



THE 19TH ANNUAL NATIONAL FORUM ADMINISTRATIVE LAW AND PRACTICE

The not-to-be-missed annual forum for practitioners in the administrative and regulatory sector

For nearly two decades, this highly acclaimed forum has been a key venue for sharing insights and developing connections for scholars and practitioners in administrative law. Over two days, gain a deeper understanding of pressing topics in the field, including:

- Artificial Intelligence regulation and challenges
- The national security administrative framework
- The *Charter* and the role of administrative decision-makers
- The *Online Harms Act* and the regulation of harmful content

Register today at:

osgoodepd.ca/adminlaw

PROGRAM CHAIRS

Andrew Gibbs
General Counsel,
National Litigation Sector,
Department of Justice Canada

Kate Glover Berger
Associate Professor,
Osgoode Hall Law School

Brendan van Niejenhuis
Partner, Stockwoods LLP

Kirk Shannon
Director General and Deputy CEO,
Law Commission of Canada

REGISTRATION OPTIONS

October 15 – 16, 2024:
9:00 a.m. – 4:00 p.m. ET
In-Person or Online (Live)

December 3 – 4, 2024:
Online (Replay)

Can't make the date?
*Registration includes 120-day unlimited,
online access to the recorded program.*

Drawing on the expertise of leading judges, lawyers and other experts, including:

Program Chairs



Andrew Gibbs

General Counsel, National Litigation Sector,
Department of Justice Canada



Kate Glover Berger

Associate Professor,
Osgoode Hall Law School



Kirk Shannon

Director General and Deputy CEO,
Law Commission of Canada



**Brendan van
Niejenhuis**

Partner, Stockwoods LLP

Program Faculty

Paul Aterman

Former Chairperson,
Canada Social Security Tribunal

Amy Block

WeirFoulds LLP

Brian Cook

Tribunal Watch Ontario

Paul Daly

University of Ottawa

Bryce Dillon

National Security Intelligence
Review Agency

David Fraser

McInnes Cooper

The Hon. John Evans

Goldblatt Partners LLP

Anil Kapoor

Kapoor Barristers

Ewa Krajewska

Heinen Hutchinson

Andrea Gonsalves

Stockwoods LLP

Sanam Goudarzi

Department of Justice Canada

Jeff Gray

The Globe & Mail

Matthew Horner

Ontario Human Rights Commission

Anna Lillicrap

Department of Justice Canada

Emmett Macfarlane

University of Waterloo

Michelle Mann

Department of Justice Canada

Stephanie Mulcaster

National Security Intelligence
Review Agency

Krista Nerland

Olthius Kleer Townshend LLP

Elizabeth Richards

Department of Justice Canada

Justin Safayeni

Stockwoods LLP

Teresa Scassa

University of Ottawa

Noah Semple

University of Windsor

The Hon. Justice David Stratas

Federal Court of Appeal

Bahaa Sunallah

Department of Justice Canada

Alyssa Tomkins

Gowling WLG

Sule Tomkinson

Université Laval

For the most up-to-date faculty
information, please visit:

osgoodepd.ca/adminlaw

THE 19TH ANNUAL NATIONAL FORUM

Administrative Law and Practice

From developments in judicial review and legislation to shifts in standards and practices, administrative law in Canada is a dynamic and constantly-developing field.

Over this two-day conference, leading practitioners will help you navigate current judicial and regulatory developments. You will engage with an expert faculty providing timely insights across numerous sectors of administrative law.

Join us **in-person** to connect with peers and experts, or watch the livestream online:

- The *Online Harms Act*: duties, obligations, and regulatory frameworks
- Artificial Intelligence regulation in Canada and abroad
- The National Security administrative regime
- Developments in *Charter* values and administrative bodies
- Cases to Watch in 2025
- Challenges in Tribunal Justice and Appointments
- **PLUS:** Special Addresses by **Justice David Stratas** and **The Hon. John Evans**

Who Should Attend

- Lawyers who appear before agencies, boards, or tribunals
- Government counsel
- Tribunal counsel
- Tribunal and board members
- Adjudicators
- Regulators
- Counsel who advise on government relations and the regulatory process

Register today at:

osgoodepd.ca/adminlaw

Agenda

DAY ONE: October 15, 2024

9:00 a.m.

Introductory Remarks from the Chairs

9:10 a.m.

Annual Update: Critical Developments in Administrative Law in 2024

To open the conference, panelists will analyse significant jurisprudential developments of the past year, including *Yatar* and cases that have flowed from it.

Justin Safayeni
Stockwoods LLP

Amy Block
WeirFoulds LLP

10:00 a.m.

Regulating Harmful Content Online: Predictions and Challenges

This session will discuss the duties and obligations imposed on social media platforms by the *Online Harms Act*, as well as the regulatory framework it creates through the Digital Safety Commission, the Digital Safety Ombudsperson, and the Digital Safety Office. Potential issues with administration, enforcement, and the review structure will also be explored.

Andrea Gonsalves
Stockwoods LLP

Prof. Emmett Macfarlane

University of Waterloo

David Fraser

McInnes Cooper

11:15 a.m.

Break

11:30 a.m.

The Doctrine of Precedent in Administrative Law: Twists, Turns and Controversies

In this special address, Justice David Stratas will share reflections on the doctrine of precedent, followed by a question and answer period with conference attendees.

Justice David Stratas

Federal Court of Appeal

12:30 p.m.

Networking Lunch

1:30 p.m.

Challenges in Tribunal Justice: Appointment Powers, the Exercise of Discretion, and Risks of Injustice

Late last year, the administrative justice community lost Dr. Ronald Ellis, a scholar, lawyer, and former tribunal adjudicator and administrator. As a reflection of Dr. Ellis' passionate advocacy for rule-of-law reform, this panel will discuss ongoing challenges in the tribunal justice system, including the identification of suitable candidates, the ways in which appointment powers are used, and the potential consequences of developing trends in the system.

Paul Aterman

Former Chairperson,
Canada Social Security Tribunal

Brian Cook

Tribunal Watch Ontario

Jeff Gray

The Globe and Mail

2:30 p.m.

Break

2:45 p.m.

Commemorating the Work of Dr. Ron Ellis

The late Dr. Ellis' pioneering work included his relentless pursuit of structural reform of the administrative justice system. His roadmap of proposals was eventually published as *Unjust By Design*. This panel will discuss recent statutory instruments both in Canada and abroad inspired by Dr. Ellis' reform initiatives, as well as the ongoing legacy of his decades of insight and advocacy.

Prof. Paul Daly

University of Ottawa

Prof. Noah Semple

University of Windsor

Prof. Sule Tomkinson

Université Laval

3:45 p.m.

Day One Concludes

DAY TWO: October 16, 2024

9:00 a.m.

Introductory Remarks from the Chairs

9:05 a.m.

Cases to Watch

This session will look ahead to the next year of case law and matters that could affect your practice, including notable legal issues moving through the courts and anticipated legislative changes.

Ewa Krajewska

Heinen Hutchinson

9:45 a.m.

Artificial Intelligence: Regulatory Challenges in Canada and Abroad

This panel will discuss developments in AI regulation both internationally and domestically, including the Council of Europe AI Treaty, the federal generative AI policy and Bill C-27. Jurisprudential developments in this area will also be discussed, with a focus on administrative law issues and practical concerns for advising clients on the front end to avoid later issues.

Michelle Mann

Department of Justice

Anna Lillicrap

Department of Justice Canada

Prof. Teresa Scassa

University of Ottawa

10:45 a.m.

Break

11:00 a.m.

A Personal History of Administrative Law in Canada

The Hon. John Evans

Goldblatt Partners LLP

In this special address, the Hon. John Evans will discuss his experiences watching the development of administrative law in Canada over time. These remarks will be followed by a question & answer session with the chairs and conference attendees.

12:00 p.m.

Networking Lunch

1:00 p.m.

The National Security Administrative Regime: Developments and Challenges

This expert panel will discuss live issues relating to the Canadian national security framework and administrative law, including the new scheme for judicial review and how these developments intersect with the open court principle, freedom of the press, and privacy concerns.

Elizabeth Richards

Senior General Counsel,
Department of Justice

Anil Kapoor

Kapoor Barristers

Stephanie Mulcaster

National Security Intelligence
Review Agency

Bryce Dillon

National Security Intelligence
Review Agency

1:50 p.m.

Break

2:05 p.m.

Recent Developments in Charter Values and the Role of Administrative Decision-Makers

Over the past 12 months, Canada's highest court has been repeatedly tasked to consider the applicability of the *Charter* and *Charter* values to administrative bodies of all types. This panel will discuss those cases in detail, and the implications of these conclusions for administrative decision-makers more broadly.

Bahaa Sunallah

Department of Justice

Matthew Horner

Ontario Human Rights Commission

Alyssa Tomkins

Gowling WLG

2:55 p.m.

Break

3:10 p.m.

Developments in Aboriginal Law

Indigenous governments hold inherent jurisdiction to make laws for their own people and lands in accordance with their own legal orders, in addition to jurisdiction recognized under or delegated under Canadian law. Canadian courts, operating under the Canadian legal framework, are being asked to judicially review decisions made by Indigenous governments pursuant to and in alignment with Indigenous legal orders.

This session will examine how Canadian courts are treating the judicial review of decisions made under Indigenous laws – what Canadian courts have said so far about their jurisdiction to review these

decisions, how the Vavilov framework and procedural fairness review are being applied in this context, and the practical issues that are arising on the ground.

Krista Nerland

Olthius Kleer Townshend LLP

3:35 p.m.

Updates in Environmental Law

A deep dive into jurisprudential developments in Environmental Law over the past year.

Sanam Goudarzi

Department of Justice

4:00 p.m.

Day 2 Concludes



Register today at:

osgoodepd.ca/adminlaw

What Previous Attendees Said

“All presenters were very well informed and presented well.”

Stephen McArthur
Partner, Mathews Dinsdale and Clark LLP

“Excellent presenters and good choice of topical topics.”

2022 Participant

“I always learn a lot at this conference.”

2022 Participant

“The presentations were all really informative and covered a large amount of knowledge but in a very efficient way... it had a lot of impact.”

Michelle Staszuk
Northwest Territories Office of the Ombud

“This program is essential for me to have an overview and keep up to date... Excellent.”

Patricia Pledge
Senior Counsel, Justice Canada

Registration Details

Fee per Delegate: \$1,095 + TAX

Early bird pricing is \$995 + TAX until September 1, 2024

Newly Licensed*: \$547.50 + TAX

**This fee applies to newly licensed regulated professionals within the past 2 years*

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts and financial assistance are available. Visit www.osgoodepd.ca/group-discounts for details.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time prior to the start date of the program. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the start of the program. If a cancellation request is made with less than 14 days notice, an administrative fee equal to 20% of the program cost, to a maximum of \$250 will apply per person. Payment is required to receive access to the program.



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