

# LAW BOOK NEWS

THE NEWSLETTER OF NEW CARSWELL PRODUCTS AND SERVICES

## CONTENTS

Banking and Finance.....	4
Civil Practice & Procedure.....	4
Commodity Tax Library.....	5
Constitutional Law.....	6
Core Income Tax (Federal) Library.....	6
Criminal Law & Offences.....	6
Family.....	7
Health & Safety.....	8
Immigration.....	8
Intellectual Property.....	9
Legal Research & Writing.....	9
Provincial Tax Library.....	9
Specialized Tax Topics Library.....	10
Torts.....	10
WestLegalEdCentreCarswell.....	11
Events & Bulletins.....	11

VISIT LAW BOOK NEWS

ONLINE AT

[www.carswell.com/lawbooknews](http://www.carswell.com/lawbooknews)



## Case Notebook

ORGANIZE • ANALYZE • COLLABORATE



With Case Notebook, a centralized, electronic case file, you and your team can enter and share key facts, insights, notes, documents, main characters, evidence, legal research, and more.

**VIEW A DEMO**

[www.westlawcanada.com](http://www.westlawcanada.com)





# ONEPASS

SIGN ON WITH MORE SECURITY, MORE  
CONTROL AND MORE CONVENIENCE

# ONEPASS

OnePass is a login system that allows you to sign on to multiple Thomson Reuters applications with a single user name and password – with more security, more control and more convenience.

Create your own username and password that will not only help protect your identity and the information you access but also allow you to access multiple Thomson Reuters applications including Westlaw® Canada, Taxnet Pro®, Thomson Reuters ProView™ and more.

## **MORE SECURITY**

New usernames and passwords have stronger character requirements. Because you create your own username and password, only you know what it is, and it will be easier to remember.

## **MORE CONTROL**

You'll have control over changing and managing all your OnePass credentials. And if you forget your Username or Password, they will be emailed to you after you respond to a few questions to confirm your identity.

## **ONE PROFILE FOR MULTIPLE APPLICATIONS**

You can use the same username and password with all Thomson Reuters applications, such as Westlaw® Canada, Taxnet Pro®, Thomson Reuters ProView™ and more. The URL for each application is unique, but you'll use the same OnePass credentials.

.....  
**For more information on OnePass, visit [www.carswell.com/onepass](http://www.carswell.com/onepass)**  
.....

# JUST PUBLISHED

## BANKING AND FINANCE

### CONSOLIDATED BANK ACT AND REGULATIONS 2011-2012, 23RD EDITION WITH GUIDELINES AND OTHER REGULATORY DOCUMENTS

#### Torys LLP

Stay current with the fast-changing federal banking rules. This softcover guide, written by practitioners for practitioners, offers up-to-date access to all the information you need to know on a day-to-day basis.

#### New and revised in this edition

The implementation of Basel III, to strengthen the financial system around the world, has been incorporated within the text and all relevant accompanying documents.

In addition several new Regulations and documents from OSFI have been added.

New documents now include:

- Annual Statement (Banks and Bank Holding Companies) Regulations, SOR/2010-230
- Deposit Type Instruments Regulations, SOR/2011-98
- Electronic Documents (Banks and Bank Holding Companies) Regulations, SOR/2010-239
- Exemption for Public Notices or Documents (Banks and Bank Holding Companies) Regulations, SOR/2010-238
- Prescribed Products Regulations, SOR/2011-100
- Registered Products Regulations, SOR/2011-99
- Proposed Regulation – Negative Option Billing Regulations
- Capital Adequacy requirements – A 2011
- Capital Adequacy Requirements – A-1 2011
- E-19 Internal Capital Adequacy Assessment Process (ICAAP) for Deposit-Taking Institutions
- Amendment to IFRS 1 – Removal of Fixed Dates for First-time Adopters
- Basel III Implementation – Capital Adequacy and Liquidity Requirements
- Basel Committee new market risk and securitization framework implementation
- Treatment of non-qualifying capital instruments under Basel III
- Basel II Implementation: Pillar I & II (OSFI Letter 06/02/2011)

- Legislative Framework for Foreign Banks (including Form under s. 522.27)
- Ruling 2011-01 “Near” foreign banks – Securities Dealer Undertakings
- Canada Deposit Insurance Corporation Data and System Requirements By-law SOR/2010-292
- OSFI Supervisory Framework
- Administrative Procedures for Late and Erroneous Filing Penalty (LEFP)

#### Features in this consolidation include:

- Full text of the federal *Bank Act* and regulations, incorporating all the latest amendments
- Other pertinent selected legislative sections, including regulations, under the *Competition Act*, the *Office of the Superintendent of Financial Institutions Act*, the *Financial Consumer Agency of Canada Act* and the *Income Tax Act*
- Complete set of OSFI Guidelines, Guidance Notes and Advisories, OSFI Rulings and other Regulatory documents
- Comprehensive index and a section-by-section table of contents to ensure instant access to relevant material
- Table of Concordance to the *Bank Act*, *Trust and Loan Companies Act*, the *Insurance Companies Act*, the *Cooperative Credit Associations Act*, and the *Canada Business Corporations Act* to facilitate quick comparisons with relevant statutes
- Editorial notes throughout on the effective dates of, and other practical information regarding, the banking legislation and regulatory guidance.

#### ORDER # 983530-61635 \$134

11/11 softcover approx 1860 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3530-0  
Jurisdiction: Canada (Federal) Carswell

## CIVIL PRACTICE & PROCEDURE

### FEDERAL COURTS PRACTICE 2012

Brian J. Saunders, Donald J. Rennie,  
and Graham Garton

With the publication of this new edition, *Federal Courts Practice 2012* continues the tradition of providing advice on a complete range of judicial review, trial and appellate proceedings and incorporates recent developments brought about by changes to the Case Management and Class Proceedings Rules.

Written by a well-respected team of authors, this comprehensive guide to the law, commentary and cases that govern the Federal Courts has become the preferred reference by leading practitioners across Canada.

#### What's New in this Edition

- Examination of the choice of procedure mandated by the Supreme Court of Canada's decision in *Canada v. TeleZone Inc.*
- Cases and commentary on the Federal Courts Immigration and Refugee Protection Rules, as well as ss. 37 to 39 of the *Canada Evidence Act*
- Commentary on recent developments in Federal Courts practice
- Case commentary on the *Federal Courts Act* and Rules

#### Introducing Practice Advisor for Federal Courts Practice 2012

Standing order subscribers to *Federal Courts Practice 2012* are entitled to *Practice Advisor* at no extra cost – an email update service designed to keep you up-to-date on all significant topics, decisions and changes. Derived from the decisions published in *Carswell Practice Cases*, it also includes the most up-to-date information on statutory and regulatory changes.

Emailed to you every three months, *Practice Advisor* is exclusively available, free of charge, to standing order subscribers upon request.

#### ORDER # 983580-61635 \$140

11/11 hardcover approx. 1500 pages  
Annual volumes supplied on standing order subscription  
*Practice Advisor* available upon request on standing order subscription. 978-0-7798-3580-5  
Jurisdiction: Canada (Federal) Carswell

## SUPREME COURT OF CANADA PRACTICE 2012

Henry S. Brown, Q.C.

This complete and portable work is the essential guide for practice before the Supreme Court of Canada. In this newly released edition, **Supreme Court of Canada Practice 2012** brings you up to date on changes to the rules and practice before the court, describes these changes in depth and provides comprehensive background and context behind them.

This edition contains significant amendments to the Rules of the Supreme Court of Canada including amendments relating to:

- Computation of Time
- Service and Filing of Documents
- Guidelines for Preparing all Court Documents
- Notice of Appeal, Factum, length of Factum and Record
- Constitutional Questions
- Amendments to Forms and Tariffs

This new 12th edition also includes recent decisions by the Court, its Judges and the Registrar, and contains new and revised commentaries. Topics include:

- Composition of the Court
- Questions of law
- Jurisdiction over sentence appeals generally and per the *National Defence Act*
- The practice and tests for new evidence
- Stay of proceedings by the appeal courts and by the Judges of this Court
- Extensions of time
- Sealing orders, publication bans and redacted copies
- Condensed books filed at the appeal
- New Notices to the Profession

### Practice Advisor

The *Practice Advisor* is derived from the decisions published in Carswell Practice Cases. It is designed to keep you current and up-to-date on all significant topics, decisions, and changes that pertain to civil litigation in Canada.

The *Practice Advisor* also keeps you up-to-date with changes to the court rules and any of the other legislation and regulations covered in the book, including: a cumulative report of all changes that have occurred since the book was published, and a separate currency report of changes since the last *Practice Advisor* issued.

Delivered in quarterly electronic supplements, this resource is exclusively available, free of charge, to standing order subscribers upon request.

### ORDER # 983551-61635 \$115

11/11 hardcover approx. 700 pages

Annual volumes supplied on standing order subscription

*Practice Advisor* available upon request on standing order subscription. 978-0-7798-3551-5

Jurisdiction: Canada (Federal) Carswell

## COMMODITY TAX LIBRARY

### LA LOI DU PRATICIEN – TPS-TVQ – ÉDITION 2011 – LOI ANNOTÉE

NOUVEAU! Inclus les règlements fédéraux relatifs à la Taxe de vente harmonisée (TVH).

Pour maîtriser l'ensemble des taxes à la consommation, tant au Québec qu'au fédéral, utilisez le contenu de **La Loi du Praticien – TPS-TVQ**. Ouvrage complet faisant office de référence en matière de taxes à la consommation, cet ouvrage répondra à vos attentes par la qualité de son contenu ainsi que par sa mise en page.

Vous retrouverez dans ce volume :

- Les textes de loi concernant la TPS, TVQ, TVH et les autres taxes à la consommation
- Des règlements pertinents
- Des modifications proposées et des décrets de remise
- Des notes historiques complètes • Des notes explicatives
- Des annotations

Cette édition inclut notamment, soit en modification proposée, soit intégré à la législation :

- Les modifications apportées à la *Loi sur la taxe d'accise* et à ses règlements par les modifications proposées aux dispositions législatives concernant la TPS/TVH du 28 janvier 2011 et par L.C. 2011, ch. 15 sanctionné le 26 juin 2011
- Les modifications apportées à la *Loi sur la taxe de vente du Québec* et à différentes lois connexes relatives aux taxes à la consommation (tabac, carburant, administration fiscale) par L.Q. 2011, c. 1 (*Loi donnant suite au discours sur le budget du 30 mars 2010 et à certains autres énoncés budgétaires*) et L.Q. 2011, c. 6 (*Loi modifiant la Loi sur les impôts, la Loi sur la taxe de vente du Québec et d'autres dispositions législatives*)

### N° DE COMMANDE 982753-61635 105 \$

11/11 couverture rigide env. 2750 pages Volume annuel

distribué en commande permanent 978-0-7798-2753-4

Territoires : Canada (Fédéral) Carswell

## THE PRACTITIONER'S GOODS AND SERVICES TAX ANNOTATED WITH HARMONIZED SALES TAX 2012, 24TH EDITION

David M. Sherman, B.A., LL.B., LL.M.

The primary information related to GST is all contained in this one handy, softcover volume – the complete, authoritatively updated texts of the GST, HST and non-GST portions of the *Excise Tax Act* and Regulations, augmented by draft legislation, GST-related Remission Orders and Technical Notes – all cross-referenced with detailed annotations to related provisions, definitions, case annotations summarizing each case's relevance, memoranda, technical information bulletins, policy papers, forms, history and much more. The book also features a *Topical Index*, newly updated, comprising more than 13,000 separate line entries with extensive references to all legislation, regulations and Canada Revenue Agency publications.

What's new in this edition:

- Enactment of Bill C-3 (the first 2011 Budget bill), *Supporting Vulnerable Seniors and Strengthening Canada's Economy Act* – 2011 Budget related measures
- New Regulation: *British Columbia HST Regulations*, SOR/2011-121 (P.C. 2011-614), effective June 9, 2011 and published in the *Canada Gazette*, Part II on June 22, 2011.
- Sherman's commentary on the *B.C. HST Referendum Results* announced on August 26, 2011 resulting in the repeal of the HST.

### ORDER # 984911-61635 \$127

11/11 softcover approx. 2000 pages

Annual volumes supplied on standing order subscription

978-0-7798-4911-6

Jurisdiction: Canada (Federal) Carswell

CORE INCOME TAX  
(FEDERAL) LIBRARY

**THE CANADIAN FAMILY BUSINESS GUIDE**

KPMG LLP

**The Canadian Family Business Guide** is designed to provide helpful assistance and advice to business families and their advisors. Based on KPMG Enterprise's philosophy that the family and the business are inextricably linked and should support each other, this guide offers a valuable premise – the stronger the family, the stronger the chance that the business will endure. Filled with helpful suggestions and tips from KPMG experts, this guide highlights the unique management challenges and opportunities, the potential impact of these challenges and issues on the business' operation and ownership, and the best management strategies to achieve both short- and long-term success. This guide imparts proven approaches and strategies to help clients manage their family issues with success.

**The Canadian Family Business Guide** covers:

- Benefits and challenges of family businesses
- Family business model
- Dealing with conflict within a family business
- Managing expectations
- Developing a strategy
- Types of family business owners
- Estate planning
- Succession planning and implementation

**ORDER # 984898-61635 \$22.95**

11/11 softcover approx. 200 pages 978-0-7798-4898-0  
Jurisdiction: Canada (Federal) Carswell

SAVE TIME.  
GET CONNECTED.

**CARSWELL RSS FEEDS**

The easiest way to stay informed about our newest publications. Subscribe FREE today and receive the latest print product updates delivered to your desktop.

SUBSCRIBE FREE TO THE

NEW **RSS** Feeds

[www.carswell.com/rss](http://www.carswell.com/rss)

**TRANSFER PRICING IN CANADA,  
2011 EDITION**

François Vincent, LL.L., M.Fisc.

Compared to other publications dealing with this topic, only **Transfer Pricing in Canada, 2011 Edition** includes François Vincent's expert analysis. With his unique insight and broad experience with the top private and public players in the field, he has compiled all the information that transfer pricing professionals need to advise their clients with complete accuracy.

This latest volume is not just a description of cases but a true in-depth analysis of the cases that define transfer pricing practices in Canada.

**ORDER # 983852-61635 \$128**

11/11 softcover approx. 1250 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3852-3  
Jurisdiction: Canada (Federal) Carswell

CONSTITUTIONAL LAW

**OFFICERS OF PARLIAMENT,  
ACCOUNTABILITY, VIRTUE  
AND CONSTITUTION**

Ann Chaplin

The officers of Parliament now form a group which includes the Auditor General and seven other "ethical regulators"\*. Because of its independence and the nature of its members' mandates, this group is thought to be key to restoring the public's faith in government. However, the officers do not clearly fall within one of the three branches of government and are not fully subject to democratic accountability mechanisms, raising questions about the legitimacy of their exercise of authority. This thesis explores alternative theories for supporting the legitimacy of officers of Parliament and draws lessons from that exercise for the future development of this virtues-based institution.

**ORDER # YB635638-61635 \$TBD**

10/11 softcover approx. 200 pages 978-2-89635-638-6  
Jurisdiction : Canada (Fédéral) Éditions Yvon Blais

CRIMINAL LAW & OFFENCES

**PROSECUTING GENOCIDE: CRIMES  
AGAINST HUMANITY AND WAR CRIMES  
IN CANADIAN COURTS**

Fannie Lafontaine

The text examines the prosecution and defense of war crimes in Canada with specific reference to the *Crimes Against Humanity and War Crimes Act* and the *Rome Statute of the International Criminal Court*. It covers such issues as jurisdiction; general principles; elements of the offences of genocide, war crimes, and crimes against humanity; principal and inchoate liability; and conspiracy.

**ORDER # 983860-61635 \$185**

11/11 hardcover approx. 600 pages 978-0-7798-3860-8  
Jurisdiction: Canada (Federal) Carswell

**THE 2012 ANNOTATED ONTARIO RULES  
OF CRIMINAL PRACTICE**

Murray D. Segal

This text annotates the Ontario Rules of Criminal Practice relating to applications for extraordinary remedies and criminal trial and appeal proceedings. It also includes the full text of the Criminal Appeal Rules and the Superior Court of Justice Rules.

**New in the 2012 edition**

- Changes to the Rules from Bill C-2
- Practice direction from Criminal matters arising from *Chaplean* and *Gogama*

Some highlights from recent caselaw include:

- *R. v. Wang* (2010, Ont.C.A)  
It is inappropriate to modify, change or add to a transcript of oral reasons rendered in court.
- *R. v. Hurley* (2010, S.C.C.)  
Where additional forensic testing and DNA testing occurred after the court of appeal ordered a new trial, the evidence was admitted. The appeal was dismissed by the Supreme Court of Canada and the Court of Appeal's order for a new trial affirmed.

**ORDER # 983584-61635 \$109**

11/11 hardcover approx. 890 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3584-3  
Jurisdiction: Canada (Federal) Carswell

**SALHANY'S POLICE MANUAL  
OF ARREST, SEIZURE AND  
INTERROGATION, TENTH EDITION**

Ian Scott and Joseph Martino

This manual is an essential reference for law enforcement officers to ensure compliance with the strongest requirements of the *Criminal Code* and the *Canadian Charter of Rights and Freedoms* in the context of the police powers of arrest, search and seizure, and interrogation.

New in this edition edition

1. Updates discussion of police powers under Federal and Provincial statutes, sealing orders, counterfeit money, recording statements and vulnerable witnesses.
2. In *Nesbeth* (2008, Ont. C.A.), leave to appeal denied (2009, S.C.C.), the Ontario Court of Appeal suggested that the police need to be investigating a *specific* crime before they may exercise their limited power of investigative detention; a general aura of criminality might suffice.
3. *Grant* (2009, S.C.C.) is the latest word from the Supreme Court of Canada on the definition of "detention" for purposes of ss. 9 and 10 of the *Charter*. The Court noted that detention must be defined in a manner consistent with its purposes, which were to protect individual liberty from unjustified state intrusions and to trigger the point at which rights subsidiary to detention, like the right to silence and the right to counsel, are engaged.
4. The Court came to a different conclusion in the companion case of *Harrison* (2009, S.C.C.). At issue in *Harrison* was the admissibility of 35 kg of cocaine seized from the trunk of the accused's rental vehicle following an arbitrary detention and unlawful search in violation of the accused's *Charter* rights.

**ORDER # 984882-61635 \$64**

11/11 softcover approx. 380 pages 978-0-7798-4882-9  
Jurisdiction: Canada (Federal) Carswell

**FAMILY**

**THE 2012 ANNOTATED DIVORCE ACT**

James C. MacDonald, Q.C. and  
Ann C. Wilton, B.A., M.A. (Oxon), LL.B.

A current, portable consolidation of the *Divorce Act*, **The 2012 Annotated Divorce Act** includes:

- Authoritative section-by-section commentary and analysis of the background and practical application of each section of the Act
- Clear and concise digests of all the relevant case law you need to understand the judicial application of the Act

Updates to the annotations feature discussion of the following cases:

- *Vanasse v. Seguin* (2011, S.C.C.)
- *Martin v. Ahrens* (2011, B.C. C.A.)
- *Thomson v. Thomson* (2011, Man. C.A.)
- *Ethier v. Skrudland* (2011, Sask. C.A.)
- *Crepiak v. Crepiak* (2011, B.C. C.A.)
- *Young v. Young* (2011, N.B. C.A.)
- *Gagne v. Gagne* (2011, Ont. C.A.)

**ORDER # 983566-61635 \$116**

11/11 softcover approx. 1300 pages  
Annual volumes supplied on standing  
order subscription 978-0-7798-3566-9  
Jurisdiction: Canada (National) Carswell

**THE 2012 ANNOTATED ONTARIO  
FAMILY LAW ACT**

James C. MacDonald, Q.C. and  
Ann C. Wilton, B.A., M.A. (Oxon), LL.B.

**The 2012 Annotated Ontario Family Law Act** provides you with a current, portable version of the *Family Law Act*, combined with authoritative commentary and case law digests.

This affordable reference guide provides you with the following:

- *Kerr v. Baranow; Vanasse v. Seguin* (2011, S.C.C.)
- *S. (C.) v. S. (M.)* (2010, Ont. C.A.)
- *Starr v. Gordon* (2010, Ont. S.C.J.)
- *Kanwar v. Kanwar* (2010, B.C. C.A.)
- *Powless v. Hill* (2010, Ont. S.C.J.)

**ORDER # 983567-61635 \$110**

11/11 softcover approx. 810 pages Annual volumes supplied  
on standing order subscription 978-0-7798-3567-6  
Jurisdiction: Canada (Ontario) Carswell

**MCLEOD'S ONTARIO FAMILY LAW  
RULES ANNOTATED 2011**

Hon. Justice Henry Vogelsang, Brahm D. Siegel,  
Glenda McLeod, and Justice Barry Tobin

The 2011 edition of **McLeod's Ontario Family Law Rules Annotated** features amendments introduced by O. Reg. 383/11, effective September 1, 2011. Amendments include new Rule 20.1 - Experts, and new forms 8D.4 - Notice of Termination of Access and 34.G1 - Affidavit of Society Employee for Adoption of a Crown Ward.

- *Thibodeau v. Thibodeau* (2011, Ont. C.A.)
- *Greenglass v. Greenglass* (2010, Ont. C.A.)
- *Valastiak v. Valastiak* (2010, B.C.C.A.)
- *Trylinski - Branson v. Branson* (2010, Alta. C.A.)
- *B. v. B.* (2010, Ont. C.A.)
- *Tiwana v. Sandhu* (2010, Ont. C.A.)
- *Kanwar v. Kanwar* (2010, B.C. C.A.)
- *Ramon and Gonzalez v. Moreira* (2010, Ont. C.A.)
- *Lipinski v. Lipinski* (2011, Ont. S.C.J.)
- *Lei v. Kwan* (2010, Man. C.A.)
- *Gurzi v. Elliot* (2011, Ont. C.J.)
- *Alberta (Director, Child, Youth & Family Enforcement Act) v. M.(B.)* (2010, Alta. C.A.)
- *Morgan Estate v. Morgan* (2010, B.C. C.A.)
- *Wright v. Christie* (2011, Ont. C.J.)
- *Children's Aid Society of Ottawa v. B.(C.)* (2011, Ont. S.C.J.)
- *Cabaniss v. Cabaniss* (2010, B.C. C.A.)
- *Manson v. Manson* (2011, Ont. S.C.J.)
- *McGowan v. City of Toronto* (2010, Ont. C.A.)

**ORDER # 983572-61635 \$107**

11/11 softcover approx. 900 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3572-0  
Jurisdiction: Canada (Ontario) Carswell

## HEALTH & SAFETY

### POCKET ONTARIO OH&S ACT & REGULATIONS 2011-LEGISLATIVE SUPPLEMENT: BILL 160

Knowing the latest Health and Safety legislation and regulations is vital today for protecting both your organization and your employees.

We are offering a special supplement containing the text of *Bill 160* (overhauling Ontario's workplace health & safety system) that has taken place since publication of the 2011 Edition.

*Bill 160*, introduced in response to recommendations from an expert panel chaired by Tony Dean, received Royal Assent on June 1, 2011.

Some key changes include:

- On June 1, 2011, amendments came into force relating to the appointment of the Chief Prevention Officer and the Prevention Council, pertaining to the powers and duties respecting training programs, providers, and the development of codes of practice.
- On April 1, 2012, or sooner, amendments will come into force that transfers all prevention functions and authorities to the Ministry of Labour from the Workplace Safety and Insurance Board.
- Amendments that will come into force, on a date to be proclaimed include; requirements for training of worker health and safety representatives and provisions to strengthen worker protection from reprisals.

#### ORDER # 983475S1-61635 \$5

09/11 softcover approx. 40 pages L7798-3475S1  
Jurisdiction: Canada (Ontario) Carswell

### POCKET ONTARIO OH&S ACT & REGULATIONS 2011-CONSOLIDATED EDITION

This convenient publication contains the complete and current *Occupational Health & Safety Act* and regulations.

This publication also features a comprehensive index with page references, a detailed Table of Contents, and a list of OH&S information resources. This makes it ideal for quick and precise referencing when and where you need.

#### ORDER # 983475-61635 \$22.50

03/11 softcover approx. 844 pages 978-0-7798-3475-4  
Jurisdiction: Canada (Ontario) Carswell

### CLV SPECIAL REPORT - PSYCHOLOGICAL ILLNESS, MENTAL HEALTH AND THE WORKPLACE: CANADIAN TRENDS AND RETURN TO WORK CHALLENGES

Jane E. Sleeth, Hon. B.P. & H.E.(Kin), B.Sc. P.T., CPT

Psychological illnesses are present, and have been present in various forms and manifestations in the workplace for as long as there have been workplaces. It is only recently that employers are starting to understand the size of the challenge and the potential costs, both human and financial. This book is intended to specifically address psychological illnesses and disabilities so that the employer, the manager or the union representative is able to understand the size and scope of the problem and be able to differentiate performance issues from *bona fide* psychological impairments. Most importantly this book is intended to help the HR professional, manager or supervisor to ensure that Disability Management Programs and Return to Work processes are integrated such that these illnesses are taken into account.

This CLV Special Report features the following key topics:

- Canadian Trends and Return to Work Challenges
- The Legal Climate in Canada
- Definitions Related to Psychological Illness & Health"
- Myths & Truths about Psychological Illness in the Workplace
- Why a Gap Exists between Psychological Healthcare Practices & the Workplace
- Psychological Illness and Poor Performance; Poor Performance and Psychological Illness – The Chicken & the Egg Dilemma for HR and Managers
- The Return to Work Program – Strategies for Successful Outcomes
- Case Studies
- Checklist Sample in Predicting Depression for Managers and HR Professionals

#### ORDER # 984897-61635 \$80

11/11 softcover approx. 120 pages Annual volumes supplied on standing order subscription 978-0-7798-4897-3  
Jurisdiction: Canada (National) Carswell

### ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT: QUICK REFERENCE – 2012 EDITION

Dilys Robertson

This **Quick Reference** helps you make sense of the *Occupational Health & Safety Act* (OH&S Act) and Regulations - quickly and easily - and lets you see exactly what you need to do to ensure your business complies with the sections of the *OH&S Act* and Regulations that relate to your business. Chapter 1 features more than 50 key compliance issues that are identified, defined,

cross-referenced and accompanied by a legal compliance checklist and Chapter 2 is the full text of the *OH&S Act* and key Regulations.

**New in the 2012 Edition:**

- *Bill 160*, overhauling Ontario's Health and Safety regulatory prevention structure in response to the recommendations of the Dean panel.
- Consolidation of the confined space provisions for all sectors into one regulation.
- Updated list of OH & S Resources and Index

#### ORDER # 983683-61635 \$82

11/11 softcover cerlox/spiral approx. 830 pages  
Annual volumes supplied on standing order subscription 978-0-7798-3683-3  
Jurisdiction: Canada (Ontario) Carswell

## IMMIGRATION

### THE 2012 ANNOTATED IMMIGRATION AND REFUGEE PROTECTION ACT OF CANADA

Henry M. Goslett and Barbara Jo Caruso

Gain quick access to the immigration laws as they currently apply in Canada with this affordable resource. This publication contains:

- The *Immigration and Refugee Protection Act* together with accompanying Regulations and Rules, supplemented with numerous Editor's Notes to clarify a variety of issues.
- Guidelines of the Chairperson of the Immigration and Refugee Board providing guiding principles for adjudicating and managing cases.
- Comprehensive index to the *Immigration and Refugee Protection Act*, Regulations, Rules and other related legislation.

**New to this Edition:**

- Amendments stemming from *An Act to amend the Immigration and Refugee Protection Act*, s.C.2011, C.8 ( Bill C-35) effective June 30,2011, including:
  - Extend the prohibition against representing or advising persons for considerations to all stages related to an application or proceeding under the Act, making it an offence for anyone other than an authorized representative to do so
  - Exempt members of specified associations and designated bodies from the prohibition
- Extend the limitation period for summary proceedings in respect of offences under ss.117, 126, 127 and 131 of the Act from six months to 10 years:
  - Authorize the Minister to oversee a designated body by regulation
- The full text of the *Regulations Designating a Body for the Purposes of Paragraph 91(2)(c) of the Immigration and Refugee*

*Protection Act*, SOR/2011-142, which came into force on the same date. They designate the Immigration Consultants of Canada Regulatory Council (ICCRC) as the regulator of immigration consultants whose members in good standing may represent or advise a person for consideration or offer to do so – in connection with proceeding or application under Act

- Recent amendments to the *Immigration and Refugee Protection Regulations* made by SOR/2011-125, 2011-125, 2011-126, 2011-129

Also added Appendix VI – Chapter 12 of the Canada – Columbia Free Trade Agreement

**ORDER # 983560-61635 \$152**  
11/11 hardcover + CD-ROM approx. 1300 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3560-7

**ORDER # 983559-61635 \$132**  
11/11 softcover + CD-ROM approx. 1300 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-3559-1  
Jurisdiction: Canada (Federal) Carswell

## INTELLECTUAL PROPERTY

### THE COPYRIGHT BOARD OF CANADA: BRIDGING LAW AND ECONOMICS FOR TWENTY YEARS / LA COMMISSION DU DROIT D'AUTEUR DU CANADA : VINGT ANS ENTRE LE DROIT ET L'ÉCONOMIE

#### ALAI Canada

The Copyright Board of Canada turned 20 years old in 2009. During these 20 years, the jurisdiction of the Board has expanded considerably. It has become a tribunal that deals with the public performance of musical works as well as with cable retransmission, the private copying of music, reprography in educational institutions, the issuance of licences when copyright owners are unlocatable, etc.

ALAI Canada marked this anniversary by organizing a conference which was held in Ottawa on December 2, 2009. The papers that are brought together in this book reflect the programme of that conference, a programme that combined an evaluation of the past 20 years with an outlook on the future relations between collective management and the activities of the Board.

The book includes texts by: Jeremy de Beer • Gilles M. Daigle and J. Aidan O'Neill • Marcel Boyer • Gerry Wall • Mario Bouchard • Mark Hayes, Kathleen Simmons and Gabriel van Loon • C. Paul Spurgeon • Giuseppina D'Agostino

**ORDER # YB635655-61635 \$57.95**  
10/11 softcover approx. 250 pages 978-2-89635-655-3  
Jurisdiction : Canada (Fédéral) Éditions Yvon Blais

## LEGAL RESEARCH & WRITING

### THE INTERPRETATION OF LEGISLATION IN CANADA, 3RD EDITION

Pierre-André Côté

The present work deals with the principles governing the interpretation of legislation in Canada, in statute law, as well as in Quebec civil law.

All jurists regularly interpret enactments, although, for obvious reasons, we are most familiar with the interpretation of the courts. A considerable portion of judicial energy is devoted to interpretation. Because judges are normally the final arbiters in legal disputes, their method of interpretation is binding on litigants.

There is, to be sure, a method to be followed in legislative interpretation. Before giving detailed consideration to the various principles of interpretation, the nature of the process will be examined. This is followed by a discussion of the sphere of application, the sources and the uses of principles of interpretation as such.

**ORDER # YB635456-61635 \$TBD**  
11/11 hardcover approx. 1200 pages 978-2-89635-456-6  
Jurisdiction : Canada (Fédéral/Québec) Éditions Yvon Blais

## PROVINCIAL TAX LIBRARY

### NOTES EXPLICATIVES DU MINISTÈRE DES FINANCES RELATIVES À LA TPS, 5<sup>e</sup> ÉDITION 2011

Une référence unique et abordable, cet ouvrage est le complément idéal à l'ouvrage *La Loi du Praticien – TPS-TVQ Annotée*. Quel meilleur avantage que d'obtenir les explications des lois et règlements, directement de leurs auteurs ? C'est ce que vous offre ce recueil. Très complet, il contient :

- Les notes explicatives rédigées par le ministère des Finances du Canada de 1991 à 2011
- Les mesures budgétaires relatives aux taxes à la consommation de 1998 à 2011
- Les documents d'information et communiqués du ministère des Finances du Canada
- Les plus récents *Résumés de l'étude de l'impact sur la réglementation*, publiés dans la Gazette du Canada

**N° DE COMMANDE 982754-61635 91 \$**  
11/11 couverture rigide env. 800 pages Volume annuel distribué en commande permanent 978-0-7798-2754-1  
Territoires : Canada (Québec) Carswell

## PRACTITIONER'S ONTARIO TAXES ANNOTATED 2011 FALL EDITION

Editor: Giselle Feldman, M.B.A.

**Practitioner's Ontario Taxes Annotated 2011 Fall Edition** contains, in an easy-to-use format, the core tax statutes and regulations of Ontario – fully annotated. It also includes complete History annotations for major statutes with former readings of provisions and application notes. Finding tools include comprehensive topical indexes for each tax statute and its related regulations and a comprehensive directory of Ontario's Ministry of Finance – Tax Revenue Division Branches and Tax Offices. Also included are comparative tax reference tables with federal and provincial rates for individuals and corporations.

#### Experience the benefits:

- Discover the directories of key personnel and departments within the respective province's Ministry of Finance – Tax Revenue Division
- Use comprehensive tax reference tables allowing you to easily compare federal and respective provincial rates for individuals and corporations
- Get up-to-date provincial tax interest rates
- Learn the history annotations for major statutes with former readings of provisions
- Receive detailed topical indexes

#### Newly Added Acts:

- *City of Toronto Act, 2006*
- *Mining Tax Act*
- *Race Tracks Tax Act*

#### Fully Incorporated Legislation:

- Bill 186, *An Act to Amend the Tobacco Tax*

**ORDER # 984910-61635 \$102**  
11/11 softcover approx. 2300 pages  
Annual volumes supplied on standing order subscription  
978-0-7798-4910-9  
Jurisdiction: Canada (Federal/Ontario) Carswell

**FISCALITÉ SPÉCIALISÉE,  
25<sup>e</sup> ÉDITION 2012**

Michael Lafontaine, Marc Papillon, et Robert Morin

Cet ouvrage est un outil particulièrement efficace afin de maîtriser les composantes de la planification fiscale. Destiné à un public d'étudiants et de professionnels, sa simplicité lui permet d'être également un excellent support pour l'apprentissage.

Il aborde entre autre les thèmes du transfert de biens, de la liquidation d'une société, ou encore l'imposition des non-résidents et l'actionnaire dirigeant.

**SYNTHÈSE DES OUVRAGES :**

- Rédaction par des auteurs chevronnés et reconnus dans leur discipline;
- Le volume aborde en détails les concepts de fiscalité
- Le cahier de Problèmes d'impôt solutionnés permet de tester les connaissances acquises dans le volume à l'aide de cas concrets

**APERÇU DE LA TABLE DES MATIÈRES :**

1. Transactions affectant le capital versé
2. Transfert de biens
3. Vente d'action avec lien de dépendance
4. Échange d'actions, biens convertibles en action, conversion de titres de créances en action
5. Échange d'actions dans le cadre d'un remaniement du capital-action à l'intérieur d'une même société
6. Fusion
7. Liquidation d'une société
8. Achat et vente d'actifs, achat et vente d'actions
9. Imposition des non résident.
10. Cotisation, paiement, appel
11. Fiducie
12. Société de personnes
13. Décès
14. Actionnaire dirigeant
15. Évaluation d'une entreprise et convention entre actionnaires
16. Société de services
17. Transfert d'entreprises familiales et gel successoral
18. Planification fiscale familiale
19. Planification fiscale
20. Taxe sur les produits et service (TPS)
21. Taxe de vente du Québec (TVQ)

**N° DE COMMANDE 982759-61635 53,95 \$**

11/11 couverture souple env. 785 pages Volume annuel distribué en commande permanent 978-0-7798-2759-6 Territoires : Canada (Fédéral/Québec) Carswell

**FISCALITÉ SPÉCIALISÉE -  
PROBLÈMES D'IMPÔT SOLUTIONNÉS,  
25<sup>e</sup> ÉDITION 2012**

Michael Lafontaine, Marc Papillon, et Robert Morin

Complément indispensable au titre FISCALITÉ SPÉCIALISÉE, cet ouvrage permet à l'étudiant de valider via des cas concrets, les notions apprises dans l'ouvrage de référence.

Les solutions proposées le sont de façon détaillée afin de s'assurer de la bonne compréhension de la démarche de résolution du problème.

**N° DE COMMANDE 982760-61635 35,95 \$**

11/11 couverture souple env. 450 pages Volume annuel distribué en commande permanent 978-0-7798-2760-2 Territoires : Canada (Fédéral/Québec) Carswell

**TORTS**

**A PRACTICAL GUIDE TO  
MEDICAL MALPRACTICE LITIGATION:  
A PLAINTIFF'S PERSPECTIVE**

The Hon. Judge Heather Lamoureux and Brian Devlin

**A Practical Guide to Medical Malpractice Litigation: A Plaintiff's Perspective**

is a practical guide to assist the practitioner in successful conduct of medical negligence litigation. It covers all aspects of the case - initial screening of the prospective client, finding the best medical expert witness, effective preparation for examination for discovery of the medical witness, negotiating with the defence, common counsel mistakes, ADR and the medical negligence case. It contains practical advice, check lists, litigation strategies, insight into proper case management, litigation traps etc. Readers will use the book as a Roadmap as they proceed through each stage of the case.

The authors' combined litigation experience of more than 45 years provides unique insight into common errors committed in locating experts, screening the client, preparing the pleadings and conducting cross-examination of parties and experts. This book contains indispensable insight into the inside world of medical negligence litigation.

**ORDER # 983840-61635 \$85**

11/11 softcover approx. 150 pages 978-0-7798-3840-0 Jurisdiction: Canada Carswell

**A STANDING  
ORDER WILL  
MAKE YOUR  
WORK LIFE  
EASIER**

Enjoy the convenience of having each new edition automatically delivered directly to you. You don't have to remember to make a phone call or complete an order form – a standing order does the remembering for you.

**Get automatic delivery of each new edition as soon as it becomes available. To place your standing order call 1-800-387-5164 (in Toronto 416-609-3800).**

## ON DEMAND

The Material Adverse Change Clause	Partner: West LegalEdcenter (R)	\$135
Energy Construction - Overview and Latest Updates	Partner: West LegalEdcenter (R)	\$175
Derivatives End-users: Choosing the Clearinghouse	Partner: West LegalEdcenter and Westlaw Business	\$135
Investment Bank Update on Conflicts and Valuation Issues	Partner: West LegalEdcenter (R)	\$135
Foreign Banks Financing in the United States	Partner: West LegalEdcenter (R)	\$135
Basel III: New International Capital and Liquidity Requirements	Partner: West LegalEdcenter (R)	\$135
The Basel III Framework: Impact on Capital	Partner: West LegalEdcenter (R)	\$135
The Future of Over-the-Counter Derivatives	Partner: West LegalEdcenter (R)	\$135
US - Canada M and A Transactions	Partner: West LegalEdcenter, in partnership with Carswell	\$135
The Impact of Bankruptcy on IP Litigation and Licensing	Partner: West LegalEdcenter (R)	\$135
Foreign Investment in the U.S. Security Market	Partner: Federal Publications Seminars	\$135
Overview of Canadian Privacy Law and PIPEDA	Partner: West LegalEdcenter (R)	\$165
Wal-Mart v. Dukes: Implications for Employment Discrimination Class Actions	Partner: West LegalEdcenter (R)	\$135
Technology in Employment - What You Need to Know to Protect Your Company in Our Digital Age	Partner: West LegalEdcenter (R)	\$100
Employment Litigation Update 2011	Partner: The Rutter Group	\$150

## UPCOMING EVENTS

## NOVEMBER

**CA Small Practitioners Forum**

The Banff Centre  
Banff AB  
November 17, 2011

**CCLA Civil Litigation Conference**

Fairmount Le Chateau Montebello  
Montebello QC  
November 18-19, 2011

**CTF (Canadian Tax Federation)**

Montreal QC  
November 27-29, 2011

## DECEMBER

**CLA (Criminal Lawyers Association)**

Marriott Eaton Centre Hotel  
Toronto ON  
December 9-10, 2011

## WestLegalEdcenter

WestLegalEdcenter is a leading online Continuing Professional Development (CPD) service from West, and brought to Canada by Carswell, a Thomson Reuters business. The WestLegalEdcenter library contains more than 22,000 hours of CPD, spanning all learning levels and covering every practice area. And with easy, online access, you can view programming wherever you are – from home, the office, or while traveling – wherever you have access to the internet. Access the programs online now at [www.westlegaledcenter.com](http://www.westlegaledcenter.com).

## TO PLACE YOUR ORDER

## Please Quote Order Number(s).

**ONLINE** [www.carswell.com](http://www.carswell.com)

Purchase your Carswell products through our secure online ordering system. Simply visit [www.carswell.com](http://www.carswell.com) to browse through our product catalogue and place your order immediately.

**TELEPHONE**

Toronto and International 416-609-3800  
Canada and U.S. 1-800-387-5164

**FAX**

Photocopy the enclosed order form, complete it with your product selections and fax it to:

Toronto and International 416-298-5082  
Canada and U.S. 1-877-750-9041

**Satisfaction Guarantee**

If you are not completely satisfied with any Carswell electronic or print product, simply return the invoice, along with any material received (in resaleable condition), within 30 days of the invoice date.

**STANDING ORDER/SUBSCRIPTION TERMS**

Carswell offers a wide range of electronic and print products for legal, tax, and business professionals. Products distributed by, but not published by Carswell, fall within the terms and conditions of sale of the specific publisher.

**ANNUAL AND PERIODICAL SUBSCRIPTIONS**

Unless otherwise instructed at the time of the order, we place purchasers of annual or biennial editions on subscription and automatically renewed and invoiced for subsequent subscription periods. A shipping and handling charge is included on the renewal invoices to cover costs involved in the delivery of the updates/parts over the subscription period.

**BOUND BOOKS**

Unless otherwise instructed at the time of the order, we place purchasers of bound books on **standing order** to automatically receive replacement annual or biennial editions and supplemental material. If a new annual or biennial edition is published **within 60 days** of purchasing the prior edition, the new edition is supplied at no charge. Customers have the option of requesting to be placed on **advise** status for notification when new editions are published. *This policy is limited to single copy purchases and does not apply to bulk copy orders.*

**SUPPLEMENTED BOOKS/SERVICES**

Purchasers are automatically placed on subscription for upkeep supplements. Supplements are invoiced as published – free if issued within 60 days of purchasing the supplemented book or service. Expansion volumes are invoiced as issued, regardless of the date the main work was purchased.

**PAYMENT TERMS**

All invoices are due and payable to Carswell within 30 days of the invoice date unless otherwise noted on the invoice or agreed to in writing. A late payment fee of 1.5% per month is charged on all invoices beyond terms. You may pay by major credit card, cheque or money order.

If you require general information regarding a missing or damaged shipment, the status of an order/subscription or the cost of reinstating a cancelled subscription, please call Customer Relations (Monday to Friday 8:30 a.m. to 5:30 p.m. Eastern Time) at the numbers listed.

Prices are stated in Canadian funds. Customers outside Canada will be invoiced in equivalent U.S. funds. Prices subject to change without notice and subject to applicable taxes. Shipping and handling are extra.

# CARSWELL ORDER FORM

COPIES	TITLE	ORDER NUMBER	PRICE
	Annotated Divorce Act, The 2012	983566-61635	\$116
	Annotated Immigration and Refugee Protection Act of Canada, The 2012 (hardcover)	983560-61635	\$152
	Annotated Immigration and Refugee Protection Act of Canada, The 2012 (softcover)	983559-61635	\$132
	Annotated Ontario Family Law Act, The 2012	983567-61635	\$110
	Annotated Ontario Rules of Criminal Practice, The 2012	983584-61635	\$109
	Canadian Family Business Guide, The	984898-61635	\$22.95
	CLV Special Report - Psychological Illness, Mental Health and the Workplace: Canadian Trends and Return to Work Challenges	984897-61635	\$80
	Consolidated Bank Act and Regulations 2011-2012, 23rd Edition with Guidelines and Other Regulatory Documents	983530-61635	\$134
	Copyright Board of Canada: Bridging Law and Economics for Twenty Years, The / La Commission du droit d'auteur du Canada : vingt ans entre le droit et l'économie	YB635655-61635	\$57.95
	Federal Courts Practice 2012	983580-61635	\$140
	Fiscalité spécialisée, 25e édition 2012	982759-61635	53,95 \$
	Fiscalité spécialisée - Problèmes d'impôt solutionnés, 25e édition 2012	982760-61635	35,95 \$
	Interpretation of Legislation in Canada, 3rd Edition, The	YB635456-61635	\$TBD
	Loi du Praticien – TPS-TVQ - Édition 2011 - Loi annotée	982753-61635	105 \$
	McLeod's Ontario Family Law Rules Annotated 2011	983572-61635	\$107
	Notes explicatives du ministère des Finances relatives à la TPS, 5e édition 2011	982754-61635	91 \$
	Officers of Parliament, Accountability, Virtue and Constitution	YB635638-61635	\$TBD
	Ontario Occupational Health and Safety Act: Quick Reference - 2012 Edition	983683-61635	\$82
	Pocket Ontario OH&S Act & Regulations 2011-Legislative Supplement: Bill 160	983475S1-61635	\$5
	Pocket Ontario OH&S Act & Regulations 2011 - Consolidated Edition	983475-61635	\$22.50
	Practical Guide to Medical Malpractice Litigation: A Plaintiff's Perspective, A	983840-61635	\$85
	Practitioner's Goods and Services Tax Annotated with Harmonized Sales Tax 2012, 24th Edition, The	984911-61635	\$127
	Practitioner's Ontario Taxes Annotated 2011 Fall Edition	984910-61635	\$102
	Prosecuting Genocide: Crimes Against Humanity and War Crimes in Canadian Courts	983860-61635	\$185
	Salhany's Police Manual of Arrest, Seizure and Interrogation, Tenth Edition	984882-61635	\$64
	Supreme Court of Canada Practice 2012	983551-61635	\$115
	Transfer Pricing in Canada, 2011 Edition	983852-61635	\$128

## TO PLACE YOUR ORDER

Please Quote Order Number(s).

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Prov. \_\_\_\_\_ Postal Code \_\_\_\_\_

E-mail \_\_\_\_\_

Phone (    ) \_\_\_\_\_ ext. \_\_\_\_\_

Fax (    ) \_\_\_\_\_

Payment enclosed     Bill me     Bill my Firm/Company

Charge my Carswell Account # \_\_\_\_\_

Purchase Order # \_\_\_\_\_

Charge my     VISA     American Express     MasterCard

Account # \_\_\_\_\_ Expiry date    /    \_\_\_\_\_

Signature \_\_\_\_\_

(ORDER MUST INCLUDE SIGNATURE AND TELEPHONE NUMBER TO BE PROCESSED.)

