

Summary of Contents

Volume 1

- Chapter 1. How Did Administrative Law Evolve?
- Chapter 2. Creation of Administrative Agencies
 - Appendix 2A. Agencies to which Appointments were Published
 - Appendix 2B. Report of the Task Force on Administrative Tribunals
 - Appendix 2C. The Ratushny Report
 - Appendix 2D. Draft Act to Create a Council of Administrative Agencies
- Chapter 3. Administrative Agencies and Government Policy
 - Appendix 3A. MOU Best Practices Guide
- Chapter 4. Appointments to Administrative Agencies
 - Appendix 4B. Appointments to Administrative Agencies in Canada: A Partial Bibliography
 - Appendix 4C. Status of Members of Administrative Tribunals in Quebec
 - Appendix 4D. Oath of Office and Secrecy
 - Appendix 4E. Conflict of Interest
 - Appendix 4F. Sample Time Docket
 - Appendix 4G. Appointments—The Ratushny Report
 - Appendix 4H. 2016 Federal Government Process Respecting Governor in Council Appointments
- Chapter 5. The Chair
 - Appendix 5B. Interviewing Documents of Ontario
 - Appendix 5C. Hallmarks of a Good-Quality Adjudicative Decision
 - Appendix 5D. Guidelines for Review of Draft Decisions
 - Appendix 5E. Practice Direction: Reconsiderations
 - Appendix 5F. OMB Performance Appraisal
- Chapter 6. Codes of Conduct for Agencies
- Chapter 7. Grant and Subdelegation of Authority

- Appendix 7A. Ontario Municipal Board Rules of Practice and Procedure
- Appendix 7B. The Ontario Municipal Board: A Draft Procedural Order of the OMB
- Chapter 8. Areas of Major Concern for Agencies
- Chapter 9. Discretion
- Chapter 10. Binding and Non-Binding Agency Instruments—Orders, Rules and Guidelines

Volume 2

- Chapter 11. Federal/Provincial Relations
- Chapter 12. The Public Interest
- Chapter 13. The Duty of Fairness and Powers of an Agency to Control its Own Procedure
 - Appendix 13B. The Compendium of Model Rules of Practice
 - Appendix 13C. Sampling of Decisions Respecting the Application of *Valente* Independence Requirements to Agencies
- Chapter 14. Board Counsel and Staff
 - Appendix 14A. Contract for Outside Consultant or Lawyer
- Chapter 15. Prehearing Conference (PHC)
 - Appendix 15A. Form of Notice
 - Appendix 15B. Form of Procedural Order (Post-hearing Conference)
- Chapter 16. The Conduct of the Hearing: Powers and Procedures
 - Appendix 16A. A Typical Published Notice
 - Appendix 16B. Sample Notices of Hearing Given by Mail
 - Appendix 16C. Affidavit of Service
 - Appendix 16D. Notice of Intervention
 - Appendix 16E. Procedural Order: Re Interrogatories—How a Party May Intervene and Put Interrogatories to Opposing Parties
 - Appendix 16F. Interrogatory with Answer
 - Appendix 16G. Tribunal Subpoena
 - Appendix 16H. Hearing Room Set-Ups
 - Appendix 16I. Reporter's Contract
 - Appendix 16J. Canadian International Trade Tribunal Act, R.S.C. 1985, c. C-18.3 (Confidentiality Provisions)

SUMMARY OF CONTENTS

- Appendix 16K. Statement of Principles on Self-Represented Litigants and Accused Persons
- Appendix 16L. British Judicial College's *Equal Treatment Benchbook* (2018 Edition) Advice Respecting Identity Obscuring Religious Garb

Volume 3

- Chapter 17. Indigenous Peoples and Tribunal Hearings
- Chapter 18. The Role of the Presiding Member and Panel Members
 - Appendix 18A. Opening Statement
- Chapter 19. Use of Agency Staff and Counsel
 - Appendix 19A. Fact Sheet
 - Appendix 19B. Structure of NEB—Function of Each Branch
- Chapter 20. The Duties of a Hearing Clerk
- Chapter 21. Public Access to Agency Proceedings
 - Appendix 21B. Procedural Order for In-Camera Hearing
 - Appendix 21C. Declaration and Undertaking Not to Disclose
 - Appendix 21D. Presiding Member Dialogue
- Chapter 22. Evidence and Witnesses
 - Appendix 22A. Typical Curriculum Vitae
- Chapter 23. Outside Consultants and Outside Evidence
- Chapter 24. Preparing for a Case Before an Agency
- Chapter 25. Advice to Witnesses
- Chapter 26. Argument of Counsel
- Chapter 27. The Digital Age And Administrative Tribunals
- Chapter 28. Agency Decisions and Reasons
- Chapter 29. Tribunals and the Charter of Rights
- Chapter 30. Tribunals and International Law
- Chapter 31. Stated Case
- Chapter 32. Canada's Access and Privacy Legislation
- Chapter 33. Funding
- Chapter 34. Costs
 - Appendix 34B. Criteria for Costs
- Chapter 35. Authority of an Agency to Rehear or Reconsider Decisions
- Chapter 36. External Review of Agency Decisions: Petitions to Cabinet

- Appendix 36A. Example of Notice Given Respecting Federal Petition to Cabinet
- Appendix 36B. Examples of Federal Orders-in-Council Made Respecting Petitions to the Governor-in-Council
- Chapter 37. External Review of Agency Decisions: Appeals to Court

Volume 4

- Chapter 38. External Review of Agency Decisions: Judicial Review
 - Appendix 38A. Practice Notice Constitutional Questions
- Chapter 39. Implied Powers of an Agency
- Chapter 40. Contempt

Volume 5

- Chapter 41. Alternative Dispute Resolution
 - Appendix 41A. Administrative Procedure Act
- Chapter 42. Private Courts
- Chapter 43. An Administrative Advisory Commission
- Chapter 44. Needed Structural Changes
- Chapter 45. Drafting Legislation
- Chapter 46. Increased Statutory Powers for Agencies
- Chapter 47. The Ombudsman
 - Appendix 47A. Ombudsman Act
- Chapter 48. Labour Arbitrations
- Chapter 49. Self-Governing Professions
 - Appendix 49B. Self-Governing Bodies
- Chapter 50. Administrative Procedure Statutes
 - Appendix 50B. Appointment Agreement for Regulatory and Adjudicature Agencies
 - Appendix 50C. Competency Frameworks
 - Appendix 50D. Performance Management
 - Appendix 50E. Performance Management for Appointees—A Step by Step Guide
 - Appendix 50F. Model Code of Conduct
- Chapter 51. The Annotated British Columbia Administrative Tribunals Act S.B.C. 2004, c. 45
- Chapter 52. Bias

SUMMARY OF CONTENTS

- Chapter 53. Legitimate Expectations
Chapter 54. Strategic Lawsuits to Discourage Public Discourse
Chapter 55. Injunctions to Enforce the Statute

Volume 6

Appendices

- Appendix A. Cases and Comments

Appendix B. Legislation

- Appendix B1. Notice Provisions Respecting Constitutionality or Validity of Legislation; Interpretation Act Provisions Codifying the *Carltona* Principle
- Appendix B2. Provincial Interpretation Act Provisions Codifying the *Carltona* Principle
- Appendix B3. Canadian Bill of Rights, S.C. 1960, c. 44
- Appendix B4. Conflict of Interest Act, S.C. 2006, c. 9
- Appendix B5. Constitution Act, 1982
- Appendix B6. Federal Courts Act, R.S.C. 1985, c. F-7
- Appendix B7. Personal Information Protection and Electronic Documents Act
- Appendix B8. Administrative Procedures and Jurisdiction Act, R.S.A. 2000, c. A-3
- Appendix B9. Alberta Bill of Rights, R.S.A. 2000, c. A-14
- Appendix B10. Administrative Tribunals Act
- Appendix B11. Judicial Review Procedure Act, R.S.B.C. 1996, c. 241
- Appendix B12. An Act to Avoid Conflict of Interest by Members of the House of Assembly, Members of the Executive Council and Public Employees, S.N.S. 2010, c. 35
- Appendix B13. Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009, c. 33, Sch. 5
- Appendix B14. Judicial Review Procedure Act, R.S.O. 1990, c. J.1
- Appendix B15. Public Service of Ontario Act, 2006 (Excerpts and Related Regulations)
- Appendix B16. Regulated Health Professions Act, 1991, S.O. 1991, c. 18
- Appendix B17. Statutory Powers Procedure Act, R.S.O. 1990, c. S.22
- Appendix B18. Judicial Review Act, R.S.P.E.I. 1988, c. J-3
- Appendix B19. Act Respecting Administrative Justice
- Appendix B20. Charter of Human Rights and Freedoms

PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

Appendix WP. Words and Phrases

Table of Added Cases

Table of Cases

Index