

Future Directions for Administrative Tribunals: Canadian Administrative Justice – Where Do We Go From Here?

Heather M MacNaughton

Predicting the future of administrative tribunals in Canada would be a much easier task if, after a review of history and some of the current initiatives and challenges, it was possible to discern a common vision that was directing change. However, what I think becomes apparent from such a review is that there is a lack of such a common vision.

The multifaceted roles played by the various types of Canadian administrative tribunals, the way in which the tribunal system has evolved, and recent judicial pronouncements and legislative initiatives have brought us to a crossroads, and the options available to the system point in different directions.

Provincial legislative reforms have also pulled in different directions; small positive steps are taken in one direction, only to be undermined in others. Pressures on administrative tribunals make it necessary to re-examine our basic thinking about them. The choices that are made now by the courts, the legislatures and the public they represent, and, to a lesser extent by administrative tribunals themselves, will determine the future of administrative justice in Canada. This chapter very briefly puts the current situation in its historical context and discusses some of the current challenges and initiatives. In so doing, there are predictions of some of the issues that will need to be addressed before an outline can be attempted of the picture of what the future of administrative justice in Canada might look like.

Historical Context

The proliferation of administrative tribunals in Canada is a relatively new development, post-dating World War II. Although Canadian administrative tribunals existed before then,¹ it was only after World War

¹ See RW Macaulay and JL Sprague, *Practice and Procedure Before Administrative Tribunals*, Vol 1 (Toronto, Carswell, 2001) 1-1.

This is a preview. Not all pages are shown.