

**LAW LEGISLATION AND POLICY**  
**(Law 104 – Section A03) [CRN 16243]**  
**Fall 2011**

**Course Description**

Professor: Freya Kodar  
Office: Fraser Building, Room 210 (telephone: 721-8190; e-mail: fkodar@uvic.ca)  
Course Website: The course website is a Moodle site that can be accessed at  
<http://moodle.uvic.ca/>

**I. Course Description**

The course covers three main subject areas: (1) the legislative process; (2) statutory interpretation; and (3) subordinate legislation.

*1. Legislative Process*

The first portion of the course provides a brief overview of the process by which statutes are enacted at the federal and provincial levels.

*2. Statutory Interpretation*

This component, which forms the bulk of the course, concerns theories of interpretation and the variety of approaches, techniques, rules, and conventions that are employed in the interpretation of legislation. Development of the knowledge and skills necessary to read and interpret legislative texts effectively, and to frame cogent and persuasive arguments about how legislative language should be understood in a given context, is emphasized. Judicial approaches to the task of statutory interpretation are examined, as well as the role of the *Interpretation Acts* of British Columbia and Canada.

*3. Subordinate Legislation*

The final section of the course deals with the origin and types of subordinate legislation, the legal requirements relating to such legislation, and the means by which this type of law can be controlled, including, primarily, control through judicial review.

## **II. Course Objectives**

This course aims to:

- (a) provide you with an understanding of the processes by which legislation (both primary and subordinate) is developed and enacted;
- (b) equip you with an ability to analyze and interpret legislative materials using various statutory interpretation approaches and tools that have been developed at common law and by statute; and
- (c) to encourage you to consider the roles of, and interplay between, the legislature, the judiciary, and others who administer and interpret legislation, in giving meaning to legislative language.

## **III. Administrative Details**

### **A. Class Times and Location**

Tuesdays and Thursdays, 11:00 a.m. – 12:30 p.m.\*

Room 152

\* Several LLP classes during the term will meet for 2 hours rather than 1.5 hours in order to meet the University and Faculty requirements regarding the number of class hours. At least one week's advance notice of the date of an extended class will normally be provided. Extended classes will run from 10:30 to 12:30 p.m.

### **B. Office Hours**

I have an open door policy.

### **C. E-mail**

Please check your email account regularly for any notices from me about class cancellations, reading assignments or other matters.

Please feel free to e-mail me to make an appointment or ask general questions. Please be advised that I do not answer substantive questions by e-mail. If you have a substantive question, please see me after class or come by my office to speak with me.

### **D. Taping**

As a general rule I do not permit lectures to be taped. I do make exceptions. If you would like to tape a lecture please speak to me beforehand.

## **IV. Materials**

### **A. Required**

- Law 104 Law Legislation and Policy Coursebook, Fall 2011 (Crane, Deckha, Kodar and Richards)
- Beverley Nash, *Legislation Made Easy*, 3rd ed, BC Government Publications Service, 2004
- Supplementary judicial decisions and readings available on the course website, or handed out in class

Time limitations will inevitably prohibit us from having a detailed discussion about every case, note and idea in the assigned materials. Students are nevertheless expected to be familiar with all of the assigned readings.

### **B. Reference (On Reserve in the Library)**

Pierre-André Côté, *The Interpretation of Legislation in Canada* (3<sup>rd</sup> ed, 2000)

Randall Graham, *Statutory Interpretation: Theory & Practice* (2001)

Ruth Sullivan, *Sullivan on the Construction of Statutes* (5<sup>th</sup> ed, 2008)

Ruth Sullivan, *Statutory Interpretation* (2<sup>nd</sup> ed, 2007) An electronic copy is also accessible online through the Law Library website.

You will also find links to relevant websites and materials on the Moodle course website.)

## **V. Teaching Methodology**

The course will be taught through a combination of lectures, classroom and small group discussion and problem analysis.

It is my expectation that you will (i) have read and thought about the assigned materials before coming to class; and (ii) be able to identify and discuss relevant issues raised by the readings.

## **VI. Classroom Environment**

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions and group work. We have both an ethical and legal obligation to support this kind of environment.

For your reference, you may wish to consult the University's Discrimination and Harassment Policy: [http://www.uvic.ca/shared/shared\\_usecc/docs/policies/GV0205\\_1150\\_.pdf](http://www.uvic.ca/shared/shared_usecc/docs/policies/GV0205_1150_.pdf). The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. I expect all aspects of this class to be conducted with this commitment firmly in mind. If you have any concerns about the climate of the class, please feel free to contact the Associate Dean or me.

## **VII. Scented Products**

Scented products aggravate health problems for some people, especially those with asthma, allergies and other medical conditions. In the interests of maintaining a healthy classroom environment please refrain from wearing scented products such as perfume, cologne, hairspray, lotions and creams in class.

## **VIII. Laptops**

If you choose to take notes on a laptop, as a courtesy to your colleagues, please sit at the back of the classroom.

## **IX. Evaluation**

- Mid-Term Examination, Friday October 28, 2011 (10:00 a.m.): **30%** (Subject to final examination)
- Final Examination, Monday December 5, 2011 (1:00 p.m.): **70%-100%** (Depending on the result of the mid-term examination)

### **A. Examinations**

The mid-term, open book examination on Friday October 28, 2011 will be worth 30% of the final grade in the course, if the mid-term examination is higher than the grade on the final examination. (If the grade on the final examination is higher than the mid-term grade, the mid-term grade will not count towards the final grade.) Mid-term code names will be used in writing this examination. (You must obtain your code name from the main office before the examination.)

A final open book examination on Monday, December 5, 2011 will be worth either 70% or 100% (depending on whether or not the mid-term examination counts). Final code-names will be used for the final examination. (You must obtain your code name from the main office before the examination.)

## B. Accommodations

If you would like to discuss classroom, assignment or exam accommodation necessitated by a permanent or temporary disability, or for other reasons, please see Associate Dean Heather Raven as soon as possible.

## C. Grading

The following breakdown of letters and percentages is the one that the University of Victoria Faculty of Law uses to determine course grades:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

## **X. Regulations**

- A. **Academic integrity is expected of all participants in the University Community. It is a serious academic offence to engage in plagiarism or other forms of academic dishonesty or to assist others in doing so.** You should familiarize yourself with the University's Policy on Academic Integrity, which is set out in the University of Victoria Undergraduate Calendar 2011-12 ("University Calendar"). The policy is available on-line at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/PoAcI.html>

### *"Plagiarism*

*A student commits plagiarism when he or she:*

- *submits the work of another person as original work*
- *gives inadequate attribution to an author or creator whose work is incorporated into the student's work, including failing to indicate clearly (through accepted practices within the discipline, such as footnotes, internal references and the crediting of all verbatim passages through indentations of longer passages or the use of quotation marks) the inclusion of another individual's work*
- *paraphrases material from a source without sufficient acknowledgement as described above*

*Students who are in doubt as to what constitutes plagiarism in a particular instance should consult their course instructor.*

*The University reserves the right to use plagiarism detection software programs to detect plagiarism in essays, term papers and other assignments."*

- B. The Undergraduate Academic Regulations (2011-2012) of the University Calendar set out the University's expectations about attendance, assignments and examinations. These are available on-line at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/index.html>