

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 1 : ASLO : Public Policy: Canada

Get this from a library! Natural resources and public property under the Canadian Constitution. [G V La Forest].

Guarantee of Rights and Freedoms Marginal note: Rights and freedoms in Canada 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Everyone has the following fundamental freedoms: Democratic Rights Marginal note: Democratic rights of citizens 3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. Maximum duration of legislative bodies 4. Annual sitting of legislative bodies 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months. Legal Rights Marginal note: Life, liberty and security of person 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Search or seizure 8. Everyone has the right to be secure against unreasonable search or seizure. Detention or imprisonment 9. Everyone has the right not to be arbitrarily detained or imprisoned. Arrest or detention Proceedings in criminal and penal matters Treatment or punishment Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter. Equality Rights Marginal note: Equality before and under law and equal protection and benefit of law Official languages of Canada Proceedings of Parliament Parliamentary statutes and records Proceedings in courts established by Parliament Communications by public with federal institutions Continuation of existing constitutional provisions Rights and privileges preserved Minority Language Educational Rights Marginal note: Language of instruction Enforcement of guaranteed rights and freedoms Aboriginal rights and freedoms not affected by Charter Other rights and freedoms not affected by Charter The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. Rights guaranteed equally to both sexes Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. Rights respecting certain schools preserved Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools. Application to territories and territorial authorities A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be. Legislative powers not extended Nothing in this Charter extends the legislative powers of any body or authority. Application of Charter Marginal note: Application of Charter Exception where express declaration

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 2 : How your rights are protected - theinnatdunvilla.com

*Natural Resources and Public Property Under the Canadian Constitution [Gerard V. LaForest] on theinnatdunvilla.com
FREE shipping on qualifying offers.*

Representing the Dominion Government: Cory, Deputy Minister of the Interior. Representing the Province of Ontario: Representing the Province of Manitoba: Craig, Attorney-General; also Honourable T. This agreement, as a working basis for the regulation of the English and Winnipeg rivers, is entered into on the understanding that all parties are agreeable to the repeal of the Lake of the Woods Regulation Act, , but Ontario does not bind itself to the terms of this agreement in the event of that Act not being repealed. The Government representatives agreed that the general advantage legislation could be rescinded on the following basis Mr. Bracken undertaking to urge the acceptance thereof by the Manitoba power interests: Control of Lake of the Woods: The recommendation of the Lake of the Woods Control Board that the Norman Darn be expropriated was agreed to in principle. It was further understood that the Board should immediately investigate and report to the three governments concerned, whether-- 1 There is some alternative method of securing control by construction of a new structure above the present dam or otherwise; 2 Failing such an alternative being found, under what procedure and whether under Federal or Provincial auspices should the dam be expropriated. The cost of securing the results contemplated under either 1 or 2 above should be borne on the following basis: So far as the amount chargeable to power is concerned, the basis of settlement between the Dominion Government and the Province of Ontario should be that of the ratio of potential head in Ontario and Manitoba. Regulation under Concurrent Legislation: It was agreed that the Lake of the Woods Control Board should be instructed to immediately canvass the necessities of the situation and make appropriate recommendations to the Governments of Canada and Ontario with a view to having approved and authorized whatever operating regulations are considered necessary to make practically effective the existing concurrent legislation. With regard to storage on Lac Seul, it is agreed that if the power interests in Manitoba or their administrative agency desire storage on Lac Seul, they shall immediately notify the Government of Ontario to this effect. In the event of such notification the Government of Ontario shall undertake not to permit the construction of any development which would later be destroyed, wholly or in part, by the creation of this storage, and shall agree to grant flooding rights, on Crown Lands affected, under the customary conditions, including recompense for timber destroyed, and the usual rental for water powers which may be wholly or partially destroyed incidental to the construction of the said works. Further, the power interests benefited shall be prepared, when required by the Government of Ontario, to pay the said Government an amount to be ascertained by the Control Board, sufficient to pay the difference between the cost of power feasible of development at Pelican Falls and the cost of a similar amount of power to be developed at some other possible site designated by the Government of Ontario and delivered at Sioux Lookout at a distribution voltage. It is agreed that whatever storage scheme may be worked out covering Lac Seul shall be under the jurisdiction of the Lake of the Woods Control Board, the cost of the same to be borne by the power interests as and when benefited. International Questions With regard to the international issues it was unanimously agreed that there was not sufficient data to enable a commitment at the present stage with regard to storage and regulation on Rainy and upper international lakes, and that in any case all the interests concerned, governmental, municipal, corporate and private, on both sides of the boundary, should be afforded the opportunity and the advantage of presenting their views, and of hearing the views of others presented, to the International Joint Commission. It was further agreed that the basis for an international arrangement between the two countries arrived at by the technical advisers of the United States and Canada at Washington in December, should be adhered to, namely: It was further agreed that once a reference of the upper lakes matter has been agreed to, the Canadian Governments, Dominion and Provincial, should facilitate in every possible way, a thorough investigation and an early report by the International Joint Commission, but that pending such a report, the Dominion

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Government could not make any commitment as to policy. With regard to financial obligations arising under settlement of the Lake of the Woods issues it was agreed that the same should be borne by the respective Governments on the same basis as that set out above for the acquirement of the Norman Dam. And whereas it is desirable that the Province should be placed in a position of equality with the other Provinces of Confederation with respect to the administration and control of its natural resources as from its entrance into Confederation in 1870. And whereas it has been agreed between Canada and the said Province that the provisions of the Alberta Act should be modified as herein set out: Now Therefore This Agreement Witnesseth: Transfer of Public Lands Generally 1. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who may be the parties thereto. Any power or right, which, by any such contract, lease or other arrangement, or by any Act of the Parliament of Canada relating to any of the lands, mines, minerals or royalties hereby transferred or by any regulation made under any such Act, is reserved to the Governor in Council or to the Minister of the Interior or any other officer of the Government of Canada, may be exercised by such officer of the Government of the Province as may be specified by the Legislature thereof from time to time and until otherwise directed, may be exercised by the Provincial Secretary of the Province. The Province will perform every obligation of Canada arising by virtue of the provisions of any statute or Order in Council or regulation in respect of the public lands to be administered by it hereunder to any person entitled to a grant of lands by way of subsidy for the construction of railways or otherwise or to any railway company for grants of lands for right of way, road bed, stations, station grounds, workshops, buildings, yards, ballast pits or other appurtenances. School Lands Fund and School Lands 6. Upon the coming into force of this agreement, Canada will transfer to the Province the money or securities constituting that portion of the school lands fund. All lands included in Indian reserves within the Province, including those selected and surveyed but not yet confirmed, as well as those confirmed, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, and the Province will from time to time upon the request of the Superintendent General of Indian Affairs, set aside, out of the unoccupied Crown lands hereby transferred to its administration, such further areas as the said Superintendent General may, in agreement with the appropriate Minister of the Province, select as necessary to enable Canada to fulfill its obligations under the treaties with the Indians of the Province, and such areas shall thereafter be administered by Canada in the same way in all respects as if they had never passed to the Province under the provisions hereof. The provisions of paragraphs one to six inclusive and of paragraph eight of the agreement made between the Government of the Dominion of Canada and the Government of the Province of Ontario on the 24th day of March, 1870, which said agreement was confirmed by statute of Canada. In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence. Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof. Soldier Settlement Lands All interests in Crown lands in the Province upon the security of which any advance has been made under the provisions of the Soldier Settlement Act, being chapter of the Revised Statutes of Canada, 1875, and amending Acts, shall continue to be vested in and administered by the Government of Canada for the purposes of Canada. The parks mentioned in the Schedule hereto shall continue as national parks and the lands included therein, as the same are described in the Orders in Council in the said Schedule referred to except such of the said lands as may be hereafter excluded therefrom, together with the mines and minerals precious and base in each of the said parks and the royalties incident thereto, shall continue to be vested in and administered by the Government of Canada as national parks, but in the event of the Parliament of Canada at any time declaring that the said lands or any part thereof are no longer required

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

for park purposes, the lands, mines, minerals precious and base and the royalties incident thereto, specified in any such declaration, shall forthwith upon the making thereof belong to the Province, and the provisions of paragraph three of this agreement shall apply thereto as from the date of such declaration. The Parliament of Canada shall have exclusive legislative jurisdiction within the whole area included within the outer boundaries of each of the said parks notwithstanding that portions of such area may not form part of the park proper; the laws now in force within the said areas shall continue in force only until changed by the Parliament of Canada or under its authority, provided, however, that all laws of the Province now or hereafter in force, which are not repugnant to any law or regulation made applicable within the said area by or under the authority of the Parliament of Canada, shall extend to and be enforceable within the same, and that all general taxing acts passed by the Province shall apply within the same unless expressly excluded from application therein by or under the authority of the Parliament of Canada. The Government of Canada will introduce into the Parliament of Canada such legislation as may be necessary to exclude from the parks aforesaid certain areas forming part of certain of the said parks which have been delimited as including the lands now forming part thereof which are of substantial commercial value, the boundaries of the areas to be so excluded having been heretofore agreed upon by representatives of Canada and of the Province, and the Province agrees that upon the exclusion of the said areas as so agreed upon, it will not, by works outside the boundaries of any of the said parks, reduce the flow of water in any of the rivers or streams within the same to less than that which the Minister of the Interior may deem necessary adequately to preserve the scenic beauties of the said parks. Every lien upon any interest in any unpatented land passing to the Province under this agreement, which is now held by Canada as security for an advance made by Canada for seed grain, fodder or other relief, shall continue to be vested in Canada, but the Province will, on behalf of Canada, collect the sums due in respect of such advances, except so far as the same are agreed to be uncollectible, and upon payment of any such advance, any document required to be executed to discharge the lien may be executed by such officer of the Province as may be authorized by any provincial law in that behalf; the Province will account for and pay to Canada all sums belonging to Canada collected hereunder, subject to such deduction to meet the expenses of collection as may be agreed upon between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be designated in that behalf under the laws thereof. General Reservation to Canada Except as herein otherwise expressly provided, nothing in this agreement shall be interpreted as applying so as to affect or transfer to the administration of the Province any lands for which Crown grants have been made and registered under the Land Titles Act of the Province and of which His Majesty the King in the right of His Dominion of Canada is, or is entitled to become the registered owner at the date upon which the agreement comes into force, or any ungranted lands of the Crown upon which public money of Canada has been expended or which are, at the date upon which this agreement comes into force, in use or reserved by Canada for the purpose of the federal administration. Historic Sites, Bird Sanctuaries, Etc. The Province will not dispose of any historic site which is notified to it by Canada as such and which Canada undertakes to maintain as an historic site. The Province will further continue and preserve as such the bird sanctuaries and public shooting grounds which have been already established and will set aside such additional bird sanctuaries and public shooting grounds as may hereafter be established by agreement between the Minister of the Interior and the Provincial Secretary or such other Minister of the Province as may be specified under the laws thereof. It is agreed that the Honourable W. Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties. Amendment of Agreement The foregoing provisions of this agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province. When

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Agreement Comes Into Force This agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after the day upon which His Majesty gives His Assent to an Act of Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 3 : Canadian federalism - Wikipedia

Natural Resources and Public Property Under the Canadian Constitution Hardcover - May 28

Distribution of powers refers to the division of legislative powers and responsibilities between the two orders of government – federal and provincial – outlined in the Constitution Act. The distribution of powers has produced many decades of debate and tension between the provinces and Ottawa, however, this aspect of the Constitution has remained remarkably unchanged since Confederation. These were then refined and formally spelled out in the Constitution Act, at the start of Confederation. They were interpreted, or judged, until by the Judicial Committee of the Privy Council, and from then on by the Supreme Court of Canada. The distribution of executive power the prime minister, premiers and their Cabinets is theoretically similar to the distribution of legislative power. The distribution of powers among Canadian courts is also divided to some extent, although most of it falls under the judicial scope of the federal government. How Power is Divided Section 91 of the Constitution Act, grants broad powers to the federal government to legislate for "Peace, Order and good Government of Canada, in relation to all Matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces. Parliament was also given greater residuary jurisdiction than the provincial legislatures – meaning that all powers and new powers arising in the future not specifically given to the provinces, would go to the federal government, as long as they were of a general, and not local, nature. Over time, the courts have interpreted federal residuary power to include the incorporation of businesses with federal objectives, as well as aeronautics, radio, television, nuclear energy, responsibility for the national capital, offshore mineral rights, official languages within the federal sphere, citizenship, foreign affairs and the control of drugs, and emergency powers in peace and war. August 23rd, Federal Powers Other areas of federal jurisdiction include trade and commerce, direct and indirect taxation, currency, the postal service, census taking and statistics, national defence, the federal civil service, navigation, fisheries, banking, copyright, Aboriginals and Indian reserves, naturalization, marriage and divorce, criminal law, penitentiaries and interprovincial works and undertakings. Amending Powers The division of powers can be changed. For example, by constitutional amendment Parliament gained exclusive jurisdiction over unemployment insurance in In , also by constitutional amendment section However, in a decision on the Senate , the Supreme Court of Canada restricted the interpretation of the expression "Constitution of Canada" by stating that this expression in section For example, Parliament could not abolish the Senate, because it represents the provinces and is not exclusively a federal concern. The Constitution Act, repealed section As a result, section 44 of the Act states that, subject to provincial approval in certain cases, "Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons. The provinces have had the right to amend their internal constitutions except the office of the lieutenant-governor since Provincial Powers Provincial legislatures have jurisdiction, among other things, over their internal constitutions, as well as direct taxation for provincial purposes, municipalities, school boards, hospitals, property and civil rights their largest area of responsibility , administration of civil and criminal justice, penalties for infraction of provincial statutes, prisons, celebration of marriage, provincial civil service, local works and corporations with provincial objectives. The courts have restrictively interpreted federal power over commerce and liberally interpreted provincial power over property and civil rights. There are four areas of power shared by the provinces and the federal government: In the case of dispute, federal legislation will prevail for areas under section 95 agriculture and immigration and provincial legislation will prevail for those under section 94A old age pensions. Education is allocated to the provinces, but is subject to certain religious guarantees. The Alberta Legislature building in Edmonton. Previous Next Crossover Powers Even though each level of government is restricted to its own legislative sphere, frequently one or another has assumed responsibilities which did not clearly belong to it. The provinces have converted some originally indirect taxes, such as sales and purchase taxes, into direct ones.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

The power to spend money remains an extremely vague and contentious area. Parliament assumes that it may do so where it does not necessarily have the power to enact legislation; such spending is usually well received by the provinces when it applies to equalization payments, but less so when it infringes on provincial fields such as health, social security and education. Equalization and Natural Resources Under the Constitution Act, 1982, the principle of equalization Parliament equalizing provincial revenues so that all Canadians have access to comparable public services at comparable levels of taxation is enshrined in section 36, but it is unclear how it should be implemented. Provincial jurisdiction over natural resources was enlarged, in 1982, to include shared power in inter-provincial commerce and extra-territorial marketing though with federal paramountcy. The provinces have also been granted the power of indirect taxation of their natural resources see Intergovernmental Finance. Federal-Provincial Tension The history of Canadian federalism is basically an account of disputes over the distribution of powers. The Supreme Court of Canada, on the other hand, has in its judgements tended generally to strengthen the legislative powers of the federal government in some areas. Despite several constitutional conferences between the provinces and the federal government, there have been few amendments to the division of powers. Even the Meech Lake Accord "would have produced no significant changes to the distribution of powers set out in the Constitution, other than to expand provincial power in appointments to the Supreme Court and the Senate, and to create a slight provincial enhancement in the shared jurisdiction of immigration.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 4 : Codes Display Text

The PDF file you selected should load here if your Web browser has a PDF reader plug-in installed (for example, a recent version of Adobe Acrobat Reader).. If you would like more information about how to print, save, and work with PDFs, Highwire Press provides a helpful Frequently Asked Questions about PDFs.

Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta; Newfoundland shall be entitled to be represented in the Senate by six members; the Yukon Territory, the Northwest Territories and Nunavut shall be entitled to be represented in the Senate by one member each. Qualifications of Senator The Qualifications of a Senator shall be as follows: Summons of Senator Addition of Senators in certain cases Reduction of Senate to normal Number In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Four Divisions until such Division is represented by Twenty-four Senators and no more. Maximum Number of Senators Tenure of Place in Senate Resignation of Place in Senate A Senator may by Writing under his Hand addressed to the Governor General resign his Place in the Senate, and thereupon the same shall be vacant. Disqualification of Senators The Place of a Senator shall become vacant in any of the following Cases: Summons on Vacancy in Senate Questions as to Qualifications and Vacancies in Senate If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate the same shall be heard and determined by the Senate. Appointment of Speaker of Senate Quorum of Senate Until the Parliament of Canada otherwise provides, the Presence of at least Fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers. Voting in Senate Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative. The House of Commons Marginal note: Constitution of House of Commons in Canada The House of Commons shall, subject to the Provisions of this Act, consist of three hundred and eight members of whom one hundred and six shall be elected for Ontario, seventy-five for Quebec, eleven for Nova Scotia, ten for New Brunswick, fourteen for Manitoba, thirty-six for British Columbia, four for Prince Edward Island, twenty-eight for Alberta, fourteen for Saskatchewan, seven for Newfoundland, one for the Yukon Territory, one for the Northwest Territories and one for Nunavut. Summoning of House of Commons Senators not to sit in House of Commons A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons. Electoral districts of the four Provinces John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Continuance of existing Election Laws until Parliament of Canada otherwise provides Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely, " the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution, " shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces. As to Election of Speaker of House of Commons The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker. As to filling up Vacancy in Office of Speaker In case of a Vacancy happening in the Office of

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Speaker by Death, Resignation, or otherwise, the House of Commons shall with all practicable Speed proceed to elect another of its Members to be Speaker. Speaker to preside The Speaker shall preside at all Meetings of the House of Commons. Provision in case of Absence of Speaker Until the Parliament of Canada otherwise provides, in case of the Absence for any Reason of the Speaker from the Chair of the House of Commons for a Period of Forty-eight consecutive Hours, the House may elect another of its Members to act as Speaker, and the Member so elected shall during the Continuance of such Absence of the Speaker have and execute all the Powers, Privileges, and Duties of Speaker. Quorum of House of Commons Voting in House of Commons Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote. Duration of House of Commons Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House subject to be sooner dissolved by the Governor General , and no longer. Readjustment of representation in Commons There shall be assigned to each of the provinces a number of members equal to the number obtained by dividing the population of the province by the electoral quotient and rounding up any fractional remainder to one.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 5 : Constitution Act,

Get this from a library! Natural resources and public property under the Canadian Constitution.. [GÃ©rard V La Forest].

Human rights laws in Canada The Canadian Bill of Rights The Canadian Bill of Rights , passed in , was the first federal law that specifically set out fundamental human rights for Canadians. It applies to laws and policies of the federal government and guarantees rights and freedoms similar to those found in the Canadian Charter of Rights and Freedoms e. However, the Bill is not part of the Constitution of Canada. People can turn to the Canadian Human Rights Act to protect themselves against harassment or discrimination when based on one or more of the 11 grounds of discrimination like race, age and sexual orientation. For example, if a workplace policy offers benefits to some married couples but not others; this may be considered discrimination under the Canadian Human Rights Act. The Constitution sets out the basic principles of democratic government in Canada when it defines the powers of the three branches of government: Read more about the Canadian Constitution. Section 15 of the Charter equality rights came into effect three years after the rest of the Charter, on April 17, , to give governments time to bring their laws in line with the section. The Charter guarantees broad equality rights as well as fundamental freedoms, democratic rights, mobility rights, legal rights and language rights. It applies to all government action, meaning to the provincial legislatures and Parliament, and to everything done under their authority. This means that governments must take the Charter into account in developing all laws and policies. However, the Charter also recognizes that even in a democracy, rights and freedoms are not absolute. Therefore, federal or a provincial legislature can limit fundamental rights, but only if that government can show that the limit is reasonable, is prescribed by law, and can be justified in a free and democratic society. The interests of society must be balanced against the interests of individuals to see if limits on individual rights can be justified. Provincial and territorial human rights laws All provinces and territories have human rights laws to protect people from discrimination in employment, housing and in providing goods, services and facilities to the public, such as when dealing with restaurants, stores, schools, housing and most workplaces. These laws apply to discrimination both by individuals in the private sector and by provincial or territorial governments. Some provincial and territorial laws protect a broader range of rights and freedoms. In addition, Saskatchewan and Alberta enacted bills of rights in and , respectively. The protection provided by these laws is limited. Like any legislation, the Canadian Bill of Rights, the Canadian Human Rights Act, and provincial and territorial human rights laws can be repealed or changed. It was only with the Canadian Charter of Rights and Freedoms that human rights in Canada were protected in the Constitution. Federal organizations that protect human rights The Canadian Human Rights Commission promotes equal opportunity and works to prevent discrimination in Canada by: In some cases, the Commission will refer discrimination complaints to the Tribunal. The Tribunal acts like a court; it holds hearings and makes decisions on cases that it receives from the Commission. Only the Tribunal has the authority to order a remedy or award damages. Provincial and territorial organizations that protect human rights The Canadian Human Rights Commission protects those who have a human rights complaint with an employer or service provider regulated by the federal government. Service providers like retail stores, restaurants, hotels, construction, insurance, health care, education, and the oil and gas industry are subject to provincial and territorial human rights legislation, which establish human rights bodies. See a full list of provincial and territorial human rights bodies. Foreign policy On an international level, human rights are protected through the Charter of the United Nations and the Universal Declaration of Human Rights. The Charter of the United Nations was signed in and is the foundation of the entire UN organization. The Universal Declaration of Human Rights was created in and sets out fundamental human rights that protect everyone in the world. Report a problem or mistake on this page Please select all that apply: A link, button or video is not working It has a spelling mistake Information is missing Information is outdated or wrong Login error when trying to access an account e. You will not receive a reply.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 6 : Waterway protection - the public trust doctrine - Wisconsin DNR

Natural resources and public property under the Canadian Constitution, par Gérard V. LAFOREST, Toronto, University of Toronto Press, , pp., \$

Standing army; military subordinate to civil power. Reservation of powers in people. No discrimination by Commonwealth and its political subdivisions. Natural resources and the public estate. Prohibition against denial or abridgment of equality of rights because of sex. Unless otherwise noted, the provisions of Article I were adopted December 16, 1787, P. Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused. Freedom of press and speech; libels. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases. The provisions of section 7 relating to criminal libel were declared unconstitutional by the Supreme Court of Pennsylvania in *Commonwealth v. Security from searches and seizures*. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant. Rights of accused in criminal prosecutions. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. Initiation of criminal proceedings; twice in jeopardy; eminent domain. Except as hereinafter provided no person shall, for any indictable offense, be proceeded against

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured. Courts to be open; suits against the Commonwealth. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct. Power of suspending laws. No power of suspending laws shall be exercised unless by the Legislature or by its authority. Prisoners to be bailable; habeas corpus. All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it. No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law. Ex post facto laws; impairment of contracts. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance. Right to bear arms. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right. The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 7 : Stewart McKelvey - Gérard La Forest, C.C., QC

Natural resources and public property under the Canadian Constitution / Author: [by] Gerard V. La Forest. Publication info: [Toronto]: University of Toronto Press, [].

Most committees have 12 members who can take part in committee debate, question witnesses, move motions, and vote. Canadian Committees that have jurisdiction over research funding and other aquatic relevant issues and legislation are listed below. Please note that many aquatic issues fall under provincial jurisdiction and therefore will be covered by provincial agencies. The Commissioner of the Environment and Sustainable Development reports are also referred to the committee. Standing Committee on Fisheries and Oceans FOPO This committee studies the policies, programs and legislation related to Fisheries and Oceans Canada, the federal department that handles issues related to oceans and inland waters. Long term priorities of Fisheries and Oceans Canada are to manage and protect 1 the fisheries resource, 2 the marine and freshwater environment, 3 the oceans and aquatic resources, 4 to maintain marine safety, and 5 to facilitate maritime trade, commerce and ocean development. Issues related to the mandate are referred to the committee by the House of Commons or chosen by the committee itself to examine. This may include departmental activities and spending. Senate Senate committees can only study issues the Senate refers to it. Each committee has a general mandate but any issue can be sent to any committee if the Senate chooses to do so. The following is a list of the relevant committees and their general mandates; Standing Committee on Fisheries and Oceans: This committee has jurisdiction over fisheries matters. Standing Committee on Social Affairs Science education is in the domain of this committee. Standing Committee of Energy, the Environment and Natural Resources This committee deals with issues related to water conservation and wetlands. Canadian Budget Basics From: TBS make recommendations to the Treasury Board Ministers on future funding levels for departments and agencies. Timeline March 1- Table Estimates of spending for next fiscal year March 1- May 31 or the last sitting day in June if they are considering the Reports on Plans and Priorities RPP - Estimates are considered in the appropriate committees. They consider each budgetary item called votes separately and can either agreed to approving the amount , amended reducing the amount or negatived eliminated. They cannot increase the spending amount. Committee consideration may include calling witnesses from the appropriate Minister, Agency or interested individuals or groups. If the Committee is considering the agency Report on Plans and Priorities they have until the last sitting day on June to consider the Estimates. Next step- Standing committee reports are tabled and there is opportunity for the Members of the House to review and debate the decisions reached by each committee. The Government must provide 48 hours written notice of a motion to concur the Estimates or to make changes to committee decisions such as reinstate deleted items. Members can oppose any items in the Estimates. Late June- Last day in the June 23 supply period appropriations bills introduced. As with the U. The Canadian system has a built-in schedule conflict. Thus for nearly three months, the government is operating without a current budget. The Canadian solution to this problem is to allow interim spending, which authorizes spending for the 3 months. The figures are expressed in twelfths of the amounts in the main estimates and usually the interim supply is for three twelfths of the main estimates.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 8 : Summary of Kelo v. New London

Natural Resources and Public Property Under the Canadian Constitution (Toronto,) (With others) Le Territoire Qu'Appartient aux Indiens (Montreal,) (With associates) Water Law in Canada - The Atlantic Provinces (Ottawa,).

Wildlife and Fisheries Commission Section 7. The control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission. The commission shall be in the executive branch and shall consist of seven members appointed by the governor, subject to confirmation by the Senate. Six members shall serve overlapping terms of six years, and one member shall serve a term concurrent with that of the governor. Three members shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four shall be electors from the state at large other than representatives of the commercial fishing and fur industries, as provided by law. No member who has served six years or more shall be eligible for reappointment. The functions, duties, and responsibilities of the commission, and the compensation of its members, shall be provided by law. A Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this constitution exempting homesteads from taxation shall apply to forestry acreage taxes. B 1 Forestry Commission. The practice of forestry is placed under the Louisiana Forestry Commission. The commission shall be in the executive branch and shall consist of seven members. The head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex officio as members. The governor shall appoint the remaining five members, subject to confirmation by the Senate, for overlapping terms of five years, as provided by law. This Subparagraph shall not apply to any person appointed to the commission prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date. The commission shall appoint a state forester. He shall be a graduate of an accredited school of forestry and have at least four years of forestry experience, as provided by law. Amended by Acts , No. The First Use Tax Trust Fund is hereby created and established in the state treasury as a special and irrevocable trust fund for the deposit of the proceeds, and interest derived therefrom, of the first use tax imposed by law in or thereafter and any other tax imposed by law which would have the effect of imposing any new or alternative tax on uses of those resources subject to the tax levied by the first use tax. The treasurer shall pay into the state general fund, from the total proceeds of the first use tax, as imposed by law in or thereafter such amounts as are necessary to fully reimburse the state general fund for tax credits granted in against that tax pursuant to Part I-B of Chapter 6 of Title 47 of the Louisiana Revised Statutes. The remainder of such tax proceeds shall be credited to the following accounts within the First Use Tax Trust Fund and shall not be deposited into the Bond Security and Redemption Fund or the general fund. Seventy-five percent of the proceeds, and interest derived therefrom, shall be deposited into the following accounts: From this portion of the initial proceeds of the tax, the sum of five hundred million dollars shall be maintained in an account within the First Use Tax Trust Fund in the state treasury to be known as the "Initial Proceeds Account". Monies in the Initial Proceeds Account shall be invested, and the investment earnings shall accrue to that account. Except for investment and except as provided in Paragraph C , monies on deposit in the Initial Proceeds Account shall not be used. If the balance of the Initial Proceeds Account at any time is less than five hundred million dollars, then an amount from the next proceeds of the tax shall be credited to the Initial Proceeds Account until there is a balance therein of five hundred million dollars. All proceeds of this portion of the tax over and above the amount required to be maintained in the Initial Proceeds Account shall be maintained in an account in the First Use Tax Trust Fund to be known as the "Debt Retirement and Redemption Account". Monies in the Debt Retirement and Redemption Account shall be invested and the investment earnings shall accrue to that account. Except for investment, monies on deposit in the Debt Retirement and Redemption Account shall be

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

used only to purchase, in advance of maturity, on the open market any outstanding obligations of the state, or to call, pay or redeem in advance of maturity any outstanding bonds, notes or other evidence of state debt, or both. No purchase or redemption of state debt shall occur with the monies unless the purchase or redemption results in interest savings to the state. The methods used for retiring such future debt shall be determined by the state treasurer, with concurrence of two-thirds of the members of the State Bond Commission acting in open session. Twenty-five percent of the proceeds, and interest derived therefrom, shall be deposited into the following account: Twenty-five percent of the proceeds of the tax shall be maintained in an account in the First Use Tax Trust Fund to be known as the "Barrier Islands Conservation Account". Monies in the Barrier Islands Conservation Account shall be invested and the investment earnings shall accrue to that account. Except for investment, monies on deposit in the Barrier Islands Conservation Account shall be used exclusively to fund capital improvement projects designed to conserve, preserve and maintain the barrier islands, reefs, and shores of the coastline of Louisiana. Only such capital improvements contained in the comprehensive capital budget adopted by the legislature each year shall be funded. The state treasurer shall invest all monies on deposit in the accounts established under Paragraph A in accordance with the law governing the investment of idle funds of the state. If in the judgment of the state treasurer the best interest of the state would be served, and only if the Debt Retirement and Redemption Account is depleted or otherwise not funded, the treasurer may, with concurrence of two-thirds of the members of the State Bond Commission, acting in open session, expend the investment earnings which have accrued in excess of five hundred million dollars in the Initial Proceeds Account for any purpose for which the Debt Retirement and Redemption Account may be used. D The funds deposited in the First Use Tax Trust Fund shall be considered escrowed and shall not be used for the purposes enumerated herein until the proceeds of the first use tax are determined to be available for such uses by the treasurer with concurrence of two-thirds of the members of the State Bond Commission, acting in open session. During the time these funds are escrowed such funds may be ordered remitted upon final action by a court of last resort, with the interest earned thereon, as provided by law, if the tax is held to be invalid as to any taxpayer who has paid the tax. Added by Acts , No. Louisiana, , S. Louisiana Investment Fund for Enhancement Section A The Louisiana Investment Fund for Enhancement is established as a special fund in the state treasury. All revenues received by the state from the production of oil and gas within the state shall be deposited in the state treasury and credited to the Bond Security and Redemption Fund in accordance with the provisions of Article VII, Section 9, and shall be remitted to the political subdivisions of the state pursuant to Article VII, Section 4. In each fiscal year out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount has been allocated for the payment of obligations secured by the full faith and credit of the state which become due and payable within the fiscal year, the treasurer shall credit an amount equal to the windfall revenues from oil and gas price deregulation to the Louisiana Investment Fund for Enhancement. B As used in this Section, "windfall revenues from oil and gas price deregulation" means those revenues received by the state in a fiscal year which are in excess of the base for that particular fiscal year, as calculated in accordance with this Paragraph. The base for fiscal year shall be the estimated level of collections for oil, gas, and other severance taxes and from oil and gas production royalties in fiscal year , which for the purposes hereof shall be one billion eighty-five million dollars, calculated as follows: In each subsequent fiscal year, the state treasurer shall calculate the windfall revenues from oil and gas price deregulation for that fiscal year by determining a new base as follows: The base for the previous fiscal year shall be multiplied by the most recent annual change in the consumer price index and then the product shall be added to the base for the previous fiscal year. C The state treasurer shall invest the monies in the Louisiana Investment Fund for Enhancement in the manner provided by law. Interest from the investment shall be credited to the general fund. D Monies credited to the Louisiana Investment Fund for Enhancement may be expended only pursuant to an appropriation enacted by the vote of two-thirds of the elected members of each house of the legislature. E The legislature shall have the authority to enact any legislation with regard to the Louisiana Investment Fund for Enhancement not inconsistent with the provisions

**DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY
UNDER THE CANADIAN CONSTITUTION**

of this Section. Questions and comments may be directed to websen@legis.gov.

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

Chapter 9 : State Constitution of > Article IX: Natural Resources

The amendments to the Constitution Act, explicitly recognized provinces' and territories' constitutional rights to manage their own non-renewable natural resources, forestry resources, and electrical energy. This includes the power to levy mining taxes and royalties.

Canadian constitutional law Cover page of the British North America Act, The federal-provincial distribution of legislative powers also known as the division of powers defines the scope of the federal and provincial legislatures. These have been identified as exclusive to the federal or provincial jurisdictions or shared by all. To rationalize how each jurisdiction may use its authority, certain doctrines have been devised by the courts: Additionally, there is the implied Bill of Rights. Section 91 of the Constitution Act, , lists the major federal parliament powers, based on the concepts of peace, order, and good government. The act puts under the purview of the federal legislature remedial legislation on education rights, uniform laws relating to property and civil rights in all provinces other than Quebec, creation of a general court of appeal and other courts "for the better Administration of the Laws of Canada" some aspects of the Supreme Court of Canada were elevated to constitutional status in [nb 19] and implementing obligations arising from foreign treaties. Education is under provincial jurisdiction, subject to the rights of separate schools. Old-age pensions, agriculture and immigration are within federal and provincial jurisdictions. One prevails over the other, however; for pensions, federal legislation will not displace provincial laws and for agriculture and immigration it is the reverse. The Constitution Act, allowed parliament to govern any territories not forming part of any province, and the Statute of Westminster , gave parliament the ability to pass extraterritorial laws. Taxation and spending[edit] Taxation is a power of the federal and provincial legislatures; provincial taxation is more restricted, in accordance with sections 92 2 and 92 9 of the Constitution Act, In Allard Contractors Ltd. Coquitlam District , provincial legislatures may levy an indirect fee as part of a valid regulatory scheme. Although the Supreme Court of Canada has not ruled directly about constitutional limits on federal spending power, [nb 21] [24] parliament can transfer payments to the provinces. If on the true view of the legislation it is found that in reality in pith and substance the legislation invades civil rights within the Province, or in respect of other classes of subjects otherwise encroaches upon the provincial field, the legislation will be invalid". Public works are the property of the federal Crown, and natural resources are within the purview of the provinces. Title to this land was not vested in those provinces until the passage of the Natural Resources Acts in The power is not absolute, however; provincial Crown land may be regulated or expropriated for federal purposes. The nature of the Canadian constitution was described by the Privy Council in as not truly federal unlike the United States and Australia ; although the British North America Act, , states in its preamble that the colonies had expressed "their desire to be federally united into one Dominion", "the natural and literal interpretation of the word [federal] confines its application to cases in which these States, while agreeing on a measure of delegation, yet in the main continue to preserve their original Constitutions". The Privy Council determined that the Fathers of Confederation desired a "general Government charged with matters of common interest, and new and merely local Governments for the Provinces". Matters other than those listed in the British North America Act, , as the responsibility of the federal or provincial parliaments fell to the federal legislature the reverse of the arrangement between the federal and state congresses in the United States. In addition to assigning powers not stated elsewhere which has been narrowly interpreted , this has led to the creation of the national-emergency and national-concern doctrines. Crown Zellerbach Canada Ltd. Many disputes between the two levels of government revolve around conflicting interpretations of the meaning of these powers. By , the Judicial Committee of the Privy Council arrived at a method of interpretation, known as the "four-departments doctrine", in which jurisdiction over a matter is determined in the following order: Does it fall under Section 92, ss. Can it be characterized as falling under Section 91, ss. If a provincial law affects the rights of individuals outside the province: If it is, in pith and substance , provincial, ancillary effects on the

DOWNLOAD PDF NATURAL RESOURCES AND PUBLIC PROPERTY UNDER THE CANADIAN CONSTITUTION

rights of individuals outside the province are irrelevant [nb 42] but Where it is, in pith and substance, legislation in relation to the rights of individuals outside the province, it will be ultra vires the province [nb 5] [nb 43] In *The Queen Man. Air Canada*, it was held that the s. Under the national-emergency doctrine for temporary legislation the War Measures Act Under the national-concern doctrine for: Matters not existing at confederation radio and television Matters of a local or private nature in a province which have become matters of national concern, such as what can accrue to the regulation of trade and commerce Matters where authority may be assumed as with works for the general advantage of Canada The gap approach , employed sparingly, identifies areas of jurisdiction arising from oversights by the drafters of the constitution; for example, federal jurisdiction to incorporate companies is inferred from the power provinces have under Section 92 for "The Incorporation of Companies with Provincial Objects". Uniformity of federal law[edit] Section of the Constitution Act, provided for laws in effect at the time of Confederation to continue until repealed or altered by the appropriate legislative authority. Similar provisions were included in the terms of union of other territories that were subsequently incorporated into Canada. The uniformity of laws in some areas of federal jurisdiction was significantly delayed. Offences under the Criminal Code were not made uniform until , when common-law criminal offences were abolished. Provisions of the Civil Code of Lower Canada , adopted in by the former Province of Canada, affecting federal jurisdiction continued to be in force in Quebec if they had not been displaced by other federal Acts until their repeal on 15 December The history of Canadian constitutional law has been to allow for a fair amount of interplay and indeed overlap between federal and provincial powers. It is true that doctrines like interjurisdictional and Crown immunity and concepts like "watertight compartments" qualify the extent of that interplay. But it must be recognized that these doctrines and concepts have not been the dominant tide of constitutional doctrines; rather they have been an undertow against the strong pull of pith and substance, the aspect doctrine and, in recent years, a very restrained approach to concurrency and paramountcy issues. The Royal Canadian Mounted Police , as the federal police, contracts for the provision of many provincial and municipal police forces. Although the federal power to regulate fisheries does not override provincial authority to require a permit for catching fish in waters under provincial control, [nb 48] the regulation of recreational fisheries has been partially delegated under the Fisheries Act [na 13] to the provinces for specified species in specific provinces. The provincial power to regulate security interests under the property and civil-rights power will be displaced by security interests created under a federal head of power â€” most notably under the banking power â€” but only to the extent that federal law has covered the field.