



Why Canadian Administrative Law Is a Mandatory Subject

Administrative law is a fundamental discipline that touches on almost every aspect of the state's function in society. There are, therefore, very few subject matter areas that are not either purely administrative law fields or at least affected by administrative law. Knowledge of Canadian administrative law is, therefore, foundational to a lawyer's work in Canada.

Administrative law is a public law topic. While public law topics may share common names in all jurisdictions, their content varies because states make different public law choices. As an area of the law that governs the exercise of power by the executive branch of the government, administrative law varies between jurisdictions as each jurisdiction selects its own solutions to deal with problems encountered by all jurisdictions. Put another way, administrative law reflects policy choices and those policy choices vary depending on the society in which they germinate and develop. Both institutionally and substantively, Canadian administrative law differs dramatically from that in other jurisdictions, even jurisdictions sharing common traditions such as the United States and the United Kingdom.

Canadian administrative law is jurisdiction specific. While there may be similarities in some areas, there is a large number of features for which knowledge would not be gained from education or experience within other jurisdictions.

Key features include:

- a unique set of administrative tribunals and regulatory agencies;
- a specifically Canadian approach to identifying the standards the courts should apply in reviewing statutory and prerogative authorities;
- constitutional dimensions to the subject area that find no exact parallel anywhere else, ranging from Canada's unwritten constitutional principles through guarantees of judicial review to the impact of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights on the way in which statutory and prerogative authorities exercise their powers;
- the existence in Canada of various general provincial statutes addressing the manner in which administrative tribunals are set up and function;
- a range of judicial review statutes and remedial principles that are distinctly different from those of other jurisdictions, and the particular remedial choices that revolve around the exercise of federal statutory and prerogative powers; and
- the Canadian law on damages for unlawful administrative action.