

March 28, 2017

Via email: minister@tpsgc-pwgsc.gc.ca

The Honourable Judy M. Foote
Minister of Public Services and Procurement Canada
Place du Portage, Phase III, Room 18A1
11 Laurier Street
Gatineau, QC, K1A 0S5

Dear Minister:

Re: Printed annual *Statutes of Canada*

We write to you today with concerns about possible plans to discontinue the paper publication of the annual *Statutes of Canada*, as reported on the CBC News website ("[Liberals urged to scrap 19th century rule that requires laws be printed in books](#)", by Dean Beeby, March 20, 2017).

These printed publications are not just for the use of Parliament: they are the legacy copies of Canadian legislation upon which our confederation and society are based. They act as reference for many people across Canada. Retaining paper has traditionally been a way to preserve today's legislation and related amendments for future generations.

Members of the Canadian Association of Law Libraries/L'Association canadienne des bibliothèques de droit work with judges, lawyers, law professors, Members of Parliament, Members of Provincial Parliaments, law students and many other groups across this country as well as the general public. These groups represent a wide range of needs for working with the country's laws. It is not unusual, for example, to look back to legislation from a hundred years ago or more to provide insight into today's legal context. Working with the print version of our statutes is appropriate and sometimes easier depending on the particular research task.

We encourage you to not make changes to the current printing regime without careful consideration. Recordkeeping is an important foundation of any advanced democracy. In Canada, the *Publication of Statutes Act* and its regulations were designed to ensure that all Canadians were provided with long-term access to archival versions of our statutes. This law was necessary at the time to ensure that the medium chosen (paper) conformed to the best standards known at the time for archival formats. In a common law system history matters; this means that all citizens are entitled to long term access to our statutes, and the government must keep this squarely at front of mind at all times.

The question is, what law is necessary *today* to ensure that the medium chosen (digital) conforms to the best standards known at the time for archiving?

Today, in an age of technology, it is easy for politicians and bureaucrats, and the public generally, to just assume that we will always have access to government information. Librarians and scholars generally have the concern that in the digital age, a person with the right resources and intent could simply hit the delete button and wipe out the information that citizens need to access democracy. This may sound over stated, but under the Harper government, they did just that, with the data from the long gun registry: that data is gone now, for purely political reasons. We hear stories right now of scientists in the United States exporting environmental data out of the country because they genuinely fear that political whims could jeopardize it.

It does not have to be intentional deletion either. Unassuming bureaucrats can simply cut away budgets to nothing or redeploy human resources to the detriment of usability. With respect, an IT specialist should not be making decisions in a vacuum about the functionality and archival importance of *legal information*.

We recommend that the government take a step back and have a sober review of the entirety of the situation. Do not take any action to repeal the statute or otherwise make changes to how the statutes are published until you have a fully-formulated and consultative solution ready to take its place. You have a strong 150 year-old system to replace for the next 150 years to come. This is a sober responsibility.

Work with the Library and Archives Canada (LAC)—to ensure any electronic-only publications meet preservation requirements and are captured accurately and completely for future reference. Until that time, if a whole program of printing is not possible, perhaps a limited run of paper volumes printed in a different format and given to selected key repositories—such as LAC and the Library of Parliament—would be an interim solution until a more informed decision can be made. Although the government seems to fall back on the digital archiving that Library and Archives Canada is doing, please note LAC itself has gone through massive budget cuts resulting in constraints on what they are actually able to accomplish. Thinking about their role and mandating it will be an equally important part of the overall plan.

If the government continues on the path towards “digital only” publication of the *Statutes of Canada*, we would encourage you to REPLACE the *Publication of Statutes Act* with a comprehensive plan that considers:

- maintaining a small print run for long-term preservation purposes;
- the future of the Canada Gazette, and in particular the Canada Gazette Part Three which provides our only official online version of annual statutes, as well as the helpful Table of Proclamations;
- the future of the Table of Public Statutes. This Table was published as a stationary publication in the *Statutes of Canada* each year. The online version on Justice Laws is not sustainable in its current format – an annual archived version could be contemplated;
- what will be the official version of our *Statutes of Canada* moving forward in a digital age?

- a way to maintain the side-by-side, English/French comparison, which can be an important part of some statutory interpretation exercises, while still meeting accessibility requirements.

We would recommend that decision makers examine the *US Uniform Electronic Material Act* to inform your approach.

Our members would be keen to provide feedback and guidance on a direction for the Queen's Printer with respect to printing and preserving Canada's legislation.

Future generations of Canadians depend on your sound decision making today to ensure access to the legal history of our nation. Please consider our recommendations and contact us for additional feedback or assistance.

Sincerely,



Connie Crosby
President, CALL/ACBD

cc.
Marie Lemay
Deputy Minister, PSPC-SPAC
marie.lemay@tpsgc-pwgsc.gc.ca

Ann Marie Melvie
Vice President & President-Elect, CALL/ACBD
amelvie@sasklawcourts.ca

Sonia L'Heureux
Parliamentary Librarian, Parliament of Canada
lheurs@parl.gc.ca

Dr. Guy Berthiaume
Librarian and Archivist of Canada, Library and Archives Canada
guy.berthiaume@canada.ca

Peter Bailey
Chair, Board of Directors, Canadian Federation of Library Associations
pbailey@sapl.ca

René Basque, Q.C.
President, Canadian Bar Association
rene@actuslaw.com

Me Maurice Piette
President, Federation of Law Societies of Canada
mpiette@flsc.ca