

Course Outline Template

COURSE:	LAWS 3005 A – Law and Regulation
TERM:	Fall 2023
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2501, LAWS 2502
CLASS:	Day & Time: Wednesdays, 11:35 am – 2:25 pm Room: Online (asynchronous) including use of Brightspace.
INSTRUCTOR:	Ryan Jeffries
CONTACT:	Office: N/A Office Hrs: Privately by appointment Telephone: N/A Email: RyanJeffries@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

Definitions and goals of regulation; contemporary theories and debates about legal and non-legal approaches to regulation. Approaches studied may include market mechanisms, public agency regulation, self-regulation and governance in co-operation with associations in civil society.

COURSE DESCRIPTION

In this course, we will discover how governments and other entities use the law to regulate various areas of society. We will survey different theories and purposes of regulation, learn how federal regulations are developed and interpreted, and explore approaches to regulatory enforcement. Subsequently, we will delve into an array of case studies to examine the successes, failures, and other impacts of regulation both in Canada and abroad.

Acknowledgement and thanks to Faiza Ahmed-Hassan for her contributions to the development of this syllabus.

REQUIRED TEXTS

There will be no required textbook for this course but required materials are set out in the course schedule below.

SUPPLEMENTARY TEXTS

Regulatory Law and Practice, 3rd Edition by Paul Salembier, 2021 (LexisNexis).

a copy of the supplemental readings from this textbook can be accessed through the university library

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Description	Percentage	Due Date
Quiz #1	10%	Due September 27, 2023. More information to follow in class and on Brightspace.
Quiz #2	10%	Due October 18, 2023. More information to follow in class and on Brightspace.
Short Papers (4)	40% (10% per paper)	Each paper must focus on a different lecture and must be a <u>minimum</u> of 1000 words in length. More information to follow in class and on Brightspace. All papers must be received by 11:59 pm on December 06, 2023.
Final Take Home Exam	40%	More information to follow in class and on Brightspace. The exam must be received by 11:59 pm on December 22, 2023.
TOTAL:	100%	

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Missed quizzes will result in a grade of **zero** on the quiz unless an alternate arrangement has been made with the instructor prior to the quiz date, or in the case of emergency (as determined by the instructor).

All late assignments as well as the final exam will receive a penalty of **10% per day**, up to a maximum penalty of 50%, unless an extension has been arranged with the instructor prior to the due date, or in the case of emergency (to be determined by the instructor).

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

Schedule of Topics and Weekly Readings	
Week 1: Introduction September 06, 2023	Introduction – Review of course outline and methodology
Week 2: What is Regulatory Law? (Part I) September 13, 2023	Required Readings: <ul style="list-style-type: none"> • You Don't Know What You've Got 'Til It's Gone: The Rule of Law in Canada – Part I, 2015 CanLII Docs 56. Jack Watson, Alberta Law Review 52:3 (2015). [41 pages] Supplemental Materials <ul style="list-style-type: none"> • Regulatory Law and Practice, pp. 8-14. [7 pages]
Week 3: What is Regulatory Law? (Part II) September 20, 2023	Required Readings: <ul style="list-style-type: none"> • You Don't Know What You've Got 'Til It's Gone: The Rule of Law in Canada – Part II, 2015 CanLII Docs 80. Jack Watson, Alberta Law Review 52:4 (2015). [39 pages] Supplemental Materials <ul style="list-style-type: none"> • Regulatory Law and Practice, Chapter 4. [26 pages]

<p style="text-align: center;">Week 4: How Regulations Are Made September 27, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Guide to Making Federal Acts and Regulations – Part 3, Privy Council Office, Government of Canada (2017). [15 pages] • How new laws and regulations are created, Department of Justice (2021). • Understanding the Regulation Making Process. Paul Salembier and Peter Bernhardt, Canadian Parliamentary Review 25:1 (2022). [7 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • Regulatory Law and Practice, Chapter 6. [54 pages] • Statutory Instruments Act, R.S.C., 1985, c. S-22. [16 pages] • Cabinet Directive on Regulation. Treasury Board of Canada Secretariat. [29 pages] • Reassessing the Constitutional Foundation of Delegated Legislation in Canada. Lorne Neudorf, Dalhousie Law Journal 41:2 (2018). [55 pages] • Strengthening the Parliamentary Scrutiny of Delegated Legislation: Lessons From Australia, 2019 CanLII Docs 4029. Lorne Neudorf, Canadian Parliamentary Review 42:4 (2019). [5 pages]
<p style="text-align: center;">Week 5: Interpretation of Regulations October 04, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Legislative Bijuralism: Its Foundation and Its Application. Marie-Claude Gaudreault, Department of Justice Canada (2012). [18 pages] • R. v. Raham – Who’s at Fault in a Case of Reckless Drafting?, 2010 CanLII Docs 99. Miles Hastie, Canadian Bar Foundation 88:3 (2010). [24 pages] • Statutory Interpretation in a New Nutshell, 2003 CanLII Docs 108. Ruth Sullivan, Canadian Bar Review 82:1 (2003). [29 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • Regulatory Law and Practice, Chapter 7. [82 pages] • Interpretation Act, R.S.C., 1985, c. I-21. [31 pages] • Canadian Bijuralism At A Crossroad? The Impact Of Section 8.1 Of The Interpretation Act On Judicial Interpretation Of Federal Legislation, 2014 CanLII Docs 33469 Aline Grenon, Canadian Bar Review 51:2 (2014). [40 pages]
<p style="text-align: center;">Week 6: Enforcement of Regulations October 11, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Administrative Monetary Penalties: A Tool for Ensuring Compliance. Chris Rolfe, West Coast Environmental Law Association (1997). [8 pages]

	<ul style="list-style-type: none"> • Too many Canadian regulatory watchdogs are failing to serve the public interest. Matt Malone, Policy Options (2022). [5 pages] • The politics of regulatory enforcement and compliance: Theorizing and operationalizing political influences. Jodi L. Short, Regulation & Governance 15:1 (2021). [19 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • Ways to achieve compliance and enforce legislation. Legislation Design and Advisory Committee, Government of New Zealand (2021). [3 pages] • Understanding Regulatory Enforcement. Robert A. Kagan, Law & Policy 11:2 (1989). [29 pages] • Ticketing Poverty: An Analysis of The Discriminatory Impacts of Public Intoxication By-Laws on People Experiencing Homelessness in Montreal, 2023 CanLIIDocs 1173. Emily Knox et al, Dalhousie Journal of Legal Studies 32:1 (2023). [43 pages] • Evaluation of the Contraventions Act Program. Department of Justice (2021). [30 pages]
<p style="text-align: center;">Week 7: Regulating Animals October 18, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Ontario government ‘playing with fire’ by revisiting pit bull ban, says family of dog attack victim. Sanjay Maru, CBC News Windsor (2019). [8 pages] • Fake Laws: How Aq-Gaq Undermines the Rule of Law in Canada. Katie Sykes and Sam Skinner, Animal Law Review 28:1, Lewis & Clark Law School (2022). [36 pages] • Marineland faces legal complaint about Kiska, ‘the world’s loneliest orca’. Bobby Hristova, CBC New Hamilton (2021). [2 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • A Quantitative Study of Denver’s Breed-Specific Legislation, Hawes et al., Animal Law Review 26:2, Lewis & Clark Law School (2020). [70 pages] • Barking Up The Wrong Tree: Regulating Fear, Not Risk, Ann L. Schiavone, Animal Law Review 10:9, Lewis & Clark Law School (2016). [70 pages] • The Whale, Inside: Ending Cetacean Captivity in Canada, 2019 CanLIIDocs 2114. Katie Sykes, Canadian Journal of Comparative and Contemporary Law 5:1 (2019). [57 pages]
<p style="text-align: center;">Week 8: NO CLASS October 25, 2023</p>	<p style="text-align: center;">NO CLASS</p>

**Week 9:
Regulating the
Environment**
November 01, 2023

Required Readings:

- [Drowning in Plastic: Toxins and the Constitution, 2023 CanLIIDocs 470](#). Rebecca Kauffman, Environmental Law Centre (2023). [22 pages]
- [Building Up the Rule of Law in Ontario – Ministerial Zoning Orders and the Ford Government](#). Noel Semple, SLAW.CA (2021). [2 pages]
- [The Water Sustainability Act, Groundwater Regulation, and Indigenous Rights to Water: Missed Opportunities and Future Challenges, 2018 CanLIIDocs 15](#). Kathryn Gullason, Appeal: Review of Current Law and Law Reform 23:29 (2018). [11 pages]

Supplemental Materials

- [Autonomy in the Anthropocene? Libertarianism, Liberalism, and the Legal Theory of Environmental Regulation, 2017 CanLIIDocs 3515](#). Jason MacLean, Dalhousie Law Journal 40:1 (2017). [43 pages]
- [Taking Uncertainty Seriously: From Permissive Regulation to Preventative Design in Environmental Decision Making](#). R. Michael M’Gonigle et al., Osgoode Hall Law Journal 32:1 (1994). [71 pages]

**Week 10:
Regulating Drugs**
November 08, 2023

Required Readings:

- [Regulating the Legal Cannabis Market: How is Canada doing?](#), Centre for Addiction and Mental Health (2022). [10 pages]
- [Ontario is lowering its markups on pot, as cannabis companies struggle to stay afloat](#). Mike Crawley, CBC News Toronto (2023). [8 pages]
- [Pharmaceutical company responses to Canadian opioid advertising restrictions: A framing analysis](#). Daniel Eisenkraft Klein et al, PLOS ONE 17:1 (2023). [10 pages]

Supplemental Materials

- [A Justice-Based Argument for the Uniform Regulation of Psychoactive Drugs, 1986 CanLIIDocs 219](#). Chester N Mitchell, McGill Law Journal 31:2 (1986). [51 pages]
- [Cannabis, Reconciliation, and the Rights of Indigenous People: Prospects and Challenges for Cannabis Legalization in Canada, 2019 CanLIIDocs 356](#). Konstantia Koutouki and Katherine Lofts, Alberta Law Review 56:3 (2019). [18 pages]
- [Permissive regulation: A critical review of the regulatory history of buprenorphine formulations in Canada](#). Abhimanyu Sud et al, International Journal of Drug Policy 105:1 (2022). [5 pages]

<p style="text-align: center;">Week 11: Regulating Public Space November 15, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Managing the curb – Public space and use of curbside cafes during the Coronavirus pandemic. Sneha Mandhan and Kelly Gregg, <i>Cities</i> 132:1 (2023). [15 pages] • Robots, Regulation, and the Changing Nature of Public Space, 2020 CanLIIDocs 3937. Kristen Thomasen, <i>Ottawa Law Review</i> 51:2 (2020). [37 pages] • Municipal Regulation of Public Spaces: Effects on Section 7 Charter Rights, 2006 CanLIIDocs 115. Kendra Milne, <i>Appeal: Review of Current Law and Law Reform</i> 11:1 (2006). [15 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • Beyond Airspace Safety: A Feminist Perspective on Drone Privacy Regulation, Kristen MJ Thomasen, <i>Canadian Journal of Law and Technology</i> 16:2 (2016). [32 pages] • Controlling the Commons: How Public Is Public Space? Jeremy Németh, <i>Urban Affairs Review</i> 25:1 (2012). [25 pages] • The Policing of Major Events in Canada: Lessons From Toronto’s G20 and Vancouver’s Olympics, 2015 CanLIIDocs 213. W. Wesley Pue et al, <i>Windsor Yearbook on Access to Justice</i> 32:2 (2015). [30 pages] • How and Why Homeless People Are Regulated Differently, 2018 CanLIIDocs 11045. Terry Skolnik, <i>Queen’s Law Journal</i> 43:2 (2018) [27 pages]
<p style="text-align: center;">Week 12: Regulating Transportation November 22, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Preconditions, Regulatory Failure and Corporate Negligence Behind the Lac-Mégantic Disaster, 2018 CanLIIDocs 10965. Bruce Campbell, <i>Revue générale de droit</i> 48:95 (2018). [35 pages] • How northern air operators are dealing with a pilot shortage & FDT regulations. Lisa Gordon, <i>Skies Magazine</i> (2023). [20 pages] • Some Ontario truckers call on Ottawa to regulate driver training for highway safety. Michael Lacasse, <i>CBC News London</i> (2023). [4 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • Air Passenger Protection Regulations, SOR/2019-150. [32 pages] • Change is in the Air: Government of Canada proposing changes to Air Passenger Protection Regulations. Joshua Krane et al., <i>McMillan LLP</i> (2023). [4 pages] • Safety in Artificial Intelligence & Robotics Governance in Canada, 2023 CanLIIDocs 1145. Kristen Thomasen, <i>Canadian Bar Review</i> 101-1:62 (2023). [41 pages]

<p style="text-align: center;">Week 13: Regulating Internationally November 29, 2023</p>	<p>Required Readings:</p> <ul style="list-style-type: none"> • Olympic champion Caster Semenya wins appeal against testosterone rules at human rights court. Gerald Imray, Associated Press/CBC Sports (2023). [4 pages] • Rules of war: Why they matter. International Committee of the Red Cross (2021). • ‘Beyond the State’: The limits of international regulation and the example of abandoned seafarers. Helen Simpson, Marine Policy 140:1 (2022). [9 pages] <p>Supplemental Materials</p> <ul style="list-style-type: none"> • IAAF introduces new eligibility regulations for female classification. World Athletics (2019). [2 pages] • The Outlaw Ocean Podcast, eps. 3, 4 and 6. Ian Urbina, CBC/LA Times (2023). • Trapped at Sea. Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers. Rebecca Surtees, Groningen Journal of International Law 1:2 (2013). [61 pages] • IMO – What it is. International Maritime Organization, pp. 1-22 (2013). [22 pages]
<p style="text-align: center;">Week 14: December 06, 2023</p>	<p style="text-align: center;">Final Class – Review/Questions</p>

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.
December 10-22, 2023	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 22, 2023	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.