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Practice and Procedure Before Administrative Tribunals

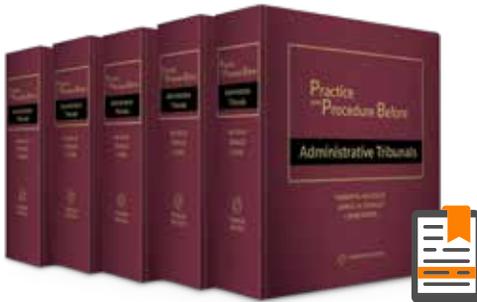
Robert W. Macaulay, Q.C., James L.H. Sprague B.A., LL.B., and Lorne Sossin, B.A., M.A., LL.B., LL.M., Ph.D.

Practice and Procedure Before Administrative Tribunals is a unique multi-volume guide on administrative agencies and how they operate. This supplemented book provides in-depth analysis of substantive legal issues and practical guidance on how to do the myriad tasks involved in modern administrative decision-making and agency operation. Rely on the wealth of expertise from Macaulay, Sprague and now Sossin, who recently joined the author team.

Many of the topics covered cannot be found elsewhere, and include:

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- Conduct of hearings – right to counsel, notice, disclosure, adjournments, subpoenas, role of staff, evidence, expert witnesses, right to interpretation, views, official and judicial notice, right to cross-examination, and much more
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- Contempt powers
- Alternative dispute resolution
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- [New] First Nations, Indigenous Peoples and Tribunal Hearings

The work is supplemented by useful precedents, checklists, and applicable legislation, including *Judicial Review Procedure Act* (B.C. and Ont.), *Administrative Procedures Act* (Alta.), *Federal Court Act*, *Statutory Powers Procedure Act* (Ont.), *Courts of Justice Act*, and the *British Columbia Administrative Tribunals Act*.



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About the Authors

James L.H. Sprague has served as counsel with the federal Department of Justice, the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations, the Commissioner of Canada Elections, and the Canadian Nuclear Safety Commission. His most recent appointment was as Senior General Counsel with Elections Canada where he headed its Legal Services and its Legislative Policy and Analysis Directorates.

He has also held various agency appointments with Ontario provincial agencies. A former member of the editorial board of the Canadian Journal of Administrative Law and Practice and a former editor of the bi-monthly *Administrative Agency Practice*, he is also a frequent contributor of articles and commentaries on administrative law topics in various legal journals. Mr. Sprague was a founding director of the Council of Canadian Administrative Tribunals, and he is a frequent speaker on administrative law topics across the country, including seminars and conferences at the federal and provincial levels, before many varied government departments and agencies. Mr. Sprague was a recipient of the Queen Elizabeth II Golden Jubilee Medal for his contribution to Canadian administrative law.

The late **Robert W. Macaulay**, Q.C., was co-author with James L.H. Sprague of *Practice and Procedure Before Administrative Tribunals*.

Lorne Sossin is a Professor at Osgoode Hall Law School, the Director of the Osgoode LL.M. Program in Administrative Law, and served as Dean from 2010-2018. Previously, he was a Professor at the University of Toronto Faculty of Law (2002-2010), an Associate Dean, and served as the inaugural Director of the Centre for the Legal Profession. Professor Sossin holds doctorates from the University of Toronto in Political Science and from Columbia University in Law. He clerked for former Supreme Court of Canada Chief Justice Antonio Lamer, was an Associate in Law at Columbia Law School, and was a litigation lawyer with the firm of Borden & Elliot (now Borden Ladner Gervais). Professor Sossin has authored numerous books, journal articles, reviews, and essays, including *Boundaries of Judicial Review: The Law of Justiciability in Canada*, 2nd Ed. (2012), published by Carswell (Thomson Reuters), and also received the 2012 David Mundell Medal for excellence in Legal Writing.

Professor Sossin served as Research Director for the Law Society of Upper Canada's Task Force on the Independence of the Bar, and has written commissioned papers for several public inquiries, the Canadian Judicial Council, the Privy Council Office of Canada, the Office of the Privacy Commissioner of Canada, the Ontario Energy Board, and the Ontario Integrity Commissioner. He has served on the Boards of the Osgoode Society, the Canadian Institute for the Administration of Justice, the National Judicial Institute, Pro Bono Law Ontario, and the Law Commission of Ontario, and is currently Vice Chair of the Ontario Health Professions Appeal and Review Board and Health Services Appeal and Review Board.

Boundaries of Judicial Review: The Law of Justiciability in Canada, 2nd Edition

Lorne Sossin, B.A., M.A., LL.B., LL.M., Ph.D.

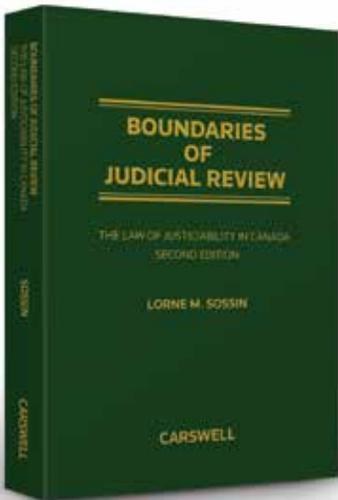
Boundaries of Judicial Review: The Law of Justiciability in Canada, 2nd Edition

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External Review of Administrative Decisions: Petitions to Cabinet, Appeals to Court, and Judicial Review

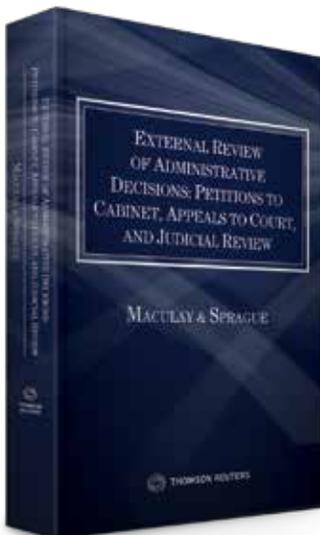
Robert W. Macaulay, Q.C., and James L.H. Sprague B.A., LL.B.

What can you hope to achieve, what principles must you understand, and how do you go about it? Unless you've been subscribing to **Practice and Procedure Before Administrative Tribunals**, reliable and thorough guidance has been scarce or hard to find.

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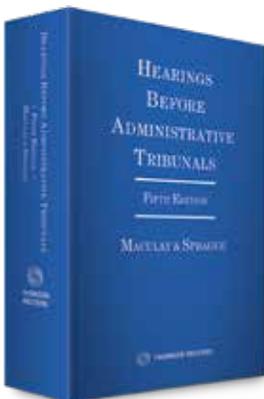
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 1. An administrative decision-maker has only the power validly given to it by a competent authority.
 2. All grants of statutory powers of decision that impact upon a person's interests must be exercised in accordance with a flexible set of fairness principles, the specific content of which are determined by the particular circumstances of each case.
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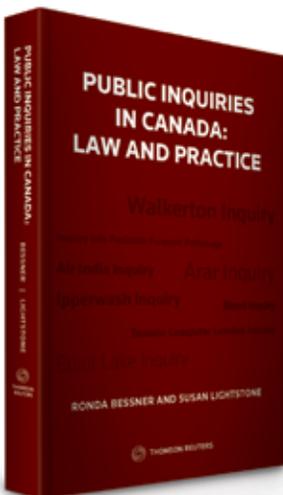
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Softcover approx. 650 pages October 2017
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About the Authors

Ronda Bessner has had extensive experience with public inquiries, having been the senior legal analyst at five inquiries including the Walkerton Inquiry (contamination of drinking water), the Ipperwash Inquiry (the death of Dudley George in a land claim protest), and the Royal Commission on the Blood System in Canada (tainted blood). In addition, Ronda co-designed and co-facilitated two roundtables for federal Cabinet Ministers on the proposed public inquiry into Missing and Murdered Indigenous Women and Girls.

During her career, Ronda has taught at a number of Canadian law schools in the areas of Evidence, Public Inquiries, Criminal Law and Youth Justice. She has also presented and published on the legal aspects of a number of topics including child abuse, HIV/AIDS, novel scientific evidence, and state intervention in pregnancy.

Ronda is Past President of the Women's Law Association of Ontario and she co-founded the first Canadian Chapter of the Harvard Law School Women's Alliance. Ronda is also an adjudicator on the Consent and Capacity Board.

She was appointed as a lawyer member in 2014. In 2016, Ronda was awarded the Law Society of Upper Canada Medal for outstanding service to the legal profession.

Susan Lightstone works in three capacities – as an educator, lawyer, and writer/editor. She practised banking and corporate law at the Bank of Canada. She served as the education director at the National Judicial Institute, the educational organization that serves the Canadian judiciary. In 2011, Susan began working with the Ontario Court of Justice in Toronto, advising the Court on the design, development, and delivery of their educational programming for justices of the peace and judges. Currently, she serves as Counsel in the Office of the Chief Justice, Ontario Court of Justice.

Susan worked as a part-time professor at the Faculty of Law, University of Ottawa, where she taught persuasive writing. Her work has included co-authoring several books and has appeared in an array of publications, including the Canadian Bar Association's *National*, the *Canadian Medical Association Journal*, *The Globe and Mail*, and the *Ottawa Citizen*.

For 15 years, she was a lawyer member of Ontario's Consent and Capacity Board.

Principles of Administrative Law, 6th Edition

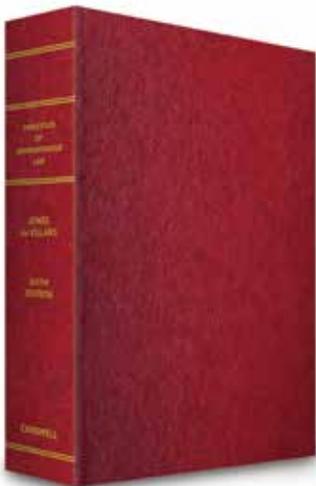
David Phillip Jones, Q.C., and Anne S. de Villars, Q.C.

Principles of Administrative Law, 6th Edition provides a concise statement of the principles of administrative law. Rather than attempting to discuss the case law emanating from every Canadian jurisdiction, the book provides a conceptual framework for understanding the principles of administrative law, which can then be applied to specific fact situations.

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 - *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador Treasury Board*: Inadequacy of reasons is not a stand-alone ground for judicial review as an aspect of procedural fairness, but part of the global determination.
 - *B. C. (Workers' Compensation Board) v. Figliola* and *Penner v. Niagara (Regional Police Services Board)*: Attempts to address the challenges of multi-forums.



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Hardcover approx. 1000 pages June 2014
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About the Authors

David Phillip Jones, Q.C., is an administrative and constitutional lawyer, arbitrator and mediator practising in Edmonton. For 16 years, Mr. Jones was a full-time law professor at McGill and at the University of Alberta. Mr. Jones is widely known as a frequent lecturer on administrative law. In addition, he is the Conflict of Interest Commissioner for both Yukon and the Northwest Territories. He was the recipient of the CCAT Medal for 2009, a distinction awarded by the Council of Canadian Administrative Tribunals in recognition of his ongoing contribution to the improvement and advancement of administrative justice in Canada. Mr. Jones has also received the Distinguished Service Award from the Law Society of Alberta and the Canadian Bar Association (Alberta Branch). Together with Anne S. de Villars, he is co-author of *Principles of Administrative Law* and co-editor of *Administrative Law Reports*.

Anne S. de Villars, Q.C., practises in the areas of administrative law, wills and estates, trusts, and arbitration and mediation. She is a director of the Alberta Law Reform Institute, and previously was a director of the Alberta Law Foundation. She was the recipient of the CCAT Medal for 2009, a distinction awarded by the Council of Canadian Administrative Tribunals in recognition of her ongoing contribution to the improvement and advancement of administrative justice in Canada. Ms. De Villars has also received the Distinguished Service Award from the Law Society of Alberta and the Canadian Bar Association (Alberta Branch). Together with David Phillip Jones, she is co-author of *Principles of Administrative Law* and co-editor of *Administrative Law Reports*.

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Judicial Review of Administrative Action in Canada

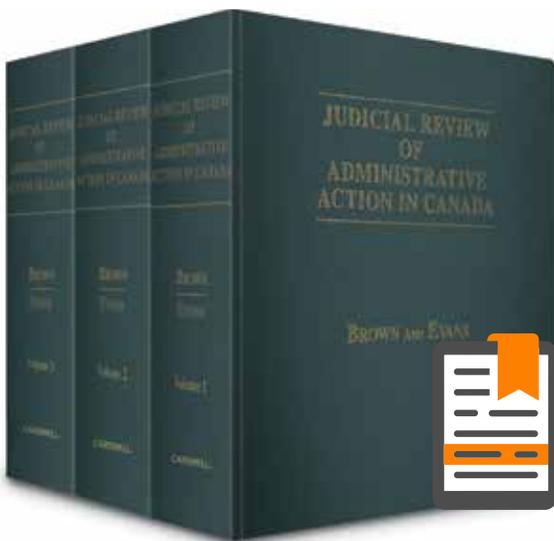
Donald J.M. Brown, Q.C., and The Honourable John M. Evans

Two highly regarded experts in the field present an in-depth look at the law of judicial review of administrative action in Canada. This award-winning publication offers a substantive view of the law, along with practical guidance on the issues that can arise in the judicial review process.

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About the Authors

Donald J.M. Brown, B.A., LL.B., LL.M., Q.C., is a partner emeritus at Blake, Cassels & Graydon LLP and is a specialist in Civil Litigation, as certified by the Law Society of Upper Canada. Mr. Brown is also a fellow of the American College of Trial Lawyers and an international associate of the American Bar Association.

He has written extensively and his works include *Canadian Labour Arbitration, Fourth Edition* with David M. Beatty, *Judicial Review of Administrative Action in Canada* with the Honourable John Evans, and *Civil Appeals*. Mr. Brown was the recipient of the David Mundell Medal for outstanding legal writing for the *Judicial Review of Administrative Action in Canada*. Mr. Brown is a past president of the Harvard Law School Association and has lectured at Osgoode Hall Law School, the University of Toronto Law School and the University of Singapore Law School. He was a member of the Federal Task Force on the Future of the Canadian Services sector, a panelist involved with the North American Free Trade Agreement (NAFTA), and a member of the Administrative Law Advisory Group formed by the Law Reform Commission of Canada. He was the Commissioner of the Commission of Inquiry into Wage Protection and Insolvency and chaired the Provincial Court Judge Remuneration Commission. In his spare time, he speaks at engagements on the subject of judicial review and appellate advocacy.

John Evans was appointed a Judge of the Federal Court in 1998 and was a Judge of the Federal Court of Appeal from 1999 until his retirement in 2013. He is a graduate of Oxford University and was a member of the faculty of the Law Department of the London School of Economics before his appointment as a professor of Osgoode Hall Law School, where he taught, among other things, Administrative Law, Immigration Law and Trusts. Before his appointment as a Judge, he was also an adviser to law firms, governments, administrative agencies and law reform bodies on a broad range of legal issues, and a regularly invited speaker at conferences. He has written extensively on public law, both in England and Canada. In addition to numerous articles, he has written numerous publications in the area of Immigration Law and Administrative Law.

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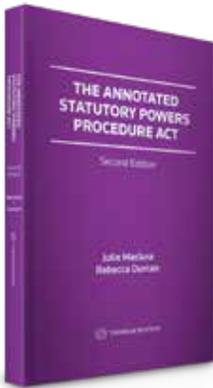
The Annotated Statutory Powers Procedure Act, Second Edition

Julie Maciura, B.A., LL.B., and Rebecca Durcan, B.A., LL.B., LL.M.

Written for lawyers and members of administrative tribunals, this guide provides an overview of the *Annotated Statutory Powers Procedure Act*, the full text of the Act with section-by-section commentary and annotation, and sample rules of practice. The book also includes a unique feature – excerpts from the published commentary of other experts on the Act, offering insightful interpretations.

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 - Chart setting out which sections of the statute require Rules to be passed before the tribunal can rely on that authority
- A more user-friendly layout, featuring the statutory provision followed by legislative history, case law, and published commentary



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About the Authors

Julie Maciura is a partner at Steinecke Maciura LeBlanc. Since being called to the Bar in Ontario in 1993, Julie has practised administrative law with an emphasis on professional regulation. Julie acts as prosecutor and general counsel for numerous Ontario regulators. Her general counsel work includes training specific to the needs of statutory committees, guidance to the regulator on registration and quality assurance matters, and drafting with respect to regulations, by-laws, standards, and policies. Julie also acts as independent legal counsel for the discipline and fitness to practice committees of certain other regulators.

Rebecca Durcan is a partner at Steinecke Maciura LeBlanc. Rebecca acts as general counsel, prosecution counsel, and independent legal counsel to several Ontario regulators. In her role as General Counsel, Rebecca assists regulators with a wide variety of matters including registration, complaints, investigations, quality assurance, and governance.