

Legislative Drafting Webinar Series

JUDICIAL REVIEW OF DELEGATED LEGISLATION: THE LONG AND WINDING ROAD TO VAVILOV



WEDNESDAY, JUNE 17, 2020 | NOON – 1:30 PM (EASTERN TIME)

This program contains 1.5 CPD hours in all Canadian provinces

REGISTRATION: <https://www.imakeanonedonation.org/ciaj-icaj/webld5en/>
The registration form will be available until June 17, 2020, at 10 am (Eastern Time)
PRICE: \$35/person

SPEAKER

PROFESSOR JOHN MARK KEYES, Faculty of Law – Common Law Section, [University of Ottawa](#)

Moderator: Professor Mistrale Goudreau, Civil Law Section [University of Ottawa](#)

OVERVIEW

The judicial review of delegated legislation is a relatively obscure branch of administrative law. But it is of critical importance since most of the written law in Canada consists of this form of legislation. Judicial review is what ensures it conforms to its “delegated” nature and does not undermine fundamental constitutional principles of democracy and the rule of law.

The judicial review of delegated legislation in Canada has become somewhat confused in the past decade. This confusion largely results from the development of the standards of review that have transformed judicial review. Although a good deal of attention has been paid to the difficulties in applying these standards to decision-making powers, much less has been given to the quite distinct difficulties relating to delegated legislation, including whether the standards apply at all.

The Supreme Court of Canada has recently provided further guidance on the standards of review in *Canada (Minister of Citizenship and Immigration) v. Vavilov* with a view to addressing the “need for clarification and simplification of the law of judicial review”. This webinar will consider what this decision has to say about the judicial review of delegated legislation as well as what lessons can be learned from other recent decisions of the Court dealing with this subject. A long and winding road to be sure.

NOTE

Indications on how to access the GoToWebinar platform will be sent by email 48 hours prior to the event. It is recommended to test the platform beforehand. Groups should register at the rate of \$35 x the number of participants. The video will be available on-demand one day after the live webcast. A French session will take place on Thursday, June 18, 2020.

BROADCAST TIME ACROSS CANADA:

PT	9:00–10:30 am	CT	11:00 am–12:30 pm	AT	1:00–2:30 pm
MT	10:00–11:30 am	ET	Noon–1:30 pm	NT	1:30–3:00 pm