal faint hope, only to erase the proposed legislation in 2009 by proroguing Parliament. It was reintroduced in April last year as Bill S-6 in the Senate, after Prime Minister Stephen Harper appointed enough Tories to control the upper house.



What we know

- What:
 - “Faint Hope” Clause of Criminal Code
 - 1st and 2nd degree murderers eligible for early parole after 15 years
- When:
 - Created same year the death penalty was abolished in Canada (1976)
 - Repealed by Bill S-6 before May 2011

Following the Breadcrumbs



Source: Lala Gallardo on Flickr



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The Repeal



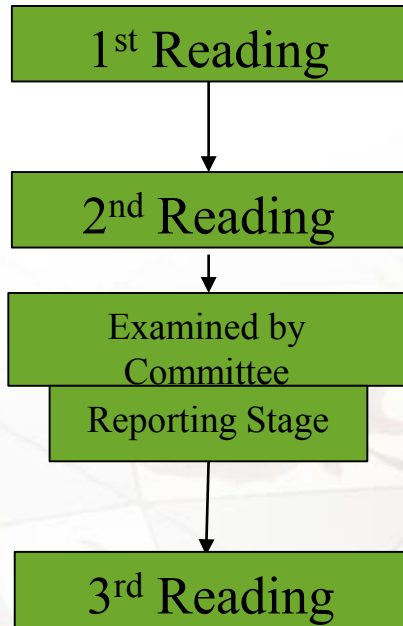
- Media search
- Government website search
- [LegisInfo](#)
- [Parliamentary documents](#) (i.e. debates, journals, committee evidence)



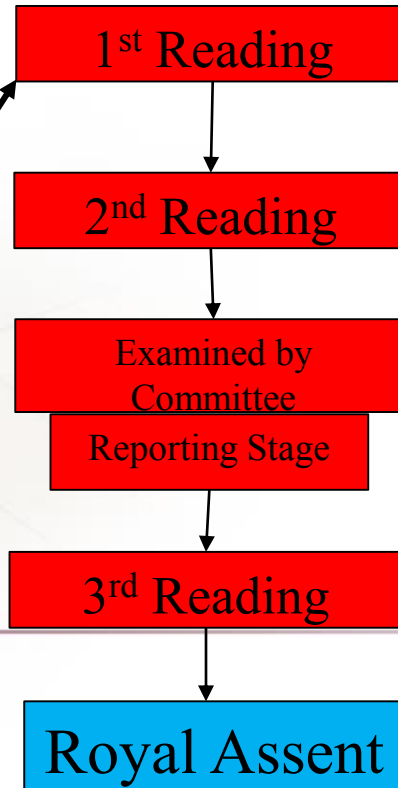
Legislative Process

House of Commons

Bill is proposed...



Senate



The Creation



- Print Hansard (Debates)
- Print Committee Evidence
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Hansard (Debates)



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Regulations



A. Seeking Pre-Publication of a Proposed Regulation

Step	Description	Who Is Involved	Approvals
1	Determine the level of impact (triage) and whether an exemption from pre-publication will be sought. See the Exemption from Pre-Publication section for more information.	Regulatory Organization (RO) and TBS-RAS	RO director or above signs finalized triage
2	Conduct analysis and develop the Regulatory Impact Analysis Statement (RIAS), and obtain concurrence on the RIAS from TBS-RAS analyst.	RO and TBS-RAS	
3	Draft the regulation.	RO and JUS	RO director general
4	Examine draft regulation and review the RIAS (the extent of the RIAS review varies according to the mandate of the Regulations Section involved) and issue stamped copies of the draft regulation.	JUS	
5	Send signed regulatory submission to PCO-OIC.	RO and PCO-OIC	Responsible minister signs proposal
6	Treasury Board considers the submission and decides whether to approve it for pre-publication.	Treasury Board, TBS-RAS, and PCO-OIC	Treasury Board approves pre-publication
7	Pre-publish the proposed regulation in the Canada Gazette, Part I.	PCO-OIC and PWGSC	

B. Seeking Final Approval, Publication, and Registration of a Proposed Regulation

Step	Description	Who Is Involved	Approvals
8	Receive and review comments on the draft regulation, revise the regulation, update the RIAS, as needed and obtain concurrence on it from TBS-RAS analyst.	RO and TBS-RAS	
9	Examine the proposed regulation and RIAS and issue stamped copies.	JUS	
10	Send signed final regulatory submission to PCO-OIC.	RO and PCO-OIC	Responsible minister signs proposal
11	The GIC (Treasury Board ministers advising the Governor General) considers the submission and decides whether to make the regulation.	Treasury Board, Governor General, TBS-RAS, and PCO-OIC	GIC makes regulation
12	Register and publish regulations in the Canada Gazette, Part II.	PCO-OIC and PWGSC	
13	Review by the Standing Joint Committee for the Scrutiny of Regulations.		

Scenario: Regulation



Trudeau government misfires on promised gun-marking measures

The new Liberal government has been in office for 100 days

By Jim Bronskill, The Canadian Press | Posted: Feb 12, 2016 9:59 AM ET | Last updated: Feb 12, 2016 9:59 AM ET



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The Liberal government has broken a promise to immediately implement firearm-marking regulations to help police trace guns used in crime.

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The Liberal government has broken a promise to immediately implement



Just before the August federal election call, the Conservative government quietly published a notice deferring the firearm-marking regulations until June 1, 2017 — the seventh time the measures had been delayed.

Trudeau's 1st 100 days began with

government to continue consultations, despite six previous delays in enacting the regulations, first drafted in 2004.

The July 29 notice from Public Safety Canada said the delay would allow the government to continue consultations, despite six previous delays in enacting the regulations, first drafted in 2004.



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Source: CBC News: <http://www.cbc.ca/news/politics/trudeau-government-misfires-on-promised-gun-marking-measures-1.3445444>



What We Know

- What:
 - A regulation entitled *Firearms Marking Regulations* is not yet in force

- When: Made in 2004 (SOR/2004-275)





What can we find out about its creation?

- [Justice Laws Website](#)
 - [Canada Gazette: Part II](#)
 - [Canada Gazette: Part I](#)
 - [Debates and other Parliamentary Papers?](#)
 - In certain cases
- Regulatory Analysis
Impact Statement (RAIS)



Coming Into Force



- 'Coming into Force' is the date that the legislation, or part of it, becomes enforceable.

Coming Into Force

6. The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.



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