



David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO

The Asper Centre Constitutional Roundtable Series presents a

Constitutional Law Symposium for Canada's Sesquicentennial

Friday October 20, 2017

8:30am to 3:45pm

Faculty of Law, University of Toronto, St. George Campus

The David Asper Centre for Constitutional Rights' Constitutional Roundtable Series are annual lunchtime discussion forums that provide an opportunity to consider developments in Canadian constitutional theory and practice as well as the emerging field of comparative constitutional law in relation to Canada. This year, to mark Canada's 150th anniversary of Confederation, our Constitutional Roundtable series theme has focused on the development of Canada's constitutional and human rights from the British North America Act to the Canadian Charter of Rights and Freedoms and provides an analysis of constitutional litigation throughout Canada's history.

On Friday October 20, 2017, the Asper Centre Constitutional Roundtable Series is pleased to present a **one-day Constitutional Law Symposium**, for Canada's Sesquicentennial, with a **special keynote address** delivered by Professor John Borrows, Canada Research Chair in Indigenous Law, Nexen Chair in Indigenous Leadership, University of Victoria.

Symposium Agenda

8:30 – 9:00 ***Welcome & Light Breakfast***

9:00 – 9:10 ***Introductions*** Cheryl Milne, Executive Director of the Asper Centre

9:15 – 10:45 ***Panel I - Section 7 of the Charter of Rights and Freedoms***

This session's papers include: a comparison of pre-/early Charter cases with later Charter cases considering section 7 aspects of evidence (H. Stewart); the legacy of the *Gosselin* case in the application of section 7 as a basis for a positive state obligation to guarantee adequate living standards (M. Jackman); and, the effect of the *Chiarelli* case to subordinate section 7 of the Charter to a common law principle or Crown prerogative (A. Macklin).

Panelists: Hamish Stewart, Professor, University of Toronto, Faculty of Law
Martha Jackman, Professor, University of Ottawa, Faculty of Law
Audrey Macklin, Director of the Centre for Criminology & Sociolegal Studies,
Professor & Chair in Human Rights Law, University of Toronto, Faculty of Law

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Agenda (Continued)

10:45 – 11:00 **Break**

11:00 – 12:30 **Panel II - Seminal Cases for past reflection & future consideration**

This session's papers focus on seminal cases that have made a meaningful impact on the evolution of constitutional doctrine and which can be used as a lens to reflect backwards and look forwards on the development of our constitutional law. The cases include *Adler v. Ontario* focusing on religious freedom (B. Berger), the *Dolphin Delivery* case highlighting the structure or adjudication and nature of rights claims in general (R. Moon), and the *Trinity Western University* case with a focus on Section 15 equality rights (M. Young).

Panelists: Ben Berger, Associate Dean and Associate Professor, Osgoode Hall Law School
Richard Moon, Professor, University of Windsor, Faculty of Law
Margot Young, Professor, University of British Columbia, Allard School of Law

12:30 – 1:15 **Lunch**

1:15 – 2:45 **Panel III - Outside the four corners of the Charter**

This session's papers include: an examination of the Bill of Rights in Canadian Constitutional history (E. Adams); a look into the delegation of the duty to consult Aboriginal peoples and whether industry negotiations can ever substitute for Crown consultation (R. Stacey); and the role of unwritten constitutional principles in the Supreme Court's decision-making (D. Schneiderman).

Panelists: Eric Adams, Associate Professor, University of Alberta, Faculty of Law
Richard Stacey, Assistant Professor, University of Toronto, Faculty of Law
David Schneiderman, Professor, University of Toronto, Faculty of Law

2:45 - 3:00 **Break**

3:00 - 3:45 **Keynote Address by Professor John Borrows** (Canada Research Chair in Indigenous Law, Nexen Chair in Indigenous Leadership, University of Victoria)



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