

SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ONTARIO



**SAULT
COLLEGE**

COURSE OUTLINE

COURSE TITLE: Advanced Jurisprudence

CODE NO. : NRL200 **SEMESTER:**

PROGRAM: Natural Resources/Environmental Law – Inspection and Enforcement

AUTHOR: Robert Winter

DATE: June, 2014 **PREVIOUS OUTLINE DATED:** 2013

APPROVED:

“COLIN KIRKWOOD”

DEAN **DATE**

TOTAL CREDITS: 3

PREREQUISITE(S): NONE

HOURS/WEEK: 3

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I. COURSE DESCRIPTION: This course builds on the Foundations of Jurisprudence and leads students through a more in-depth look into decisions rendered involving natural resources and environmental statutory, regulatory and case law decisions. Students will learn about contemporary trends and patterns in emerging legislation, penalties and sanctions.

II. LEARNING OUTCOMES AND ELEMENTS OF THE PERFORMANCE:

Upon successful completion of this course, the student will demonstrate the ability to:

1. **Analyze relevant jurisprudence as it pertains to the creation of public welfare offences**

Potential Elements of the Performance:

- Define regulatory offences in the Canadian legal system
- Identify public welfare offences
- Explain the evolution and classification of regulatory offences
- Delineate between various *mens rea* elements of offence as defined by case law

This learning outcome will constitute approximately 20 % of the course's grade

2. **Demonstrate knowledge of jurisprudence on the Canadian legal system as it pertains to regulatory offences.**

Potential Elements of the Performance:

- Explain relevant jurisprudence as it pertains to regulatory inspection powers
- Explain corporate liability protection of director's and compellability case law
- Demonstrate knowledge of "defence of due diligence" and the courts

This learning outcome will constitute approximately 20 % of the course's grade

3. **Recognize and assess case law as it pertains to provincial natural resource legislation**

Potential Elements of the Performance:

- Locate and interpret case law pertaining to natural resource legislation
- Locate and interpret case law pertaining to Aboriginal/Treaty rights pertaining to provincial natural resource legislation
- Explain the implications of case law on provincial natural resource policy and procedure

This learning outcome will constitute approximately 15 % of the course.

4. **Recognize and assess case law as it pertains to provincial environmental legislation**

Potential Elements of the Performance:

- Locate and interpret case law pertaining to provincial environmental legislation
- Explain case law pertaining to “reasonable reliance on the regulator” and abuse of process
- Explain the implications of case law on provincial environmental policy and procedure

This learning outcome will constitute approximately 15 % of the course's grade

5. **Recognize and assess case law as it pertains to federal environmental legislation**

Potential Elements of the Performance:

- Locate and interpret case law pertaining to federal environmental legislation
- Locate and interpret case law pertaining to international agreements (Kyoto Accord, Montreal Protocol)
- Explain the classification of federal legislation as a regulatory offence vs. true crime offence

This learning outcome will constitute approximately 15 % of the course's grade

6. **Recognize and assess case law as it pertains to federal natural resource legislation**

- Locate and interpret case law pertaining to federal natural resource legislation
- Locate and interpret case law pertaining to international agreements (CITES)
- Explain the implications of relevant case law as it is applied to current trends under new federal legislation (EFA, EVAMPA)

This learning outcome will constitute approximately 15 % of the course's grade

III. TOPICS:

1. Classification of offences
2. Reverse onus/burden of proof
3. Levels of Mens rea, (strict liability, absolute liability)
4. Powers of inspections, prearranged and cold calls, road stops
5. Legal affect of agreements between state and corporations (abuse of Process challenge in court)
6. Defense of Due Diligence
7. Satisfying the legal requirements to ensure a legal regulatory inspection both by state and by corporation base on relevant jurisprudence
8. Compellability of corporate officials and individuals
9. Aboriginal/Treaty Rights pertaining to natural resources
10. Inspection vs. Investigation clarification
11. Looking Forward: administrative penalties and the jurisprudence

IV. REQUIRED RESOURCES/ TEXTS/ MATERIALS:

Any course material will be accessible electronically or supplied via hand-out by instructor. There is no text book required.

V. EVALUATION PROCESS/GRADING SYSTEM:

| | |
|---------------|-----|
| Exam 1 | 30% |
| Exam 2 | 30% |
| Exam 3 | 30% |
| Participation | 10% |

The following semester grades will be assigned to students:

| <u>Grade</u> | <u>Definition</u> | <u>Grade Point Equivalent</u> |
|--------------|--|-------------------------------|
| A+ | 90 - 100% | 4.00 |
| A | 80 - 89% | 4.00 |
| B | 70 - 79% | 3.00 |
| C | 60 - 69% | 2.00 |
| D | 50 - 59% | 1.00 |
| F (Fail) | 49% and below | 0.00 |
| CR (Credit) | Credit for diploma requirements has been awarded. | |
| S | Satisfactory achievement in field /clinical placement or non-graded subject area. | |
| U | Unsatisfactory achievement in field/clinical placement or non-graded subject area. | |
| X | A temporary grade limited to situations with extenuating circumstances giving a student additional time to complete the requirements for a course. | |
| NR | Grade not reported to Registrar's office. | |
| W | Student has withdrawn from the course without academic penalty. | |

VI. SPECIAL NOTES:

Attendance:

Sault College is committed to student success. There is a direct correlation between academic performance and class attendance; therefore, for the benefit of all its constituents, all students are encouraged to attend all of their scheduled learning and evaluation sessions. This implies arriving on time and remaining for the duration of the scheduled session.

VII. COURSE OUTLINE ADDENDUM:

The provisions contained in the addendum located on the portal form part of this course outline