

An Introduction to Administrative Law

Chapter Summary

The domain of administrative law within the field of public administration remains relatively unstudied and purposely vague. All actors and government activities within public administration exist within the realm of administrative law and its decisions, purpose, and intent. In particular, administrative law resides within the constitutional framework and jurisdictional realm in Canada. Administrative law also speaks to the day-to-day operations of government as it relates to how government performs, governs, and makes decisions. With the discussion and analysis of two recent cases, the author offers an examination of administrative law and its challenges and how it relates to the constitutional framework of Canada.

The concept of jurisdiction is important to the study of administrative law. This refers to the idea that every individual and public institution must follow the rules and procedures as outlined by the law. There are two types of jurisdiction, substantive and procedural, and administrative law must also follow three constitutional guidelines. First, administrative law must follow the vertical distribution of political power as depicted in a federalist state. This vertical distribution of power speaks to the hierarchical and top-down organization of government. Second, administrative law must follow the Charter of Rights and Freedoms and its guarantees. Third, administrative law must adhere to the separation of powers doctrine. This doctrine speaks to the separation and overlap between divisions in government of the legislative, executive, and judicial realms.

Another important aspect of administrative law is the possible opportunity for this law to remedy the abuse of public power. This pertains to the ability of the courts to determine the lawfulness of administrative decisions by receiving applications for judicial review. The courts can also address any appeals that are presented through tribunals or the judicial review process.

Annotated Weblinks

- 1) <http://www.thecanadianencyclopedia.ca/en/article/administrative-law/>.

The Canadian Encyclopedia offers a description of administrative law in Canada, including its jurisdiction, procedure, and rights of appeal.

- 2) <http://www.administrativelawmatters.com/blog/2014/09/08/fusing-procedural-and-substantive-review-in-canada/>.

This is a blog by Paul Daly on Administrative Law Matters, regarding his position on fusing both procedural and substantive review in Canada.

- 3) <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>.

The Justice Laws website outlines The Constitution Act of Canada 1982 and addresses its specific clauses and interpretations as outlined in this statute.