
Overview of Legislation and Other Policy

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The practice of forestry in Alberta is governed by **public policy**, which can be defined as:

“a governing set of principles given force and effect by elected officials in order to meet recognized public needs. Policy is made in the name of 'the public' and is interpreted and implemented by both public and private actors. Policy sets out what government intends to do and chooses not to do”.¹

Legislation

Legislation is policy in the form of law that is legally binding and broad in scope. It identifies the obligations and requirements which must be followed as well as guides the programs and policies of all Ministries that form the Government of Alberta.

The highest order of legislation is a **statute** (called an **Act**). An Act is a law that has been introduced in the Legislative Assembly as a Bill, has passed three readings and committee-study by the Legislative Assembly, and received Royal Assent. An Act is generally organized as follows (not all parts apply to all Acts):

- Preamble
- Definitions
- Parts, Divisions
- Sections, Subsections, etc.

Acts use a decimal numbering system.

Regulations are made under the authority of an Act, and define the application of enforcement of Acts. Regulations are easier to amend than Acts because they do not require three readings in the Legislative Assembly. They often deal with matters that are subject to more frequent change than their parent Act.

A regulation may be created by an Order-in-Council (i.e. the Lieutenant Governor in Council (Cabinet)), or by a Ministerial Order (MO). An MO is issued by a Minister based on authority given to her or him by legislation. Note that an MO need not be a regulation – an MO can, for instance, order the creation of a special purpose committee.

Codes of Practice are a form of law that provides increased implementation requirements for a specific activity.

¹ 1. Adapted from "Glossary of Terms Related to Sustainable Resource and Environment Management", Alberta Environment, and Thomas A. Birkland's definition of policy.

Acts, Regulations and Codes of Practice are available from Alberta Queen's Printer.

Legislation Type	Description
Act	<p>The main guiding legislation issued by the Legislative branch of government.</p> <p><i>Example: Forests Act, Water Act</i></p>
Regulation	<p>A form of law sometimes referred to as subordinate legislation, which provides specific direction on how key aspects of an Act are translated into action. Regulations are made under the authority of an Act, called an Enabling Act. Regulations are enacted by the body to whom the authority to make regulations has been delegated in the Enabling Act, such as a Minister or the Lieutenant Governor in Council (Cabinet).</p> <p><i>Example: Timber Management Regulation, Public Lands Administration Regulation</i></p>
Code of Practice	<p>A form of law that specifies the requirements under which work must be completed.</p> <p><i>Example: Code of Practice for Watercourse Crossings</i></p>

Other Policy Types

In general, the boundaries for other types of policy, which are grouped into seven categories in the table below, are established by legislation. Whereas the strategic and program policy types are broad in scope, the remaining other policy types are more operational or implementation focused (the “must do” requirements). Strategic and program policy must be in line with existing legislation and operational policy must be in line with strategic and program policy.

Policy Type	Description
Strategic Policy	<p>Establishes the overall direction for an organization and is endorsed by Cabinet or the Minister (elected officials).</p> <p><i>Example: Water for Life, Lower Athabasca Regional Plan</i></p>
Program Policy	<p>Sets targets to achieve specific results. Program policy is more focused on specific issues and considers multiple outcomes informed by statutory instruments. These policies usually do not provide sufficient detail on their own to support all aspects of implementation and therefore rely on supplementary guidelines and directives to flesh out some of the components.</p> <p><i>Example: Wetland Policy</i></p>
Management Plan	<p>Sets a course of action aligned to achieve a specific goal.</p> <p><i>Example: Forest Management Plans</i></p>
Guide	<p>Sets out processes in detail for licensees, permittees, and other approval holders. This policy type outlines what should be done.</p> <p><i>Example: Fish Habitat Manual: Guidelines and Procedures for Watercourse Crossings in Alberta, Recommended Land Use Guidelines</i></p>
Directive	<p>Sets out new or amended requirements or processes to be implemented and followed by licensees, permittees, and other approval holders under the jurisdiction of the Director. These are the musts of operational policy and are the official and authoritative instructions.</p> <p><i>Example: Directive 2011-04: Mountain Pine Beetle Log Management, Alberta Forest Management Planning Standard</i></p>
Administrative Procedure	<p>Describes a process or system to accomplish something. This policy provides direction on how to carry out specific functions or duties.</p> <p><i>Example: Enhanced Approval Process (EAP)</i></p>
Agreement	<p>A legal contract between two or more parties listing the specific terms.</p> <p><i>Example: Forest Management Agreements</i></p>