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### THE REGULATION OF PROFESSIONS IN CANADA

James T. Casey, K.C.

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The *Regulation of Professions in Canada* is the only work which provides a comprehensive synthesis of the law relating to the regulation of professions in Canada, particularly as it applies to the issues of discipline and licensing. This work reviews both the legislative framework — federally, provincially and constitutionally — and the significant body of case law that interprets this subject.

### What's New in This Update

This release includes updates to Appendix SLL – Selected Legal Literature and Appendix WP – Words & Phrases and features a new legal memorandum in Appendix IF – Issues in Focus.

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## Highlights

- **§ WP:79 CONDUCT UNBECOMING—Nova Scotia**—In summary, under Regulation 9.1.3(a), “conduct unbecoming” extends to personal or private conduct that tends to bring discredit upon the legal profession. If one or more of items (i), (ii) and (iii) is shown, that is “conduct unbecoming”. If none is shown, then proof of other personal or private conduct that tends to bring discredit upon the legal profession may establish “conduct unbecoming”: *Fraser v. Nova Scotia Barristers’ Society* (2024), 2024 CarswellNS 551, 2024 NSCA 63 (N.S. C.A.) at para. 31 – Bourgeois, Fichaud and Derrick, JJ.A.
- **§ IF:32—Challenges to By-Laws in the Professional Regulatory Realm**—In the sphere of professional regulation in Canada, challenges to a regulator’s by-laws are relatively infrequent. Nonetheless, they are guided by well-established principles that reviewing decision-makers must apply, especially when that review involves assessing whether an impugned by-law overreaches a regulator’s powers, or else impinges on a professional’s right to procedural fairness. In recent years, there have been several noteworthy decisions in this area. These have addressed important topics such as the nature of the notice that must be given to members of various professions by their regulators, and the scope of permitted regulatory oversight on member conduct. This Memorandum highlights some of those recent cases, after giving a brief overview of the established law on by-law challenges in the Canadian professional regulatory context.