



2017 Asper Centre Constitutional Roundtable series

For Canada's Sesquicentennial, this series will provide an analysis of Constitutional litigation throughout Canada's history.

presents

Richard Albert

Professor, Boston College Law School

The Most Powerful Court in the World?

Constitutional Amendment after the Senate Reform and Supreme Court Act References

with Associate Professor Yasmin Dawood (Canada Research Chair in Democracy, Constitutionalism & Electoral Law, University of Toronto) **as discussant**

Wednesday, September 27, 2017

12:30 – 2:00

Solarium, Falconer Hall

University of Toronto Faculty of Law, 78 Queen's Park

Since its creation in 1875, the Supreme Court of Canada has acquired increasing importance in constitutional law and politics as a result of both constitutional design and the gradual accretion of authority that derives from reasoned judgments, legislative deference and public support.

As the Constitution of Canada marks its sesquicentennial, the Supreme Court has acquired a new power that will make it the gatekeeper to constitutional reform in the years ahead: the power to rule whether a proposed constitutional amendment is constitutional. The recent Senate Reform and Supreme Court Act References reveal the blueprint for how the Court will exercise this extraordinary power under its reference jurisdiction in the future.

The source of the Court's new power is the doctrine and theory of the Constitution's "architecture"—the Court's own innovation whose content and boundaries are determined by the Court alone, even where the proposed amendment may affect the Court itself.



David Asper Centre for Constitutional Rights
UNIVERSITY OF TORONTO