

# **Special Topics in Political Management: Political Management and the Law (POLM 5906A)**

## **Course Description**

This course will help students identify common legal issues that affect party officials, parliamentarians and political staffers. It will introduce students to access to information laws, privacy laws, election laws, campaign finance laws, whistleblowing laws, defamation laws, national security laws and criminal laws. It will also introduce students to parliamentary law and procedure, including the concept of parliamentary privilege. This course has been designed to be an introductory law course. Students are not expected to become legal experts.

## **Readings**

A textbook is not required for this seminar. All assigned readings are outlined in Appendix 1 (“**Detailed Reading List**”).

## **Evaluation**

Students will be evaluated based on attendance/participation (20%), mini-writing assignments (30%) and an open-book, take-home final exam (50%).

There will be two mini-writing assignments worth 15% each. The goal of these assignments is to have students identify (potential) legal issues within hypothetical fact patterns. Outside research is not required. Detailed instructions, including formatting instructions, will be provided with each assignment.

### **Mini-Writing Assignment #1**

Distributed: September 25 at 5:00 PM ET

Due: October 2 at 5:00 PM ET

### **Mini-Writing Assignment #2**

Distributed: October 2 at 5:00 PM ET

Due: October 9 at 5:00 PM ET

Late assignments will be subject to a 10% penalty for each 24-hour interval, or fraction thereof, that they are late. For example, if an assignment due Thursday at 5:00 PM is received after 5:00 PM Thursday, but before 5:00 PM Friday, then the mark will be reduced by 10%. If the assignment is received after 5:00 PM Friday, but before 5:00 PM Saturday, then the mark will be reduced by 20%, and so on.

Please keep a copy of each assignment that is submitted—and a copy of each e-mail used to submit each assignment.

The open-book final examination will be worth 50% of the final mark. The exam will cover topics discussed in the lectures and in the readings. The final exam will be distributed on the final day of classes (October 16, 2024) and will be due the final day of the examination period

(October 27, 2024). It is an open-book, take-home examination. It will be due the final day of the official examination period. It must be completed individually.

Despite the weighting described above, completion of all three assignments and the final exam is required for successful completion of the course. In other words, the three assignments must be completed—and the exam must be written in order to receive a passing grade.

### **Mini-Writing Assignments**

As noted above, detailed instructions will be distributed with each assignment. As a general note, each student should write their student number on the front page of their assignment—and each subsequent page of their assignment. **A student's name should not appear anywhere on the assignment.** Please send all assignments to both [kmorrow@fasken.com](mailto:kmorrow@fasken.com) and [tbarlow@fasken.com](mailto:tbarlow@fasken.com). Please keep a record of all e-mails used to submit assignments. Emails and assignments will be separated prior to marking to ensure a student cannot be identified.

### **Seminar Protocol**

Students may use laptops, personal data assistants, smart phones and other devices to take notes, non-disruptively, in seminar. Students are not permitted use technology to make a video, audio or photographic record of any part of the seminar. Students are also not permitted to broadcast any part of the seminar content.

### **Contact and Office Hours**

We will not keep office hours on campus but will be available by email and/or telephone. You may contact Kyle via email at [kmorrow@fasken.com](mailto:kmorrow@fasken.com) or via telephone at 613-696-6909; you may contact Tom via email at [tbarlow@fasken.com](mailto:tbarlow@fasken.com) or via telephone at 416-868-3403.

### **Course Calendar**

- September 4:** Introduction to Law and the Legislative Process  
Introduction to Legal Actors and Institutions
- September 11:** Introduction to Legal Actors and Institutions (*Cont'd.*)  
Document Retention, Disclosure and Destruction
- September 18:** Document Retention, Disclosure and Destruction (*Cont'd.*)  
Election Law
- September 25:** Election Law (*Cont'd.*)  
Campaign Finance Law
- October 2:** Campaign Finance Law (*Cont'd.*)  
Criminal Law  
**[Writing Assignment #1 Due]**
- October 9:** Miscellaneous Topics: Ethics, Whistleblowing, and National Security & Foreign Interference.  
**[Writing Assignment #2 Due]**

**October 16:** TBD

*The final exam will be distributed on Wednesday, October 16, 2024. It is an open-book, take-home examination. It will be due the final day of the official examination period (Sunday, October 27, 2024). It must be completed individually.*

This syllabus is only a guide. The instructor may depart from the syllabus, in the event discussion of certain topics takes longer than expected. Changes to the topic order may occur, in the event there are changes to a guest speaker's availability.

### **Academic Accommodations**

Carleton University is committed to providing access to the educational experience in order to promote academic accessibility for all individuals.

Academic accommodation refers to educational practices, systems and support mechanisms designed to accommodate diversity and difference. The purpose of accommodation is to enable students to perform the essential requirements of their academic programs. At no time does academic accommodation undermine or compromise the learning objectives that are established by the academic authorities of the University.

### **Requests for Academic Accommodation**

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

**Pregnancy:** 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. For more details, visit the Equity Services website (<http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>).

**Religious obligation:** 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. For more details, visit the Equity Services website (<http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>).

**Academic Accommodations for Students with Disabilities:** If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613 520 6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation or contact your PMC coordinator to send your instructor your Letter of Accommodation at the beginning of the term. You must also contact the PMC 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 your instructor as soon as possible to ensure accommodation arrangements are made. For more details, visit the Paul Menton Centre website (<http://carleton.ca/pmc>).

**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:

[carleton.ca/sexual-violence-support](https://carleton.ca/sexual-violence-support)

**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. For more details, see the policy (<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>).

## Plagiarism

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

### **Oral Examination**

At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

### **Campus Email Accounts**

The Faculty of Public Affairs strongly encourages students to sign up for a campus email account. Important course and University information will be distributed via the Campus email system. See <http://students.carleton.ca/> for instructions on how to set up your account.

## Appendix 1: Detailed Reading List

### Topic #1: Introduction to Law and the Legislative Process

This class will provide students with an introduction to general principles in law. It will explain, for example, the difference between legislation and delegated legislation—and the difference between common law and civil law. It will also explain the legislative process by which policy platforms and ideas become law.

#### *I. Sources of Law (Common Law, Civil Law, Legislation, Regulations, Orders-in-Council, etc.)*

- **“Where our legal system comes from”**, Department of Justice (September 1, 2021). Link: <https://www.justice.gc.ca/eng/csjs-jc/just/03.html> (**Entire Document**)
- **“House of Commons Procedure and Practice”** (Third Edition, 2017), edited by Marc Bosc and André Gagnon. Link: [https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch\\_16-e.html](https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_16-e.html) (**Chapter 16: The Legislative Process**)
- **“Guide to Making Federal Acts and Regulations”**, 2nd Edition, Privy Council Office (2001). Link: <https://www.canada.ca/content/dam/pco-bcp/documents/pdfs/fed-acts-eng.pdf> (**Part Three (Pages 173 to 188)**)

#### *II. Legislative Process & Procedures (Consideration in Committee, Royal Assent, Coming into Force, etc.)*

- **“House of Commons Procedure and Practice”** (Third Edition, 2017), edited by Marc Bosc and André Gagnon. Link: [https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch\\_16-e.html](https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_16-e.html) (**Chapter 16: The Legislative Process**)
- **“Coming into Force of Federal Legislation: A Practical Guide”**, Library of Parliament (October 4, 2022). Link: <https://hillnotes.ca/2022/10/04/coming-into-force-of-federal-legislation-a-practical-guide/> (**Entire Document**)

#### *III. Constitutional Analysis (“Charter-Proofing”, Division of Powers, Vagueness, Constitutional Remedies, etc.) during the Legislative Process*

- **“The Distribution of Legislative Powers: An Overview”**, Library of Parliament (October 16, 2019). Link: <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2019-35-e.pdf> (**Entire Document**)
- **“The Government of Canada and the Duty to Consult”**, Department of Crown-Indigenous Relations and Northern Affairs Canada (December 9, 2021). Link: <https://www.rcaanc-cirnac.gc.ca/eng/1331832510888/1609421255810#sec1> (**Entire Document**)
- **“The Notwithstanding Clause of the Charter”**, Library of Parliament (May 7, 2018). Link: [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201817E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201817E) (**Entire Document**)

*IV. Legislating During Emergencies & Crises*

- “**The Emergencies Act: Parliament’s Role During a National Emergency**”, Library of Parliament (February 22, 2022) Link: <https://hillnotes.ca/2022/02/22/the-emergencies-act-parliaments-role-during-a-national-emergency/> (**Entire Document**)
- *Canadian Frontline Nurses v Canada (Attorney General)*, 2024 FC 42. Link: <https://canlii.ca/t/k2d9l>. (**Paragraphs 1-3, 7, 18 to 19, 21 to 25, 63 to 66, 100 to 103, 255, 297, 308 to 309, 313 to 314, 317, 324, 341, 342 to 359, 370 to 373**).

## **Topic #2: Introduction to Legal Actors and Institutions**

This class will provide students with a summary of the roles and responsibilities of various actors and institutions. It will explain, for example, the concepts of parliamentary privilege and ministerial responsibility.

### *I. Roles and Responsibilities of Members of Parliament, Senators and Officers of Parliament*

- **“Members of the House of Commons: Their Roles”**, Library of Parliament (April 21, 2011). Link: <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2011-38-e.pdf> (**Entire Document**)
- **“Appointment of Officers of Parliament”**, Library of Parliament (revised September 30, 2019). Link: <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2009-21-e.pdf> (**Entire Document**)

### *II. Roles and Responsibilities of Ministers, Ministers of State and Parliamentary Secretaries*

- **“Responsibility in the Constitution”**, Department of Justice (December 7, 2017). Link: <https://www.canada.ca/en/privy-council/services/publications/responsibility-constitution.html> (**Entire Document**)
- **“The Role of Parliamentary Secretaries: An Overview”**, Library of Parliament (June 1, 2018). Link: [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201821E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201821E) (**Entire Document**)
- **Danielle Smith Report**, Office of the Ethics Commissioner for Alberta (**May 17, 2023**). Link: <https://www.ethicscommissioner.ab.ca/media/3124/allegations-involving-premier-danielle-smith-may-17-2023.pdf> (**Page 7 to 16**)

### *III. Roles and Responsibilities of Civil Servants*

- No assigned readings for this topic. Topic will be discussed by instructor in class.

### *IV. Roles and Responsibilities of Political Staffers*

- **Federal Public Service Employment Act**, SC 2003, c 22, ss 12, 13. Link: <https://lois-laws.justice.gc.ca/eng/acts/P-33.01/> (**Sections 128 and 129**)
- **“Policies for Ministers' Offices”**, Treasury Board of Canada Secretariat (January 2011). Link: <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html> (**Sections 1.1.1, 1.1.2, 3.2.1, 3.2.2 and 3.7.1**)

### *V. Parliamentary Privileges and Immunities*

- **“House of Commons Procedure and Practice”** (Third Edition, 2017), edited by Marc Bosc and André Gagnon. Link: [https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch\\_03-e.html](https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_03-e.html) (**Chapters 3: Privileges and Immunities**)
- **Canada (House of Commons) v Vaid**, 2005 SCC 30. Link: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2231/index.do> (**Entire Decision**)
- **Jama v The Speaker**, 2024 ONSC 1264. Link: <https://canlii.ca/t/k4spp> (**Entire Decision**)



- *Alford v Canada (Attorney General)*, 2024 ONCA 306. Link: <https://canlii.ca/t/k476c>. (**Entire Decision**)
- “WE Charity legal adviser: Parliament should have no right to summon people under threat of arrest”, National Post (March 8, 2021). Link: <https://nationalpost.com/opinion/we-charity-legal-adviser-parliament-should-have-no-right-to-summon-people-under-threat-of-arrest> (**Entire News Article**)

#### *VI. Contempt*

- **H. Resolution 730**, U.S. House of Representatives (117th Congress: October 21, 2021). Link: <https://www.congress.gov/bill/117th-congress/house-resolution/730/text> (**Entire Resolution**)
- “Steve Bannon sentenced to 4 months in jail for contempt of Congress”, CNBC (October 21, 2022). Link: <https://www.cnbc.com/2022/10/21/steve-bannon-to-be-sentenced-after-ex-trump-aide-defied-jan-6-subpoena.html> (**Entire News Article**)
- *United States of America v Stephen K. Bannon*, Court of Appeals (D.C. Circuit), No. 22-3086. Link: <https://levin-center.org/wp-content/uploads/2024/05/2024-5-10-DC-Circuit-opinion-upholding-Bannon-conviction.pdf> (**Section I - Pages 1 to 6; Section II – Pages 6 to 11; Section III – Page 20**)

### **Topic #3: Document Retention, Disclosure and Destruction**

This class will examine key legal concepts related to document retention, disclosure and destruction. It will examine access to information laws, recordkeeping laws and privacy laws. Particular attention will be paid to the Gas Plant Scandal (Ontario) and Triple Delete Scandal (British Columbia).

#### *I. Recordkeeping Laws*

- **Ontario Archives and Recordkeeping Act**, 2006, SO 2006, c 34. Link: <https://www.ontario.ca/laws/statute/06a34> (**Sections 13 to 15**)
- **Criminal Code of Canada**, RSC, 1985, c C-46. Link: <https://laws-lois.justice.gc.ca/eng/acts/c-46/> (**Sections 430 and 342.1**)
- **“Premier’s Office Records Schedule”**, Ministry of Government and Consumer Services, Information, Privacy and Archives Division (January 27, 2015). Link: [http://www.archives.gov.on.ca/en/recordkeeping/documents/Premiers\\_Office\\_Records\\_Schedule\\_March\\_2015.pdf](http://www.archives.gov.on.ca/en/recordkeeping/documents/Premiers_Office_Records_Schedule_March_2015.pdf) (**Pages 1 to 36**)
- **R v Livingston**, 2018 ONCJ 25. Link: <https://canlii.ca/t/hpw2f> (**Paragraphs 13 to 45, 76 to 89 and 171 to 184**)
- **“Deleting Accountability: Records Management Practices of Political Staff”**, Special Investigation Report, Office of the Information & Privacy Commissioner of Ontario (June 5, 2013). Link: <https://www.ipc.on.ca/resource/deleting-accountability-record-management-practices-of-political-staff-a-special-investigation-report/> (**Pages 1 to 39**)

#### *II. Access to Information Laws*

- **Federal Access to Information Act**, RSC, 1985, c A-1. Link: <https://laws-lois.justice.gc.ca/eng/acts/a-1/> (**Sections 2, 14, 15 and 20**)
- **“Access to Information Manual”**, Treasury Board of Canada Secretariat (December 1, 1993<sup>1</sup>). Link: <https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/access-information-manual.html> (**Subsections 1.1, 1.2, 11.2, 11.3, 11.11 and 11.14**)
- **“Policies for Ministers’ Offices”**, Treasury Board of Canada Secretariat (January 2011). Link: <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html> (**Part 10**)

#### *III. Application of Cabinet Confidence*

- **Ontario (Attorney General) v Ontario (Information and Privacy Commissioner)**, 2024 SCC 4. Link: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/20256/1/document.do> (**Paragraphs 1 to 14, 19 to 21, 27 to 31, 41, 46 to 49, 58 to 64**)

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<sup>1</sup> This document is currently being updated (chapter-by-chapter) by the Treasury Board of Canada Secretariat. Please read the latest version that is posted on the website.

- ***British Columbia (Minister of Public Safety) v British Columbia (Information and Privacy Commissioner)***, 2024 BCSC 345. Link: <https://canlii.ca/t/k35q8> (**Paragraphs 1 to 5, 43 to 45 and 69 to 80**)

#### *IV. Application of Privacy Laws to Political Parties*

- ***British Columbia Personal Information and Protection Act***, RSBC 2003, Chapter 63. Link: [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03063\\_01](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03063_01) (**Sections 2, 3, 5 and 6 to 8**)
- ***British Columbia Election Act***, RSBC 1996, Chapter 106. Link: [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96106\\_00](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96106_00) (**Subsections 51(2), 275(3.2) and 275(3.3)**)
- **“Full Disclosure: Political parties, campaign data, and voter consent”**, Investigation Report, Office of the Information and Privacy Commissioner for British Columbia (February 6, 2019). Link: <https://www.oipc.bc.ca/investigation-reports/2278> (**Pages 1 to 39 and 43 to 44**)
- ***Liberal Party of Canada v The Complainants***, 2024 BCSC 814. Link: <https://canlii.ca/t/k4lk3> (**Paragraphs 1 to 62 and 201 to 207**)
- **“Sharing of Personal Information as Part of the Draft Multicultural Strategic Outreach Plan: Government of British Columbia and the BC Liberal Party”** (August 1, 2013). Link: <https://www.oipc.bc.ca/investigation-reports/1559> (**Pages 1 to 27**)

## **Topic #4: Election Law**

This class will examine key legal concepts related to elections, including recounts and contested elections. It will also examine parliamentary concepts related to dissolution and prorogation. Particular attention will be paid to the 2011 Robocalls Scandal. Attention will also be paid to the 2008 Harper Prorogation and the 2019 Johnson Prorogation.

### *I. Dissolving Parliament (to Call an Election) & Proroguing Parliament (to Avoid an Election)*

- **“House of Commons Procedure and Practice”** (Third Edition, 2017), edited by Marc Bosc and André Gagnon. Link: [https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch\\_02-e.html](https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_02-e.html) (**Chapter 2: Parliaments and Ministries // Chapter 8: The Parliamentary Cycle**)
- ***R (on the application of Miller) (Appellant) v The Prime Minister (Respondent)***, et al., [2019] UKSC 41. Link: <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf> (**Paragraphs 1 to 71**)

### *II. Contested Nominations, Leadership Races and Other “Internal” Party Matters*

- ***Karahalios v Conservative Party of Canada***, 2020 ONSC 3145. Link: <https://canlii.ca/t/j7whr> (**Paragraphs 177 to 196 and 223 to 251**)
- ***Knox v Conservative Party of Canada***, 2007 ABCA 295. Link: <https://canlii.ca/t/1szhd> (**Paragraphs 1 to 4 and 9 to 35**)
- ***Graff v New Democratic Party***, 2017 ONSC 3578. Link: <https://canlii.ca/t/h46sv> (**Paragraphs 2 to 10 and 15 to 18**)
- ***Trost v Conservative Party of Canada***, 2018 ONSC 2733. Link: <https://canlii.ca/t/hrvt8> (**Paragraphs 1 to 35**)

### *III. Recounts and Contested Elections*

- ***Canada Elections Act***, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 299 to 310 and 524**)
- ***Judicial Recount Arising out of the 41st General Election in the Electoral District of Etobicoke-Centre (Re)***, ONSC 3652. Link: <https://canlii.ca/t/flx9d> (**Entire Decision**)
- ***Opitz v Wrzesnewskyj***, 2012 SCC 55. Link: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12635/index.do> (**Paragraphs 1 to 217**)
- **“Democracy and Dissent: Reconsidering the Judicial Review of the Political Sphere”** By Yasmin Dawood, *he Supreme Court Law Review: Osgoode’s Annual Constitutional Cases Conference* 63. (2013). Link: <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1263&context=sclr> (**Entire Article**)
- **“Judicial Recount Handbook”**, Elections Canada, Link: [https://www.elections.ca/res/loi/jud/jud\\_e.pdf](https://www.elections.ca/res/loi/jud/jud_e.pdf) (**Pages 9 to 19**)

*IV. Fixed-Date Elections*

- *Canada Elections Act*, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 56.1 and 56.2**)

*V. Election-Related Offences*

- *Canada Elections Act*, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 91, 92, 111, 166, 282.6 and 325**)
- *R v Sona*, 2014 ONCJ 365. Link: <https://canlii.ca/t/g8m0r> (**Paragraphs 1 to 4 and 158 to 179**)
- *R v Sona*, 2016 ONCA 452. Link: <https://canlii.ca/t/g80vx> (**Paragraphs 1 to 2, 4 to 10, 13 and 33 to 35**)

## **Topic #5: Campaign Finance Law**

This class will examine the complex rules that apply to campaign finance, including spending limits and anti-collusion measures. It will explain the various rules that apply to political parties, and candidates, in addition to the rules that apply to “third parties”.

### *I. Campaign Finance Rules for Political Candidates and Parties*

- **Canada Elections Act**, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 363, 430, 477.49 and 477.5**)
- **“Political Financing Handbook for Candidates and Official Agents”**, Elections Canada (April 2024). Link: [https://www.elections.ca/pol/can/man/ec20155\\_c76/2024-02\\_e.pdf?ver=1.1](https://www.elections.ca/pol/can/man/ec20155_c76/2024-02_e.pdf?ver=1.1) (**Pages 16 to 17, 21 to 22, 25, 27 to 29, 47 to 50, 69 to 70, 75 to 76 and 119 to 121**)

### *II. Campaign Finance Rules for Third Parties*

- **Canada Elections Act**, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 350, 351, 351.01 and 352**)
- **“Political Financing Handbook for Third Parties, Financial Agents and Auditors”**, Elections Canada (June 2021). Link: [https://www.elections.ca/pol/thi/ec20227/ec20227\\_e.pdf](https://www.elections.ca/pol/thi/ec20227/ec20227_e.pdf) (**Pages 10 to 11 and 49 to 53**)
- **Undertaking between the Commissioner of Canada Elections and the United Conservative Party of Alberta** (June 12, 2020). Link: <https://www.cfc-ccc.ca/content.asp?section=agr&dir=un&document=jun0820&lang=e> (**Entire Document**)
- **Undertaking between the Commissioner of Canada Elections and the Saskatchewan Party** (June 29, 2021). Link: <https://cfc-ccc.ca/content.asp?section=agr&dir=un&document=jul2321&lang=e> (**Entire Document**)
- **Undertaking between the Commissioner of Canada Elections and Unifor** (May 22, 2020). Link: <https://www.cfc-ccc.ca/content.asp?section=agr&dir=un&document=may1520&lang=e> (**Entire Document**)
- **Undertaking between the Commissioner of Canada Elections and Canadians for Clean Prosperity** (December 6, 2021). Link: <https://cfc-ccc.ca/content.asp?section=agr&dir=un&document=dec1521&lang=e> (**Entire Document**)

### *III. Constitutionality of Campaign Finance Rules*

- No assigned readings for this topic. Topic will be discussed by instructor in class.

### *IV. Campaign Finance-Related Offences*

- **“Compliance and Enforcement Policy of the Commissioner of Canada Elections”**, Office of the Commissioner of Canada Elections (November 2023). Link: [https://cfc-ccc.ca/abo/bul/bul\\_e.pdf](https://cfc-ccc.ca/abo/bul/bul_e.pdf) (**Pages 1 to 18**)
- **R v Del Mastro**, 2014 ONCJ 605. Link: <https://canlii.ca/t/gf9qd> (**Entire Decision**)

- **“Agreed Statement of Facts”**, part of the plea deal between the Public Prosecution Service of Canada and the Conservative Party of Canada, in the “in-and-out” scandal (November 10, 2011) Link: [https://www.ppsc-sppc.gc.ca/eng/nws-nvs/2011/10\\_11\\_11b.html](https://www.ppsc-sppc.gc.ca/eng/nws-nvs/2011/10_11_11b.html) (**Entire Document**)
- **Compliance Agreement between the Commissioner of Canada Elections and Ryan Vernon** (October 31, 2013). Link: <https://www.cfec.ca/content.asp?section=agr&dir=ca&document=oct3013&lang=e> (**Entire Document**)

## Topic #6: Criminal Law

This class will provide students with a general overview of key concepts in criminal law. It will also provide students with an overview of politically-charged offences (*i.e.* Influence Peddling, Bribery, Fraud, Breach of Trust, Obstruction of Justice, etc.) under the *Criminal Code of Canada*. Particular attention will be paid to the prosecutions of Dean Del Mastro and Bruce Carson. Attention will also be paid to the Sponsorship Scandal (2004).

### *I. Background: Introduction to Criminal Law*

- No assigned readings for this topic. Topic will be discussed by instructor in class.

### *II. Background: Parties, Accessories and Attempts*

- ***Criminal Code of Canada***, RSC, 1985, c C-46. Link: <https://laws-lois.justice.gc.ca/eng/acts/c-46/> (**Subsections 21(1), 23(1) and 24(1)**)
- ***Federal Interpretation Act***, RSC, 1985, c. I-21. Link: <https://laws-lois.justice.gc.ca/eng/acts/i-21/index.html> (**Subsection 34(2)**)
- ***R v Del Mastro***, 2016 ONSC 2071. Link: <https://www.canlii.org/en/on/onsc/doc/2016/2016onsc2071/2016onsc2071.html?resultIndex=2> (**Paragraphs 7, 142-146 and 147 to 152**)
- ***R v Del Mastro***, 2017 ONCA 711. Link: <https://www.canlii.org/en/on/onca/doc/2017/2017onca711/2017onca711.html?autocompleteStr=del%20mastro&autocompletePos=1> (**Paragraphs 53 and 80 to 101**)

### *III. Criminal Offences (Influence Peddling, Illegal Lobbying, Bribery, Fraud, Breach of Trust, and Obstruction of Justice)*

- ***Criminal Code of Canada***, RSC, 1985, c C-46. Link: <https://laws-lois.justice.gc.ca/eng/acts/c-46/> (**Paragraphs 119(1)(a), 119(1)(b) and 121(1)(d) and sections 122 and 139**)
- ***Federal Lobbying Act***, RSC, 1985, c 44 (4th Supp.). Link: <https://laws-lois.justice.gc.ca/eng/acts/l-12.4/> (**Subsections 5(1), 10.11(1), 14(1) and 14(2)**)
- “**Mysterious consultant known as 'Mr. X' in Greenbelt report ID'd as former Clarington mayor: sources**”, CBC News (September 2, 2023) Link: <https://www.cbc.ca/news/canada/toronto/greenbelt-unregistered-lobbyist-development-1.6955297> (**Entire News Article**)
- “**Criminal Charges and Parliamentarians In Brief**”, Research Publication, Library of Parliament (November 15, 2017). Link: [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/201728E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201728E) (**Entire Document**)
- ***R v Carson***, 2018 SCC 12. Link: <https://canlii.ca/t/hr51s> (**Paragraphs 1 to 11 and 18 to 49**)
- ***R v Carson***, 2019 ONCA 396. Link: <https://canlii.ca/t/j09b9> (**Paragraphs 1 to 26**)
- ***Carson Report***, Office of the Conflict of Interest and Ethics Commissioner (June 2018). Link: <https://ciec-ccie.parl.gc.ca/en/publications/Documents/InvestigationReports/Carson%20Report.pdf> (**Entire Document**)



## **Topic #7: Miscellaneous Topics: Ethics, Whistleblowing and National Security & Foreign Interference**

This class will examine several miscellaneous topics, including on ethics, whistleblowing and national security & foreign interference. (Students interested in an in-depth analysis of ethics and conflicts of interest should take POLM 5008 with Guy Giorno next semester.)

### *I. Ethics: Separating Parliamentary Roles and Partisan Roles (During Elections)*

- **“Policies for Ministers' Offices”**, Treasury Board of Canada Secretariat (January 2011). Link: <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html> (**Section 3.5.4**)
- **“Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election”**, Privy Council Office (August 2021). Link: <https://www.canada.ca/en/privy-council/services/publications/guidelines-conduct-ministers-state-exempt-staff-public-servants-election.html> (**Entire Document**)
- **“Members By-Law”**, Board of Internal Economy (April 1, 2024). Link: <https://www.ourcommons.ca/DocumentViewer/en/boie/by-law/10000> (**Section 95**)

### *II. Ethics: Separating Parliamentary Roles and Partisan Roles (Outside Elections)*

- **“Conflict of Interest Code for Members of the House of Commons”**, House of Commons, Link: <https://www.ourcommons.ca/about/standingorders/appa1-e.htm> (**Sections 8 to 11**)
- **“Members By-Law”**, Board of Internal Economy (April 1, 2024). Link: <https://www.ourcommons.ca/DocumentViewer/en/boie/by-law/10000> (**Sections 4 and 19**)
- **“The Cheques Report: The use of partisan or personal identifiers on ceremonial cheques or other props for federal funding announcements”**, Investigation Report, Office of the Conflict of Interest and Ethics Commissioner (April 29, 2010). Link: <https://ciec-ccie.parl.gc.ca/en/investigations-enquetes/Pages/ChequesReportCode.aspx> (**Entire Document**)
- **“Use of House of Commons Resources for Political Offices”**, Backgrounder, Board of Internal Economy (April 12, 2014). Link: <https://www.ourcommons.ca/content/boie/pdf/backgrounder-8-12-14-e.pdf> (**Entire Document**)
- **Canada (Board of Internal Economy) v Boulerville**, 2019 FCA 33. Link: <https://decisions.fca-caf.gc.ca/fca-caf/decisions/en/item/363540/index.do> (**Entire Case**)
- **Compliance Agreement between the Commissioner of Canada Elections and Pierre Poilievre** (July 4, 2017). Link: <https://cef-ccce.ca/content.asp?section=agr&dir=ca&document=jul0417&lang=e> (**Entire Document**)

### *III. Whistleblowing*

- No assigned readings for this topic. Topic will be discussed by instructor in class.

### *IV. National Security & Foreign Interference*

- *Canada Elections Act*, SC 2000, c 9. Link: <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/> (**Sections 282.4, 349.02, 349.03, 349.4 and 351.1**)
- “**Policies for Ministers' Offices**”, Treasury Board of Canada Secretariat (January 2011). Link: <https://www.canada.ca/en/treasury-board-secretariat/services/policies-ministers-offices-january-2011.html> (**Section 2.1**)
- “**CSIS Public Report 2023**”, Canadian Security Intelligence Service (March 2023). Link: [https://www.canada.ca/content/dam/isis-scrs/documents/publications/Public\\_Report\\_2023-eng-DIGITAL.pdf](https://www.canada.ca/content/dam/isis-scrs/documents/publications/Public_Report_2023-eng-DIGITAL.pdf) (**Pages 24 to 25, 28 to 33 and 38 to 49**)
- “**Foreign Interference: Threats to Canada’s Democratic Process**”, Canadian Security Intelligence Service (July 2021). Link: <https://www.canada.ca/content/dam/isis-scrs/documents/publications/2021/foreign-interference-threats-to-canada%27s-democratic-process.pdf> (**Entire Document**)
- “**Modernizing Canada's Toolkit to Counter Foreign Interference: An Act respecting countering foreign interference**”, Department of Public Safety (July 20, 2024). Link: <https://www.securitepublique.gc.ca/cnt/ntnl-scr/fgn-ntrfnc/mdrnzng-tlkt-frgn-ntrfnc-en.aspx?wbdisable=true#:~:text=An%20Act%20respecting%20countering%20foreign%20interference%20also%20establishes%20a%20Foreign,Influence%20Transparency%20Registry%20in%20Canada> (**Entire Document**)
- “**Former RCMP officer charged with foreign interference granted bail**”, CBC News (July 25, 2023). Link: <https://www.cbc.ca/news/politics/rcmp-officer-charged-foreign-interference-bail-1.6917583#:~:text=Former%20RCMP%20officer%20charged%20with%20foreign%20interference%20on%20behalf%20of%20China&text=A%20former%20RCMP%20officer%20has,benefit%20China%2C%20the%20RCMP%20said.> (**Entire News Article**)
- “**How an ex-Mountie accused of conspiracy became China's 'hired gun' in a campaign Canada once tacitly supported**”, CTV News (July 25, 2023) Link: <https://www.ctvnews.ca/politics/how-an-ex-mountie-accused-of-conspiracy-became-china-s-hired-gun-in-a-campaign-canada-once-tacitly-supported-1.6492136> (**Entire News Article**)