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# The Canada Gazette

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by Betty Deavy and Norma Gauld

*By law the government is required to publish certain types of information. The Canada Gazette is the official news medium where such information must be published. It is published in three parts by the Queen's Printer under the authority of the Statutory Instruments Act. This article discusses the history, contents, and organization of this unique and sometimes complicated source of information.*

The Canada Gazette began before Confederation, on October 2, 1841. It has been published in two series, the first series being the Canada Gazette, 1841-1869, Volumes 1-28, which superseded the Upper Canada Gazette and the Lower Canada Gazette. (These were not strictly official publications although they carried government notices). The second series began in July 1867. Between 1867 and 1869 the two series overlapped but from July 1, 1867, the first series contained only material on Quebec while the second series covered the rest of Canada.

Anyone who has used the Canada Gazette will know that you read it for facts not for entertainment, although stories of drama can be found in the Governor General's awards for bravery. For example, the issue of January 17, 1987, contains the story of a woman in Brockville who sprayed gas on herself while filling her car at a self service gas station. The car burst into flames when she started it and began rolling toward a busy street. The woman was pulled from the burning car by a gas station employee and a customer who just drove in and had a fire extinguisher in his van. However, the information about the Governor General's awards are an exception to what usually appears.

More often one reads the Canada Gazette to find new acts, regulations and proclamations. It also contains information on a company's charter, officers, the date

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and place of its annual meeting. Up until October 1991, it also contained information on bankruptcy. It indicates who has received an Order of Canada award, been appointed to a high civil service post, who has been made a member of the National Library Advisory Board or the Canada Council. For all except the acts, regulations and proclamations you will look in Part I of the Canada Gazette.

## Canada Gazette Part I

Part I continues the numbering of the 2nd series which began July 1, 1867 and is published weekly, every Saturday morning. Since April 1986, Part I has carried, on its cover, a brief description of the contents of all three parts, purchasing information and the fact that it is available in most public libraries for consultation. Part I contains information of a general nature with a very broad subject range. The following is a list with annotated headings from a typical table of contents.

### Part I - Table of Contents

Appointments	• Sometimes but not always in the Table of Contents. Some are under Government Notices or Commissions e.g. Public Service Commission.
Commissions	• Notices published by commissions, agencies and boards other than departments.
Government Notices	• Departmental as opposed to commissions, agencies, etc.
Orders-in-Council	• Those directed by the Clerk of the Privy Council to be published but not required by regulations under the Statutory Instruments Act to be in Part II.

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| Parliament           | • Rules of parliament, bills assented to, etc. |
| Proposed Regulations | • Detailed information about proposed changes. |

Among the wide variety of items that appear in Part I one can find the *Income Tax Act Interpretation Bulletins*, detailed proposals for changing electoral boundaries, advance notice of time, place and subject of public hearings of various boards, commissions and tribunals. Chartered Banks Unclaimed Bank Balances is a very popular item since it reports any amount of \$50 or more unclaimed for 9 years. All will be paid to the Bank of Canada if not claimed within six months of publication.

Anyone doing a study of banking in Canada would have to consult the Canada Gazette because, since 1841, it has reported detailed monthly statements from all the chartered banks as well as a weekly statement of assets and liabilities from the Bank of Canada from its beginning. One can find the exchange rate for dollars and pounds sterling in the 1850s in the Canada Gazette.

### Extras, Supplements, and Indexes to Part I

Extras may appear on any day of the week. They are issued for announcements such as the death of a sovereign or governor-general, the recall of members of parliament, or notice of public hearings of the CRTC. They are usually reprinted in a regular issue and are indexed in the *Quarterly Index*. Supplements usually bear the same date as a regular issue, but are published separately because of their bulk or nature. Some, such as the Chartered Banks Statements, and Unclaimed Bank Balances, appear on a regular basis. All can be found in the index under the department and act under which they are issued.

Although the Canada Gazette has a wealth of information useful to historical researchers as well as current users, a major drawback is that you cannot access it through a long term cumulated index. Each issue is indexed and there were annual indexes up to 1971. From then on there have been quarterly indexes which are very slow in appearing.

### Proposed Regulations and RIAS

These now appear in Part I and interested persons have 60 days to make representation to the Minister involved. The Regulatory Impact Analysis Statement or RIAS is published with the proposed regulation. These began to appear in the fall of 1986 and now appear with every regulation and proposed regulation. The RIAS describes clearly, in non legal language, the intent of the regulation, what other alternatives were considered, its consistency with Regulatory Policy and with the Citizens Code of

Regulatory Fairness, benefits and costs and the anticipated impact of the regulation. This RIAS also describes what consultation has taken place and finally, whom to contact for further information. The addition of the Regulatory Impact Analysis Statement is a part of the Regulatory Reform package.

**Almost all citizens are affected in some way by the information contained in the Canada Gazette.**

### Vacancies

A recent addition, initiated by former Prime Minister Campbell, is the publishing of Notices of Vacancies for high level positions which are Order-in-Council appointments. The first such notices appeared in the issue of September 18, 1993, for positions on various boards and citizenship judges.

### Canada Gazette Part II

The Canada Gazette, Part II appeared first as a separate publication January 1947 and came out every 2nd and 4th Wednesday. This changed slightly on January 11, 1984 and it has since been published at least every other Wednesday. Part II contains all regulations as defined in the *Statutory Instruments Act*, all orders, rules, regulations and proclamations of a legislative power conferred under an act or imposing a penalty under an Act. Before 1947 regulations were published in the Canada Gazette but not consistently.

Regulations are drawn up within a department and made under the authority of an act for which that minister is responsible. Then they must be submitted for approval to the Governor in Council, in essence, the Cabinet. When approved they become orders-in-council and receive a Privy Council or PC number. They are then submitted to the Clerk of the Privy Council for registration and to receive a second number, an SOR number; or, if they are statutory instruments other than regulations, such as a proclamation, they receive an SI number. The Clerk of the Privy Council may decide to publish in Part I or Part II any document which in her opinion, is in the public interest unless, by law, it is exempt from publication. If an order-in-council is given an SOR or an SI number it will appear in Part II.

Proclamations of treaties and acts in force appear since March 29, 1986 in Part II instead of Part I. Other proclamations still appear in Part I and the change was made to correct inconsistencies in following the regulations of the *Statutory Instruments Act*.

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## Exemptions

Certain classes of regulations are exempt from publication in the Canada Gazette. Basically they are of four types. Those that are:

1. Exempt from both publication and registration because their large numbers make this impractical.
2. Exempt from publication because a limited number of persons are affected.
3. Exempt from publication and inspection in the interest of international relations, national defense or security.
4. Exempt from publication and inspection because if inspected or copied they would be likely to result in injustice or hardship to any person or body. Such items are paroles and pardons and in recent years certificates of citizenship are included here.

More detailed information is contained in the Statutory Instruments Regulations of the *Statutory Instruments Act*, Ch. 1509, Consolidated Regulations of Canada, 1978.

Information on where to inspect and obtain copies of types 1 and 2 appears in the Consolidated Index of Statutory Instruments, Canada Gazette Part II.

## Indexes - Part II

Each issue has an index by name of the regulation and also a table of contents arranged by SOR and SI number. This table gives the corresponding P.C. number which is not cumulated anywhere. The Consolidated Index of Statutory Instruments appears quarterly and is a cumulated index to any statutory instrument passed since January 1, 1955 and still in force during the current calendar year.

There are three tables. Table I lists the regulations by title alphabetically and gives the act under which each was made. If you already know the act and title you can go directly to table II. There the statutes are listed alphabetically and under each are the corresponding regulations. This table tells you when the regulation was made, its registration number and date, and the date and page on which it can be found. Occasionally there is a blank under Canada Gazette column indicating the document is exempt from publication. However, the introduction to Table 2 explains where copies of such documents can be inspected or obtained. The introduction also explains the abbreviations used in the final column - "Comments". Here important details of the regulation - new, revokes, spent- are shown. Table III lists all statutes (4 as of December) under which there are regulations exempt from both registration and publication but which are available for inspection and sale of copies. The regulations under each act are given

along with the regulation making authority and the address where they can be obtained or seen.

## Consolidations of Regulations and Orders-in-Council

Between 1872 and 1939 certain orders-in-council including regulations and proclamations were published in the preliminary section of the Statutes of Canada. There have been five general consolidations in 1874, 1889, 1949, 1955 and 1978, and two wartime publications of selected regulations; Defense of Canada Regulations and Canadian War Orders and Regulations (1939-1945, 4 vols.). The latter was continued by Statutory Orders and Regulations (1946-1947, 4 vols.).

## Canada Gazette Part III

This is the most recent part and the easiest to use and understand. Volume 1, Number 1 was published December 13, 1974. Its stated purpose is "to publish Public Acts as soon as is reasonably practicable after they have received Royal Assent in order to expedite their distribution." Issues appear irregularly and contain the acts passed during the dates given on the cover, arranged by chapter number. The bill number is given in the table of contents. There is also a list of Proclamations of acts or parts of acts which have come into force during the same period.

## Tables

Until August 1993 two Tables were included in Part III. From time to time a Table of Public Statutes from 1907 to the date shown on the front, was published as an issue of Part III. It listed all statutes of the Revised Statutes of Canada, 1985, earlier statutes that were not consolidated but still in force, and new acts passed until the date of publication and gave any amendments to all of these to date of publication. The Table of Acts and Responsible Ministers was usually published as part of the same issue.

## Recent Changes

A Notice to Subscribers, dated August 25, 1993, announced that these two Tables would no longer be included in Part III of the Canada Gazette and explained that "alternative methods of publishing and distributing these Tables that would make them available to subscribers on a cost recovery basis are being considered".

On March 4, 1994, *Justice Canada* listed (in the Weekly Checklist of Canadian Government Publications) a separate publication containing these two Tables, at a cost of \$49.95 per copy. ❖