JUDICIAL REVIEW OF LEGISLATION IN CANADA,

By B. L. Strayer; (University of Toronto Press: Toronto), 1968; 275 pp.

It is beginning to look as if a really comprehensive textbook of Canadian constitutional law may never be written. The complexity of the subject and the economic problems involved in publishing a highly technical book in a small country, may present insurmountable obstacles to such an undertaking. This is a shame; the presence of a thorough and reliable study of the Canadian constitution might, among other things, expose some of the nonsense that is being talked by some of the participants in the current constitutional debates.

A typically Canadian solution for this difficulty appears to be in the making, however. A number of specialized monographs on limited aspects of constitutional law have been published in recent years which may, if the trend continues, eventually obviate the need for a single comprehensive treatise. It is perhaps worthy of comment that most of these studies have been products of the prairies (Alberta: *The Commerce Power in Canada and the United States,* A. Smith, 1963; Saskatchewan: *Civil Liberties in Canada,* D. A. Schmeiser, 1964; *The Canadian Bill of Rights,* W. Tarnopolsky, 1966; and the book under review), a contribution out of all proportion to the role being played in constitutional reform by prairie politicians.

The author of the book under review is a professor of law at the University of Saskatchewan and has served as constitutional advisor to the governments of Saskatchewan and Canada. His book reflects this combination of academic and practical interests.

Much of the material in the early chapters of the book—the concept of judicial review, a comparison of British and American practice, the history of the concept's development in Canada—will be of primary interest to scholars; although it is to be hoped that it will at least have the practical effect of destroying the widespread misconception (created by the statement in the preamble of the British North America Act that Canada should have a constitution "similar in principle" to that of Great Britain) that Canada has inherited the principle of parliamentary sovereignty full-blown from Britain. Professor Strayer demonstrates clearly that although there was once room for doubt, it has now been firmly established that Canadian courts, unlike their British counterparts, have the power to invalidate the statutes of either federal or provincial legislatures for failure to comply with the constitution. The notion of parliamentary supremacy has yielded vastly more ground to judicial review in Canada than it has in Britain.

In contrast to the largely theoretical nature of the first part of the book, later chapters deal with material of an intensely practical (even procedural) type. They contain much information that a practising lawyer would find useful on such topics as "standing" to raise constitutional issues (Can a taxpayer who is opposed to Medicare challenge its constitutionality in the courts?) and admissibility of evidence concerning the background of the legislation in question (Can a judge take judicial notice of information gleaned from history books?). Professor Strayer's careful analysis of such problems will be of considerable assistance to lawyers desiring to raise constitutional problems in the courts.

Several suggestions are made for improving the usefulness of judicial review. It is urged, for example, that better methods be developed for providing courts with the type of factual background information without which sound policy choices cannot easily be made; and that the confused rules relating to "standing" be rationalized. I hope that these proposals receive the legislative response they deserve.

I have only two criticisms of the book. First, it seems to me that a study of the courts' role in reviewing the constitutionality of legislation should contain a much fuller examination than Professor Strayer provides of the competence of the courts, as now constituted and staffed, to make the sophisticated type of policy decisions involved. He does make a few comments about these matters, but they have the tone of last-minute addenda, rather than the thorough-going study that is required. Second, at $15.00 for 211 pages of text, the book is outrageously over-priced.

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ROYAL COMMISSION INQUIRY INTO CIVIL RIGHTS,
Report Number One, Commissioner James Chalmers McRurer;
(Queen's Printer, Ontario, Toronto), February 7, 1968;
volume 1, lix, pp. 1-497; volume 2, xv, pp. 499-956; and
volume 3, xii, pp. 957-1331.

By Bill 99, entitled An Act to amend The Police Act, presented to the 2nd Session, 27th Legislature, Ontario 12-13 Elizabeth II, 1964, the government of Ontario proposed, inter alia, to add a further investigative

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In Canada, judicial review is the process that allows courts to supervise administrative tribunals' exercise of their statutory powers. Judicial review of administrative action is only available for decisions made by a governmental or quasi-governmental authority. The process allows individuals to challenge state actions, and ensures that decisions made by administrative tribunals follow the rule of law. The practice is meant to ensure that powers delegated by government to boards and tribunals are This power of â€œjudicial reviewâ€ of legislation by the courts was not restricted to situations involving competing jurisdictional claims by governments. Long before the Charter of Rights, individuals had challenged laws which infringed upon or denied them basic civil rights and liberties. One of the first â€” and certainly one of the most famous â€” was the so-called Persons Case which was decided in 1929.Â Another series of pre-Charter decisions led to the suggestion that, in Canada, there was an â€œImplied Bill of Rightsâ€. In 1938 the Supreme Court struck down an Alberta law which required newspapers to publish government responses to criticism. Rafael Posada- 2652 words 1 Judicial Review in Canada Intro Judicial review is a doctrine used in various democratic countries, including Canada. Under this principle, legislative actions are subject to review by the judiciary and the court has the authority to annul an act if it is opposing to any of the constitutional principles stated in the Charter of Rights and Freedoms.Â Rafael Posada- 2652 words 2 Waldronâ€™s argument against judicial review Waldronâ€™s argument against judicial review is targeting what he defines as strong judicial review of legislation. Strong judicial review is a system where courts have the authority to decline or modify the application of a law in a particular case to adapt to individual rights (JW, 1354). Judicial review cannot be established without support from the incumbent regime. The early U.S. Supreme Court exercised a great deal of caution in asserting its power because it feared the ruling Jeffersonian coalition would ignore its decisions. After enactment of the Charter of Rights and Freedoms, the Supreme Court of Canada has been more aggressive in striking down legislation. Legislative bodies have not responded by invoking the Notwithstanding Clause because public opinion has created a political barrier to utilizing this clause. Accordingly, Canadian political elites have chosen more c