

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN)**

B E T W E E N:

**GOVERNMENT OF SASKATCHEWAN AS REPRESENTED BY THE
MINISTER OF EDUCATION**

Appellant /
Respondent on Cross-Appeal

- and -

UR PRIDE CENTRE FOR SEXUALITY AND GENDER DIVERSITY

Respondent /
Appellant on Cross-Appeal

- and -

**ATTORNEY GENERAL OF CANADA, ATTORNEY GENERAL OF QUEBEC,
ATTORNEY GENERAL OF MANITOBA, ATTORNEY GENERAL OF
BRITISH COLUMBIA, ATTORNEY GENERAL OF ALBERTA and
ATTORNEY GENERAL OF ONTARIO**

Interveners

Style of cause continues on next page

FACTUM OF THE INTERVENER CANADIAN BAR ASSOCIATION
(Pursuant to Rules 37 and 42 of the *Rules of the Supreme Court of Canada*)

GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1039
Toronto, ON M5G 2C2

Christine Davies
Karin Galldin
Kailun Chen
Tel: (416) 977-6070
Email: cdavies@goldblattpartners.com
kgalldin@goldblattpartners.com
kchen@goldblattpartners.com

**Counsel for the Intervener,
Canadian Bar Association**

GOLDBLATT PARTNERS LLP
270 Albert Street, Suite 1400
Ottawa, ON K1P 5G8

Colleen Bauman
Tel: (613) 482-2463
Email: cbauman@goldblattpartners.com

**Agent for the Intervener,
Canadian Bar Association**

style of cause continued

- and -

PUBLIC INTEREST LITIGATION INSTITUTE, ADVOCATES' SOCIETY, ALBERTA TEACHERS' ASSOCIATION, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, WOMEN'S LEGAL EDUCATION AND ACTION FUNDS INC., CENTRE FOR FREE EXPRESSION, FEDERATION OF ONTARIO LAW ASSOCIATIONS, CANADIAN BAR ASSOCIATION, CANADIAN CIVIL LIBERTIES ASSOCIATION, SASKATCHEWAN FEDERATION OF LABOUR, CANADIAN UNION OF PUBLIC EMPLOYEES AND CANADIAN TEACHERS' FEDERATION, TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA, DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS, CLINIQUE JURIDIQUE JURITRANS, AMNESTY INTERNATIONAL CANADIAN SECTION (ENGLISH SPEAKING), SOUTH ASIAN BAR ASSOCIATION, CRIMINAL TRIAL LAWYERS' ASSOCIATION, CANADIAN MEDICAL ASSOCIATION, DEFENCE FOR CHILDREN INTERNATIONAL – CANADA, WEST COAST LEGAL EDUCATION AND ACTION FUND ASSOCIATION, START PROUD, JUSTICE FOR CHILDREN AND YOUTH AND INTERNATIONAL COMMISSION OF JURISTS (CANADA)

Interveners

ORIGINAL TO: THE REGISTRAR

COPIES TO:

MLT AIKINS LLP
1874 Scarth Street
Suite 1500 Center 1
Regina, SK S4P 4E9

Deron Kuski, K.C.
Milad Alishahi
Bennet Misskey
Jacob Paczko
Tel: (306) 347-8404
Email: dkuski@mltaikins.com
malishahi@mltaikins.com
mmisskey@mltaikins.com
jpaczko@mltaikins.com

Counsel for the Appellant/Respondent on Cross-Appeal, Government of Saskatchewan as Represented by the Minister of Education

GOWLING WLG (CANADA) LLP
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Léa Desjardins
Tel: (613) 786-0211
Email: lea.desjardins@gowlingwlg.com

Agent for the Appellant/Respondent on Cross-Appeal, Government of Saskatchewan as Represented by the Minister of Education

MCCARTHY TETREAU

66 Wellington Street W., Suite 5300
TD Bank Tower, Box 48
Toronto, ON M5K 1E6

Adam Goldenberg

Ljiljana Stanic

Adam H. Kanji

Tel: (416) 601-8357

Email: agoldenberg@mccarthy.ca

lstanic@mccarthy.ca

akanji@mccarthy.ca

EGALE CANADA

120 Carlton Street, Suite 217
Toronto, ON M5A 4K2

Bennett Jensen

Eric Freeman

Tel: (416) 964-7887

Email: bjensen@egale.ca

efreeman@egale.ca

**Counsel for the Respondent/Appellant on
Cross-Appeal, UR Pride Centre for Sexuality
and Gender Diversity**

DEPARTMENT OF JUSTICE CANADA

Quebec Regional Office
Guy-Favreau Complex
200 Rene-Levesque Blvd. West
East Tower, 9th Floor
Montreal, QC H2Z 1X4

François Joyal

Michelle Kellam

Tel: (514) 283-4934

Email: francois.joyal@justice.gc.ca

michelle.kellam@justice.gc.ca

**Counsel for the Intervener,
Attorney General of Canada**

DEPARTMENT OF JUSTICE CANADA

National Litigation Sector
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Zoe Oxaal

Tel: (613) 295-0765

E-mail: sccagentcorrespondantcsc@justice.gc.ca

**Agent of the Intervener,
Attorney General of Canada**

**MINISTÈRE DE LA JUSTICE DU
QUÉBEC**

Direction du droit constitutionnel et autochtone
1200, route de l'Église, 4e étage
Québec, QC G1V 4M1

Fiona Émond

Marie-Catherine Bolduc

Samuel Chayer

Tel: (418) 643-1477

Email: fiona.emond@justice.gouv.qc.ca
marie-catherine.bolduc@justice.gouv.qc.ca
samuel.chayer@justice.gouv.qc.ca

**Counsel for the Intervener,
Attorney General of Quebec**

**ATTORNEY GENERAL OF
MANITOBA**

1205-405 Broadway Ave
Winnipeg, MB R3C 3L6

Deborah L. Carlson

Tel: (204) 229-0679

Email: deborah.carlson@gov.mb.ca

**Counsel for the Intervener,
Attorney General of Manitoba**

**ATTORNEY GENERAL OF BRITISH
COLUMBIA**

Legal Services Branch
1301-865 Hornby Street
Vancouver, BC V6Z 2G3

Mark Witten

Rory Shaw

Tel: (604) 660-3093

Email: mark.witten@gov.bc.ca
rory.shaw@gov.bc.ca

**Counsel for the Intervener,
Attorney General of British Columbia**

NOËL ET ASSOCIÉS S.E.N.C.R.L.

225, montée Paiement
2e étage
Gatineau, QC J8P 6M7

Pierre Landry

Tel: (819) 771-7393

Email: p.landry@noelassociés.com

**Agent for the Intervener,
Attorney General of Quebec**

GOWLING WLG (CANADA) LLP

160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Léa Desjardins

Tel: (613) 786-0211

Email: lea.desjardins@gowlingwlg.com

**Agent for the Intervener,
Attorney General of Manitoba**

**MICHAEL SOBKIN LAW
CORPORATION**

331 Somerset Street West
Ottawa, ON K2P 0J8

Michael J. Sobkin

Tel: (613) 282-1712

Email: msobkin@sympatico.ca

**Agent for the Intervener,
Attorney General of British Columbia**

**ALBERTA JUSTICE
CONSTITUTIONAL AND
ABORIGINAL LAW**
10th Floor, Oxford Tower 10025
102A Avenue N.W.
Edmonton, AB T5J 2Z2
Tel: (780) 422-7145

**Malcolm Lavoie, K.C.
Leah M. McDaniel**
Email: malcolm.lavoie@gov.ab.ca
leah.mcdaniel@gov.ab.ca

**Counsel for the Intervener,
Attorney General of Alberta**

ATTORNEY GENERAL OF ONTARIO
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9

**Josh Hunter
Maia Stevenson**
Tel: (416) 908-7465
Email: joshua.hunter@ontario.ca
maia.stevenson@ontario.ca

**Counsel for the Intervener,
Attorney General of Ontario**

**PUBLIC INTEREST LITIGATION
INSTITUTE**
1030 Berri Street, Suite 102
Montreal, QC H2L 4C3

Lawrence David
Tel: (343) 961-6186
Email: ldavid@clg.org

**Counsel for the Intervener,
Public Interest Litigation Institute**

GOWLING WLG (CANADA) LLP
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Léa Desjardins
Tel: (613) 786-0211
Email: lea.desjardins@gowlingwlg.com

**Agent for the Intervener,
Attorney General of Alberta**

GOWLING WLG (CANADA) LLP
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Graham Ragan
Tel: (613) 786-8699
Email: graham.ragan@gowlingwlg.com

**Agent for the Intervener,
Attorney General of Ontario**

BLAKE, CASSELS & GRAYDON LLP

855 2nd Street SW, Suite 3500
Bankers Hall East Tower
Calgary, AB T2P 4J8

Brendan MacArthur-Stevens

Spencer Livingstone

Brenna Haggarty

Tel: (403) 260-9603

Email: brendan.macarthur-stevens@blakes.com

**Counsel for the Intervener,
Advocates' Society**

FIELD LAW

2500, 10175 101 Street NW
Edmonton, AB T5P 4S7

Joël Michaud

Elisa Carbonaro

Tel: (780) 423-3003

Email: jmichaud@fieldlaw.com

**Counsel for the Intervener,
Alberta Teachers' Association**

**MICHAEL SOBKIN LAW
CORPORATION**

331 Somerset Street West
Ottawa, ON K2P 0J8

Michael J. Sobkin

Tel: (613) 282-1712

Email: msobkin@sympatico.ca

**Agent for the Intervener,
Alberta Teachers' Association**

NANDA & COMPANY

10007 - 80 Avenue N.W.
Edmonton, AB T6E 1T4

Avnish Nanda

Anna J. Lund

Tel: (780) 916-9860

Email: avnish@nandalaw.ca

**Counsel for the Intervener,
British Columbia Civil Liberties
Association**

DENTONS CANADA LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON M5K 0A1

Morgan L. Camley, K.C.
Kay Scorer
Mélanie Power
Tel: (604) 648-6545
Email: morgan.camley@dentons.com

**Counsel for the Intervener,
Women's Legal Education and Action
Fund Inc.**

CONWAY BAXTER WILSON LLP
400 - 411 Roosevelt Avenue
Ottawa, ON K2A 3X9

Marion Sandilands
Logan Stacks
Henna Mohan
Tel: (613) 288-0149
Email: msandilands@conwaylitigation.ca

**Counsel for the Intervener,
Centre for Free Expression**

BLACK & ASSOCIATES
352 Elgin Street
Ottawa, ON K2P 1M8

Babacar Faye
C. Katie Black
Tel: (613) 617-6699
Email: babacar@black-law.ca

**Counsel for the Intervener,
Federation of Ontario Law Associations**

DENTONS CANADA LLP
99 Bank Street, Suite 1420
Ottawa, ON K1P 1H4

David R. Elliott
Tel: (613) 783-9699
Email: david.elliott@dentons.com

**Agent for the Intervener,
Women's Legal Education and Action
Fund Inc.**

LEBLANC JENSEN
1810 McAra Street
Regina, SK S4N 6C4

Dan LeBlanc
Leif Jensen
Tel: (306) 881-0246
Email: dan@leblancjensen.ca

**Counsel for the Intervener,
Canadian Civil Liberties Association**

JURISTES POWER LAW
50 O'Connor Street, Suite 1313
Ottawa, ON K1P 6L2

Millie Lefebvre
Tel: (613) 702-5564
Email: mlefebvre@powerlaw.ca

**Agent for the Intervener,
Canadian Civil Liberties Association**

GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1039
Toronto, ON M5G 2C2

Steven M. Barrett
Melanie Anderson
Tel: (416) 977-6070
Email: sbarrett@goldblattpartners.com
manderson@goldblattpartners.com

**Counsel for the Intervener,
Saskatchewan Federation of Labour,
Canadian Union of Public Employees and
Canadian Teachers' Federation**

GOLDBLATT PARTNERS LLP
270 Albert Street, Suite 1400
Ottawa, ON K1P 5G8

Colleen Bauman
Tel: (613) 482-2463
Email: cbauman@goldblattpartners.com

**Agent for the Intervener,
Saskatchewan Federation of Labour,
Canadian Union of Public Employees and
Canadian Teachers' Federation**

HUNTER LITIGATION CHAMBERS
2100 – 1040 West Georgia Street
Vancouver, BC V6E 4H1

Aubin P. Calvert
Devin Eeg
Tel: (604) 891-4200
Email: acalvert@litigationchambers.com

**Counsel for the Intervener,
Trial Lawyers Association of British
Columbia**

**NORTON ROSE FULBRIGHT
CANADA LLP**
500 – 99 Bank Street
Ottawa, ON K1P 6B9

Jean-Simon Schoenholz
Tel: (613) 780-1537
Email: jean-simon.schoenholz@nortonrosefulbright.com

**Agent for the Intervener,
Trial Lawyers Association of British
Columbia**

SAVARDS LLP

26 Soho Street, Suite 400
Toronto, ON M5T 1Z7

Megan Savard

Mary Eberts

Cheryl Milne

Tel: (416) 789-7843

Email: megan@savards.ca

**Counsel for the Intervener,
David Asper Centre for Constitutional
Rights**

LCM AVOCATS INC.

600 de Maisonneuve West, Suite 2600
Montréal, QC H3A 3J2

Laura Cardenas

Christophe Lavoie

Tel: (514) 447-9938

Email: lcardenas@lcm.ca

**Counsel for the Intervener,
Clinique juridique Juritrans**

OLTHUIS VAN ERT

66 Lisgar Street
Ottawa, ON K2P 0C1

Gib van Ert, K.C.

Dahlia Shuhaibar

Tel: (613) 408-4297

Email: gvanert@ovcounsel.com

**Counsel for the Intervener,
Amnesty International Canadian Section
(English Speaking)**

NORTON ROSE FULBRIGHT

CANADA LLP

500 – 99 Bank Street
Ottawa, ON K1P 6B9

Jean-Simon Schoenholz

Tel: (613) 780-1537

Email: jean-simon.schoenholz@nortonrosefulbright.com

**Agent for the Intervener,
David Asper Centre for Constitutional
Rights**

STOCKWOODS LLP

77 King Street West, Suite 4130
Toronto-Dominion Centre
TD North Tower
Toronto, ON M5K 1H1

Nader R. Hasan

Aimee Huntington

Tel: (416) 593-1668

Email: naderh@stockwoods.ca

**Counsel for the Intervener,
South Asian Bar Association**

JURISTES POWER LAW

50 O'Connor Street, Suite 1313
Ottawa, ON K1P 6L2

Darius Bossé

Tel: (613) 702-5566

Email: dbosse@powerlaw.ca

**Agent for the Intervener,
South Asian Bar Association**

RENOUF LAW

1710 Phipps McKinnon Bldg.
10020 - 101A Avenue NW
Edmonton, AB T5J 3G2

Simon Renouf, K.C.

Tel: (780) 424-6750 Ext: 225

Email: renouf@renouflaw.com

**Counsel for the Intervener,
Criminal Trial Lawyers' Association**

**LAX O'SULLIVAN LISUS GOTTLIEB
LLP**

145 King Street West, Suite 2750
Toronto, ON M5H 1J8

Zain Naqi

Dantae Gagnier

Tel: (416) 598-1744

Email: znaqi@lolg.ca

**Counsel for the Intervener,
Canadian Medical Association**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel: (613) 695-8855 Ext: 102

Email: mfmajor@supremeadvocacy.ca

**Agent for the Intervener,
Canadian Medical Association**

CAMBRIDGE LLP

333 Adelaide Street West, Suite 400
Toronto, ON M5V 1R5

H. Scott Fairley

Joan Kasozi

Tel: (416) 477-7007 Ext: 324

Email: sfairley@cambridgellp.com

**Counsel for the Intervener,
Defence for Children International -
Canada**

ETHOS LAW GROUP LLP

630 – 999 W. Broadway
Vancouver, BC V5Z 1K5

Monique Pongracic-Speier, K.C.

Alanna Crouse

Idaresit Thompson

Tel: (604) 569-3022

Email: monique@ethoslaw.ca

**Counsel for the Intervener,
West Coast Legal Education and Action
Fund Association**

**FASKEN MARTINEAU DUMOULIN
LLP**

333 Bay Street, Suite 2400
Bay Adelaide Centre, Box 20
Toronto, ON M5H 2T6

Mathias Memmel

Abbas Kassam

Daniella Murynka

Thanoja Guanatheevam

Tel: (416) 865-4470

Email: mmemmel@fasken.com

**Counsel for the Intervener,
Start Proud**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel: (613) 695-8855 Ext: 102

Email: mfmajor@supremeadvocacy.ca

**Agent for the Intervener,
Defence for Children International –
Canada**

SUPREME ADVOCACY LLP

340 Gilmour Street, Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel: (613) 695-8855 Ext: 102

Email: mfmajor@supremeadvocacy.ca

**Agent for the Intervener,
West Coast Legal Education and Action
Fund Association**

**FASKEN MARTINEAU DUMOULIN
LLP**

55 rue Metcalfe, Bureau 1300
Ottawa, ON K1P 6L5

Sophie Arseneault

Tel: (613) 696-6904

Email: sarseneault@fasken.com

**Agent for the Intervener,
Start Proud**

**JUSTICE FOR CHILDREN AND
YOUTH**

55 University Avenue, Suite 1500
Toronto, ON M5J 2H7

Mary Birdsell

Allie McMillan

Tel: (416) 920-1633 Ext: 8229

Email: mary.birdsell@jfcy.clcj.ca

**Counsel for the Intervener,
Justice for Children and Youth**

UNIVERSITÉ DE MONTRÉAL

3101, ch. de la Tour
Montréal, QC H3C 3J7

Karine Millaire

Tel: (514) 343-2137

Email: karine.millaire.1@umontreal.ca

**Counsel for the Intervener,
International Commission of Jurists
(Canada)**

SUPREME LAW GROUP

440 Laurier Ave. West, Suite 200
Ottawa, ON K1R 7X6

Moira S. Dillon

Tel: (613) 691-1224

Email: mdillon@supremelawgroup.ca

**Agent for the Intervener,
Justice for Children and Youth**

**CONWAY BAXTER WILSON
LLP/S.R.L.**

400-411 Avenue Roosevelt
Ottawa, ON K2A 3X9

Alyssa Holland

Tel: (613) 288-0149

Email: aholland@conwaylitigation.ca

**Agent for the Intervener,
International Commission of Jurists
(Canada)**

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PARTS I AND II – OVERVIEW AND QUESTIONS IN ISSUE

1. The CBA intervenes to address the availability of judicial review in pre-emptive invocations of s. 33, and to urge an interpretation of s. 33 that accounts for the *Charter*'s democratic rights and principles as well as access to justice, as a component of the rule of law. The CBA encourages a rich approach to access to justice that complements this Court's existing recognition of meaningful democratic participation. Ultimately, the CBA urges this Court to affirm the importance of access to the courts in *Charter* matters, particularly given that *Charter* rights holders extend beyond the electorate. The courts' unique capacities and responsibilities, the promotion of human dignity as a *Charter* value, and the central importance of state accountability in its relationship to individuals under the rule of law together demand an interpretive approach to s. 33 that maximizes access to the courts and their corresponding authority and discretion to issue a declaration.

PART III – STATEMENT OF ARGUMENT

a) An Informed Electorate: The Right to Vote and the Broader Context of Access to Justice

2. The *Charter*'s status as the supreme law¹ demands public understanding of all aspects of its interpretation and application. LaForest J. wrote, at the advent of the *Charter*, that its educational function was one of its major purposes.² The *Charter* communicates to the public that there are individual and group rights that cannot be impeded by government action, unless the government justifies such limits as reasonable in our free and democratic society.³ A court's reasons accordingly carry important communicative effects which illuminate the public's understanding

¹ *Re Manitoba Language Rights*, [1985 CanLII 33 \(SCC\)](#) at paras [48](#), [64](#) [*Manitoba Language Rights*]; *Singh v Minister of Employment and Immigration*, [1985 CanLII 65 \(SCC\)](#) at [para 69](#); *Canada (Attorney General) v Power*, [2024 SCC 26](#) at [paras 54-56](#).

² Gerard LaForest, "The Canadian Charter of Rights and Freedoms: An Overview" (1983) 61 Can Bar Rev 14 at 23, online (pdf): <https://cbr.cba.org/index.php/cbr/article/view/3256>.

³ *R v Oakes*, [1986 CanLII 46 \(SCC\)](#) at [para 66](#) [*Oakes*]; *R v KRJ*, [2016 SCC 31](#) at [para 79](#).

of *Charter* rights. The public interest in a court's declaration and reasons must be considered from the perspective of both the proper functioning of our democratic institutions and the goal of educating the public about the law, which is an essential component of access to justice.⁴

b) Meaningful Democratic Participation and an Informed Electorate

3. This Court has recognized the need to interpret the *Charter* in a manner that strengthens democracy and the rule of law, by bolstering meaningful democratic participation.⁵ Section 33's special place relative to the *Charter*'s democratic rights⁶ supports an interpretation that enhances such participation. Judicial review both communicates to the public the perspectives of individuals and groups that may otherwise be overlooked and promotes the capacity of those individuals and groups to participate in the broader discourse.⁷ This in turn promotes effective democratic processes, consistent with this Court's observation that s. 3 aims to ensure that the determination of social policy is sensitive to the needs and interests of a broad range of citizens.⁸

4. Underlying this Court's approach to the right to an informed vote, as a component of meaningful participation under s. 3, is the recognition that citizens require information to exercise

⁴ *Ahluwalia v Ahluwalia*, [2026 SCC 16](#) at [para 89](#) [*Ahluwalia*]; see also Beverley McLachlin, "Preserving Public Confidence in the Courts and the Legal Profession" (2003) 29:3 Man LJ 277 at 284-285, online (pdf): <https://canlii.ca/t/2cdw> [McLachlin].

⁵ *Sauvé v Canada (Chief Electoral Officer) (CA)*, [1999 CanLII 9382 \(FCA\)](#) at [para 52](#); *Sauvé v Canada (Chief Electoral Officer)*, [2002 SCC 68](#) at paras [15](#), [32](#), [38](#), [41-44](#) [*Sauvé No 2*]; *Vriend v Alberta*, [1998 CanLII 816 \(SCC\)](#) at [paras 140-142](#) [*Vriend*].

⁶ Robert Leckey & Eric Mendelsohn, "The Notwithstanding Clause" (2022) 72:2 UTLJ 189 at 190 [Leckey & Mendelsohn]; Cara Faith Zwibel, "Section 33, the Right to Vote, and Democratic Accountability" in Peter L Biro, ed, *The Notwithstanding Clause and the Canadian Charter: Rights, Reform and Controversies* (Montreal & Kingston: McGill-Queen's University Press, 2024) 364 at 370-374.

⁷ Leckey & Mendelsohn, *supra* note 6 at 200-201. See also *Saskatchewan (Human Rights Commission) v Whatcott*, [2013 SCC 11](#) at [para 75](#) [*Whatcott*]; *R v Keegstra*, [1990 CanLII 24 \(SCC\)](#) at 733, 765-766 [*Keegstra*]; *Oakes*, *supra* note 3 at [para 64](#).

⁸ *Figueroa v Canada (Attorney General)*, [2003 SCC 37](#) at [para 28](#) [*Figueroa*].

their democratic rights and benefit from a broad range of perspectives.⁹ A court's declaration in the s. 33 context furthers these values by deepening the public's understanding of the law. When s. 33 is invoked pre-emptively, particularly where multiple rights and freedoms are affected, the electorate may be unclear on which are actually engaged or whether any limits are justifiable. Where a pre-emptive invocation of s. 33 contains no preamble or statement of purpose,¹⁰ it is also "difficult if not impossible" to understand whether any infringement (if found) is justifiable or proportionate.¹¹ Judicial review can assist the electorate in evaluating a s. 33 invocation in the context of an election and in relation to any renewal under s. 33(4).¹²

5. The communicative value of a court's reasons is further enhanced by consideration of broader *Charter* principles of human dignity, respect for minorities and equality.¹³ This Court has emphasized that the principle of democracy, which underlies the *Charter*'s political rights, is broader than majoritarianism and is enriched by attention to the democratic values of equality and human dignity that may be identified in a court's reasons.¹⁴ As Chief Justice Wagner has observed, "human dignity anchors equality in the fundamentally democratic aspirations of the *Charter*".¹⁵

⁹ *Libman v Quebec (Attorney General)*, [1997 CanLII 326 \(SCC\)](#) at [para 47](#) [*Libman*]; *Harper v Canada (Attorney General)*, [2004 SCC 33](#) at [para 71](#) [*Harper*]; *Ontario (Attorney General) v Working Families Coalition (Canada) Inc*, [2025 SCC 5](#) at [paras 203-206](#) [*Working Families*].

¹⁰ *UR Pride Centre for Sexuality and Gender Diversity v Government of Saskatchewan*, [2024 SKKB 23](#) at [paras 12-14](#).

¹¹ *Sauvé No 2*, *supra* note 5 at [para 24](#).

¹² Leckey & Mendelsohn, *supra* note 6 at 199-203; Grégoire Webber, "Notwithstanding Rights, Review, or Remedy? On the Notwithstanding Clause and the Operation of Legislation" (2021) 71:4 UTLJ 510 at 519.

¹³ *Sauvé No 2*, *supra* note 5 at [para 41](#); *Hansman v Neufeld*, [2023 SCC 14](#) at [para 9](#); *Harvey v New Brunswick (Attorney General)*, [1996 CanLII 163 \(SCC\)](#) at [para 70](#); *Vriend*, *supra* note 5 at [paras 140-142](#); *Reference re Secession of Quebec*, [1998 CanLII 793 \(SCC\)](#) at [para 46](#) [*Secession Reference*]; *Reference re Senate Reform*, [2014 SCC 32](#) at [para 25](#) [*Senate Reform Reference*].

¹⁴ *Sauvé No 2*, *supra* note 5 at [paras 35, 41-44](#); *Vriend*, *supra* note 5 at [paras 67-68](#); *Oakes*, *supra* note 3 at [para 64](#).

¹⁵ Richard Wagner, "How Do Judges Think about Identity? The Impact of 35 Years of Charter Adjudication" (2017) 49:1 Ottawa L Rev 43 at 55, online (pdf): <https://canlii.ca/t/729>.

6. A court's declaration may identify the perspectives of individuals and groups affected by a s. 33 declaration, thus preserving minority voices against the risk that majoritarian views may otherwise dominate the informational landscape for voters.¹⁶ Just as importantly, a court's decision would also address the crucial issue of whether countervailing interests justify limits on individual rights and freedoms. A declaration accordingly carries important communicative effects which breathe life into meaningful democratic engagement in the electoral and legislative processes.

c) Access to Justice Is Essential to the Public's Right to Be Informed

7. The role of judicial review in enhancing public understanding of the law, in addition to being consistent with democratic rights and principles, further serves to enhance access to justice, a core component of the rule of law.¹⁷ As Dickson C.J. wrote in *BCGEU*, addressing the ability to access the courts, "[t]here cannot be a rule of law without access, otherwise the rule of law is replaced by a rule of men and women who decide who shall and who shall not have access to justice."¹⁸

8. Judicial review in the s. 33 context enhances the public's knowledge and insight into the law and legal processes in a manner that furthers one of the core aims of access to justice, which is to inform and engage the public.¹⁹ In addition to the democratic benefits of such knowledge identified above, enhancing the public's capacity to understand the law and the legal system is foundational

¹⁶ Leckey & Mendelsohn, *supra* note 6 at 200-202, 214-215; *Libman*, *supra* note 9 at [para 47](#); *Harper*, *supra* note 9 at [para 14](#); *Working Families*, *supra* note 9 at [para 40](#).

¹⁷ *Ahluwalia*, *supra* note 4 at [para 88](#); *BCGEU v British Columbia (Attorney General)*, [1988 CanLII 3 \(SCC\)](#) at [paras 25-26](#) [*BCGEU*]; *Trial Lawyers Association of British Columbia v British Columbia (Attorney General)*, [2014 SCC 59](#) at [paras 37-39](#) [*Trial Lawyers*]; *British Columbia (Attorney General) v Christie*, [2007 SCC 21](#) at [para 22](#) [*Christie*].

¹⁸ *BCGEU*, *supra* note 17 at [para 25](#).

¹⁹ See note 4. More generally, this Court has recognized that it is a fundamental postulate of the rule of law that the law should be such that people will be able to be guided by it: *Re Resolution to Amend the Constitution*, [1981 CanLII 25 \(SCC\)](#) at [805-806](#) [*Patriation Reference*]; *Manitoba Language Rights*, *supra* note 1 at [para 62](#); *Sauvé No 2*, *supra* note 5 at [para 115](#).

to the proper functioning of our justice system.²⁰ In order to have confidence in the legal system and to ultimately access that system, the public must first understand it.²¹ Preserving access to judicial review is also consistent with transparency: public confidence in the legal system requires courts to represent the law to the public as a means of upholding the values that underlie our legal institutions and our democracy. By contrast, the unavailability of judicial review, particularly given the increasing use of the notwithstanding clause across a variety of circumstances,²² threatens to limit the development of the law in a way that undermines the public's ability to understand the *Charter*, implicating both access to justice and democratic engagement.

d) Access to Justice and the Courts' Responsibility to Address Charter Claims

9. Access to justice promotes the ability of individuals and groups to seek determinations of their legal interests, and access to justice for vulnerable individuals and groups has long animated this Court's approach to public interest and *Charter* litigation.²³ *Charter* claimants often face systemic societal disadvantage and discrimination as well as complex legal needs. This includes the distinct

²⁰ *Vancouver Sun (Re)*, [2004 SCC 43](#) at [paras 23-25](#); *Endean v British Columbia*, [2016 SCC 42](#) at [paras 84-85](#), Wagner CJ (concurring); *Canadian Broadcasting Corp v Named Person*, [2024 SCC 21](#) at paras [1](#), [29](#).

²¹ McLachlin, *supra* note 4 at 285.

²² Natasha Bakht & Lynda Collins, "Notwithstanding the Notwithstanding Clause: A Case for Constitutional Guardrails on Section 33 of the Charter of Rights and Freedoms" (2024) 33:2 Const Forum Const 1 at 4-7, online (pdf): https://journals.library.ualberta.ca/constitutional_forum/index.php/constitutional_forum/article/view/29479/21469; Tzvi Kahana, "The Notwithstanding Clause in Canada: The First Forty Years" (2023) 60 Osgoode Hall LJ 1 at 23-61, online (pdf): <https://canlii.ca/t/7n3xs>.

²³ *Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, [2012 SCC 45](#) at [para 51](#) [*Downtown Eastside Sex Workers*]; *British Columbia (Attorney General) v Council of Canadians with Disabilities*, [2022 SCC 27](#) at paras [1-2](#), [35-37](#) [*Council of Canadians with Disabilities*]; *Newfoundland and Labrador (Attorney General) v Uashaunnuat (Innu of Uashat and of Mani-Utenam)*, [2020 SCC 4](#) at [paras 50-52](#).

barriers experienced by trans and gender diverse individuals,²⁴ children and youth,²⁵ and individuals with other intersecting identities, such as Indigeneity, disability, or racialization.²⁶ Maintaining access to the justice system, taking into account the full context of the experiences and needs of vulnerable litigants, is an imperative that bears on this Court's institutional role.

10. The Court's jurisprudence reveals that legitimate institutional concerns about the proper relationship between courts and legislatures, along with the allocation of scarce judicial resources, are resolved through the exercise of discretion, guided by principles, rather than foreclosing the availability of such discretion altogether.²⁷ Such an approach appropriately recognizes the underlying policy aims of maintaining access to the courts, given the special importance of the *Charter* to the relationship between the individual and the state, the courts' unique institutional capacity, and the broad societal interests implicated in *Charter* litigation.

11. The courts have a special role in assessing legal impacts on the most vulnerable members of

²⁴ Canadian Bar Association, HIV & AIDS Legal Clinic Ontario & TRANSforming Justice, *Access to Justice for Trans People* (September 2002) at 17, 21, 27-28, 31, online (pdf): <https://www.cba.org/getmedia/fd94f97a-829b-4e4e-9d13-1363d09dd194/CBA-AccessToJusticeforTransPeople.pdf>. See also Evan Vipond & Pierre Cloutier de Repentigny, "Searching for Justice: Moving Towards a Trans Inclusive Model of Access to Justice in Canada" (2024) 47:1 Dalhousie LJ 231 at 240-245, online (pdf): <https://canlii.ca/t/7ngbl>; Samuel Singer, "Trans Rights Are Not Just Human Rights: Legal Strategies for Trans Justice" (2020) 35:2 CJLS 293 at pp. 306-309, online (pdf): <https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/article/trans-rights-are-not-just-human-rights-legal-strategies-for-trans-justice/0A056818BCC9CF01048E6E55E8593153>.

²⁵ Ton Liefwaard, "Access to Justice for Children: Towards a Specific Research and Implementation Agenda" (2019) 27:2 Intl J Child Rts 195 at 203-204; see also Canadian Bar Association, *The CBA Child Rights Toolkit*, "Fundamentals: Introduction" (last updated: Fall 2025), online: <https://cba.org/resources/practice-tools/the-cba-child-rights-toolkit/introduction/>.

²⁶ *Quebec (Attorney General) v Kanyinda*, 2026 SCC 7 at paras 39-40 [Kanyinda].

²⁷ *Canadian Council of Churches v Canada (Minister of Employment and Immigration)*, 1992 CanLII 116 (SCC) at 252; *Little Sisters Book and Art Emporium v Canada (Commissioner of Customs and Revenue)*, 2007 SCC 2 at paras 34-37 [Little Sisters Book and Art Emporium]; *Downtown Eastside Sex Workers*, supra note 23 at paras 22-30; *Council of Canadians with Disabilities*, supra note 23 at paras 48, 59, 69, 72-73.

our society.²⁸ The court's role in this regard enables the voices of vulnerable individuals and groups, including those who lack the ability to vote or the capacity for political participation, to be heard in a manner that complements democratic processes. Access to the courts is also key to the dignity and social integration of vulnerable individuals and groups.²⁹ As Chief Justice Wagner has observed, existing inequities are reinforced when there is a lack of access to justice, and to deny access to justice is to deny people their dignity.³⁰ Individual dignity, a core democratic value, is enhanced by access to justice. Access to judicial review offers transparency, intelligibility and accountability that affirms the dignity of litigants, regardless of the outcome of their claims.³¹

12. This Court's deep appreciation of both the barriers to access to justice and the corresponding imperative to facilitate access to justice has informed its approach to all aspects of the legal system and its processes.³² For example, public interest standing, which is closely connected to the legality principle, was developed to enable groups to pursue constitutional challenges that would be unlikely to be carried by individuals, to avoid the prospect that a constitutional question would be immunized from judicial review.³³ Likewise, the accessibility of the justice system is a core consideration in costs in public interest matters, where courts recognize that individual cases yield

²⁸ *Chaoulli v Quebec (Attorney General)*, 2005 SCC 35 at para 89 [*Chaoulli*].

²⁹ National Action Committee on Access to Justice in Civil and Family Matters, "Access to Civil and Family Justice: A Roadmap for Change", *Canadian Forum on Civil Justice* (October 2013) at 2-3, online (pdf): [https://www.cfcj-
fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf](https://www.cfcj-
fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf); Canadian Bar Association, "Reaching Equal Justice: An Invitation to Envision and Act", *CBA* (November 2013) at 12-13, online (pdf): https://cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/Equal-Justice-Summary-Report-eng.pdf.

³⁰ Richard Wagner, "Access to Justice: A Societal Imperative", *Supreme Court of Canada* (modified 4 October 2018), online: <https://www.scc-csc.ca/about-apropos/judges-juges/list-liste/richard-wagner/sd-2018-10-04/>.

³¹ *R v Sheppard*, 2002 SCC 26 at para 15; *R v REM*, 2008 SCC 51 at paras 11(1)-(2).

³² *Downtown Eastside Sex Workers*, *supra* note 23 at para 51; *Council of Canadians with Disabilities*, *supra* note 23 at paras 35-36; *Chaoulli*, *supra* note 28 at para 189.

³³ *Council of Canadians with Disabilities*, *supra* note 23 at para 37.

benefits for the public at large, and that preserving access to the courts is accordingly a legitimate and important policy objective.³⁴ This Court has reasoned that access to the courts must be protected where the issues raised are of profound social importance, and where, regardless of how issues are ultimately decided, it is in the public's interest that they be addressed.³⁵

13. This Court's approach to access to justice across a myriad of legal contexts is premised on a fundamental recognition that individuals and groups must be able to seek an impartial, fair and effective process to determine whether and how their legal rights and interests are affected.³⁶ The s. 33 context does not alter these underlying considerations. In the constitutional context, this Court has emphasized the right of citizens to challenge laws under the Constitution and the courts' corresponding duty to interpret the Constitution when called upon.³⁷ As this Court recognized in *Gosselin*, even when courts cannot strike down laws for inconsistency, individuals claiming their rights have been violated under the *Charter* remain entitled to have those claims adjudicated.³⁸

14. Access to the courts remains meaningful even in the face of a pre-emptive s. 33 invocation

³⁴ *British Columbia (Minister of Forests) v Okanagan Indian Band*, [2003 SCC 71](#) at [paras 27-41](#) [*Okanagan*]; *Anderson v Alberta*, [2022 SCC 6](#) at [para 20](#); *R v Ciarniello*, [2006 CanLII 29633 \(ON CA\)](#) at [paras 40](#) and [42](#); *1465778 Ontario Inc v 1122077 Ontario Ltd*, [2006 CanLII 35819 \(ON CA\)](#), at [paras 47-48](#).

³⁵ *Okanagan*, *supra* note 34 at [para 46](#); *Little Sisters Book and Art Emporium*, *supra* note 27 at [para 33](#).

³⁶ For example, affirming the discretion to grant a declaration despite a statutory grievance process (*Ewert v Canada*, [2018 SCC 30](#) at [paras 80-87](#)); facilitating efficient modes of dispute resolution, e.g. summary judgment and class actions (*AIC Limited v Fischer*, [2013 SCC 69](#) at [para 27](#); *Hryniak v Mauldin*, [2014 SCC 7](#) at [paras 34-41](#)); and identifying concerns about unaddressed legal interests in the development of tort law (*Ahluwalia*, *supra* note 4 at [paras 88-90](#)).

³⁷ *Vriend*, *supra* note 5 at [para 56](#); *Chaoulli*, *supra* note 28 at [para 107](#); *Trial Lawyers*, *supra* note 17 at [para 40](#).

³⁸ *Gosselin v Québec (Attorney General)*, [2002 SCC 84](#) at [para 96](#) [*Gosselin*]; *Leckey & Mendelsohn*, *supra* note 6 at 207-208.

because the class of *Charter* rights-holders extends beyond the electorate.³⁹ Individuals seeking to be heard in court may be ineligible to vote due to age or citizenship, or otherwise may lack capacity for other forms of political participation, and the courts therefore play an important role in identifying perspectives and impacts that may otherwise receive little attention.⁴⁰ In this case, youth affected by the legislation are independent *Charter* rights-holders but cannot vote to express their views and may have limited capacity for other forms of political participation. Judicial oversight provides them with an opportunity to be heard and ensures that the *Charter* rights of non-voters are not rendered legally invisible by a government's pre-emptive invocation of s. 33.

15. These considerations, and the importance of state accountability that underlies the rule of law,⁴¹ demand an interpretive approach to s. 33 that maintains the availability of judicial review by courts to the greatest extent possible. As a matter of statutory interpretation, an approach that maintains access to a forum for dispute resolution must be preferred.⁴² If people cannot challenge the government in court, the government will be seen to be above the law in a manner irreconcilable with its own accountability, and the balance between the state's power to make laws and the courts' responsibility to address challenges to those laws will be skewed.⁴³ The ultimate accountability of the legislature to the voters, while an essential structural feature of our

³⁹ *Andrews v Law Society of British Columbia*, [1989 CanLII 2 \(SCC\)](#) at 152-153; see also *Kanyinda*, *supra* note 23 at paras [10-12](#), [77-79](#), [88-92](#).

⁴⁰ *Chaoulli*, *supra* note 28 at [para 89](#); *Sauvé No 2*, *supra* note 5 at [para 15](#).

⁴¹ *Christie*, *supra* note 17 at [para 20](#), which addresses the principles embraced by the rule of law.

The CBA encourages a reconciliation of these principles that preserves access to the courts.

⁴² *RW Tomlinson Limited v Labourers' International Union of North America, Local 527*, [2025 ONCA 861](#) at paras [34](#), [45](#), [50](#) [*Tomlinson Ltd*]; *Berardinelli v Ontario Housing Corp*, [1978 CanLII 42 \(SCC\)](#) at p. 280.

⁴³ *Trial Lawyers*, *supra* note 17 at [para 40](#).

constitutional order, is an insufficient answer⁴⁴ to the policy concerns underlying state accountability and the maintenance of access to justice, including for the broader class of *Charter* rights-holders for whom judicial review may be the only available forum.

16. This Court has repeatedly identified the ability of ordinary Canadians to access the justice system, and the courts in particular, as essential to the maintenance of the rule of law and as a component of the legality principle.⁴⁵ The state’s accountability is nowhere more directly engaged than when it is called upon to justify a limitation on *Charter* rights or freedoms, and a court’s capacity to address this and, where appropriate, issue a declaration, must be preserved. While a constitutional right to access the courts is by no means absolute,⁴⁶ the democratic context and the policy imperative of promoting access to justice, as a matter of individual dignity and state accountability, demands an interpretive approach to s. 33 that favours to the greatest extent possible access to the courts and their corresponding authority and discretion to issue a declaration.

PARTS IV AND V – COSTS AND ORDER REQUESTED

17. The CBA takes no position on the outcome, seeks no costs, and asks that no costs be awarded.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 8TH DAY OF JUNE, 2026



Christine Davies, Karin Galldin, Kailun Chen
Counsel for the Canadian Bar Association

⁴⁴ *Trial Lawyers*, *supra* note 17 at [paras 83-87](#), Rothstein J (dissenting). The majority in *Trial Lawyers* rejected the approach of the dissent, which characterized any restrictions on access to s. 96 courts imposed under s. 92(14) as a matter for which the provincial legislatures would be “accountable to voters for the choices they make”.

⁴⁵ *Ahluwalia*, *supra* note 4 at [para 88](#); *Downtown Eastside Sex Workers*, *supra* note 23 at [para 51](#); *Council of Canadians with Disabilities*, *supra* note 23 at [paras 33-36](#); *Trial Lawyers*, *supra* note 17 at [paras 36-40](#).

⁴⁶ *Christie*, *supra* note 17 at [para 17](#).

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<p>Beverley McLachlin, “Preserving Public Confidence in the Courts and the Legal Profession” (2003) 29:3 Man LJ 277, online (pdf): https://canlii.ca/t/2cdw</p>	2, 8
<p>Canadian Bar Association, “Reaching Equal Justice: An Invitation to Envision and Act”, <i>CBA</i> (November 2013), online (pdf): https://cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/Equal-Justice-Summary-Report-eng.pdf</p>	11
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<p>Canadian Bar Association, <i>The CBA Child Rights Toolkit</i>, “Fundamentals: Introduction” (last updated: Fall 2025), online: https://cba.org/resources/practice-tools/the-cba-child-rights-toolkit/introduction/</p>	9
<p>Cara Faith Zwibel, “Section 33, the Right to Vote, and Democratic Accountability” in Peter L Biro, ed, <i>The Notwithstanding Clause and the Canadian Charter: Rights, Reform and Controversies</i> (Montreal & Kingston: McGill-Queen's University Press, 2024) 364</p>	3
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<p>Gerard LaForest, “The Canadian Charter of Rights and Freedoms: An Overview” (1983) 61 Can Bar Rev 14, online (pdf): https://cbr.cba.org/index.php/cbr/article/view/3256</p>	2

SECONDARY SOURCES	PARAGRAPH
Grégoire Webber, "Notwithstanding Rights, Review, or Remedy? On the Notwithstanding Clause and the Operation of Legislation" (2021) 71:4 UTLJ 510	4
Natasha Bakht & Lynda Collins, "Notwithstanding the Notwithstanding Clause: A Case for Constitutional Guardrails on Section 33 of the Charter of Rights and Freedoms" (2024) 33:2 Const Forum Const 1, online (pdf): https://journals.library.ualberta.ca/constitutional_forum/index.php/constitutional_forum/article/view/29479/21469	8
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Samuel Singer, "Trans Rights Are Not Just Human Rights: Legal Strategies for Trans Justice" (2020) 35:2 CJLS 293, online (pdf): https://www.cambridge.org/core/journals/canadian-journal-of-law-and-society-la-revue-canadienne-droit-et-societe/article/trans-rights-are-not-just-human-rights-legal-strategies-for-trans-justice/0A056818BCC9CF01048E6E55E8593153	9
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