

**FEDERAL COURT  
SIMPLIFIED ACTION**

**BETWEEN:**

**EDGAR SCHMIDT**

Plaintiff

- and -

**ATTORNEY GENERAL OF CANADA**

Defendant

**AFFIDAVIT OF WILLIAM F. PENTNEY, Q.C.**

I, William F. Pentney, Q.C., of the City of Ottawa, in the Province of Ontario,  
**MAKE OATH AND SAY:**

1. I am the Deputy Minister of Justice and Deputy Attorney General of Canada (the "Deputy Minister"). I have held this office since November 5, 2012. Prior to that appointment, I served in various capacities, as further described below. As a result, I have knowledge of the matters to which I depose.

2. In this affidavit, I describe the overall context within which the examination standard in issue in this action operates.

3. The examination standard ensures that the Department of Justice (the "Department" or "Justice") supports the Minister of Justice (the "Minister") or the Deputy Minister of Justice (the "Deputy Minister") in performing the examination of government bills, as mandated by section 3 of the *Canadian Bill of Rights*, section 4.1 of the *Department of Justice Act* and section 3 of the *Statutory Instruments Act* (the "examination provisions").

4. The examination provisions form an integral part of a process in which the principles of parliamentary accountability, constitutional law and convention intertwine.

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**I. My Background**

5. I have been fortunate, throughout my career, to work in a great variety of capacities. I have experienced the legislative process from various points of view – as a lawyer, an academic, a client and from a central agency perspective.

6. This experience informs my understanding of the process through which governmental legislative proposals are initiated, discussed and debated and how the principles of parliamentary accountability, constitutional convention and administrative practice define the roles and responsibilities of the various actors in that process.

7. I graduated from Queen's University with a Bachelor of Arts in 1979, from the University of Ottawa, with a Bachelor of Laws, in 1982 and Master of Public Law in 1985.

8. From 1983 to 1989, I was a Professor in the Faculty of Law at the University of Ottawa. I lectured on contracts, remedies, human rights (anti-discrimination) law and constitutional law.

9. During that period, I authored and co-authored several books and articles, including the revised edition of Justice Tarnopolsky's text *Discrimination and the Law in Canada*, and *Human Rights and Freedoms in Canada: Cases, Notes and Materials*.

10. I first joined the Public Service in 1989 through an Interchange Canada assignment at the Canadian Human Rights Commission. In 1991 I was appointed as General Counsel and Director of that Legal Services Unit, where I remained until 1999. In that capacity, I provided a full range of legal services to the Commission — advisory, legislative and litigation.

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11. From 1999 to 2006, I held a number of positions in Justice. In chronological order, those positions were:

- Senior General Counsel in the Human Rights Law Section. In that role, I had occasion to provide advice on the consistency of government bills and draft regulations with guaranteed rights.
- Director General of the Aboriginal Justice Directorate.
- Associate Assistant Deputy Attorney General (Aboriginal Affairs).
- Assistant Deputy Attorney General for what was then the Citizenship, Immigration and Public Safety Portfolio. In that position, I oversaw legal services provided to a great variety of line departments which regularly initiated legislative proposals for which my portfolio provided legal advice: the Canada Border Services Agency; the Canadian Security Intelligence Service; Citizenship and Immigration Canada; Correctional Service Canada; the Parole Board of Canada; Public Safety Canada; and the Royal Canadian Mounted Police.
- Senior Assistant Deputy Minister for the Policy Sector. Amongst other responsibilities, the Sector is responsible for *Criminal Code* reform, sustaining the Department's research capacity and managing the Department's policy agenda. As such, the Policy Sector is an important contributor to the legislative agenda of the government.

12. I next joined the Privy Council Office where I held, from October 2006 to December 2007, the position of Assistant Secretary to the Cabinet, Priorities and Planning. The Privy Council Office is a central agency; it coordinates the

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work of line departments. The Priorities and Planning Secretariat assists the Prime Minister and Cabinet in defining the government's plans and priorities. The secretariat also helps to develop policies to deliver on these goals. A substantial portion of my responsibilities was therefore devoted to the coordination of proposals to Cabinet and to the subsequent discussion. This involved both legislative proposals and policy proposals that would result in government action.

13. From January 2008 to August 2010, I served as Associate Deputy Minister of the Department of National Defence. The Minister of National Defence directs the Canadian Armed Forces and the Department of National Defence. Both institutions are, amongst other roles, initiators of legislative proposals, which allowed me to experience that process from a client's point of view – defining objectives, debating possible solutions and receiving legal advice about the legal issues each solution presents.

14. In September 2010, I returned to the Privy Council Office where I occupied the position of Deputy Secretary to the Cabinet, Plans and Consultation. In that role, I devoted significant energy to coordinating policy and legislative proposals coming from line departments for submission to, and consideration by, Cabinet. I held that position until I was appointed Deputy Minister of Justice and Deputy Attorney General of Canada on November 5, 2012.

15. In December, 2014, I was named Queen's Counsel by the Governor-General.

**II. The Minister's Obligation: to ascertain that there is inconsistency**

16. The examination provisions and the process surrounding those provisions play an important role in promoting the rule of law. They require the Minister to examine every bill introduced or presented to the House by a Minister

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of the Crown to ascertain whether any of the provisions of a draft bill are inconsistent with the purposes and provisions of the *Canadian Bill of Rights* or the *Canadian Charter of Rights and Freedoms* (the "*Charter*") (the "guaranteed rights").

17. In the case of draft regulations, a comparable duty is imposed on the Clerk of Her Majesty's Privy Council for Canada, in consultation with the Deputy Minister.

18. While the process through which government bills are examined is not the same as the process employed for draft regulations, the object of the examination is the same – to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of guaranteed rights. For the purposes of this action, therefore, the differences in process are immaterial.

19. Where either the Minister or Deputy Minister forms the opinion described by the examination provisions, they must report it – the Minister, to the House after first reading; the Clerk, after consultation with the Deputy Minister, to the regulation-making authority.

20. Under our constitutional system, all branches of government – Parliament, the executive and the courts – have responsibility for ensuring that constitutionally and legislatively protected fundamental rights and freedoms are respected, while permitting governments to act in the public interest. The system of examination put in place by the Department to support the Minister and Deputy Minister in discharging their statutory duties is intended to ensure respect for the role that each branch performs in this regard.

21. The guaranteed rights at the centre of this examination promote values that are vital to ensuring a healthy democracy. By requiring the systematic review of all government bills and of draft regulations for consistency with

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guaranteed rights, the examination provisions first serve to remind the Executive of the importance these rights and the need to consider them when developing government policy.

22. The examination provisions also mark the outer boundary of when Parliament must be informed that a legislative measure is clearly inconsistent with a guaranteed right. Within that boundary, there remains considerable scope for debate in Parliament as to whether laws may be found consistent with guaranteed rights and the Constitution more generally. While this is a key consideration for Parliament, it remains the case that Parliament has a democratic responsibility to pursue its public interest objectives effectively.

23. The Department, the Executive, and Parliament play their role, fully cognizant that the ultimate decision as to the constitutionality of legislation resides with the courts. Thus, within the boundary created by the Constitution, the legislator recognizes that a democratically elected government is entitled to make policy choices and propose them to Parliament. In Parliament, those choices will be debated and discussed by legislators and the public over the course of the legislative process.

**III. The Department supports the Minister**

*A. The Minister of Justice and Attorney General of Canada*

24. The Minister has four official roles.

25. He is first a Member of Parliament. As a Member of Parliament, the Minister is expected to initiate and debate public policies. In that capacity, the Minister is accountable only to Parliament and, ultimately, to his constituents for his actions. In that capacity, the Minister enjoys the privileges and immunities accorded by law to Members of Parliament.

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26. The Minister is next a member of Cabinet. Cabinet sits at the apex of the executive branch of government; it is the active portion of the Queen's Privy Council for Canada mentioned in Part II of the *Constitution Act, 1867*. Chaired by the Prime Minister and constituted by the serving ministers of the Crown, Cabinet performs several key functions:

- a) Securing agreement among ministers on government priorities;
- b) Securing agreement on parliamentary actions by the government;
- c) Providing a forum for ministerial debate on issues of general interest;
- d) Providing adequate information to ministers on decisions for which they will be held responsible; and
- e) Providing adequate information to the Prime Minister to carry out his/her responsibilities and leadership role.

27. As a member of Cabinet, and without regard to his portfolio, the Minister discusses government policy frankly with Cabinet colleagues. In accordance with the constitutional convention of Cabinet solidarity, the Minister must support the government's decisions in public.

28. The third role of the Minister is that he is the legal advisor to the government while his fourth role is as the Attorney General of Canada.

29. Section 4 of the *Department of Justice Act* outlines the powers, duties and functions of the Minister. It provides that the Minister is the legal advisor to the Government of Canada and the legal officer of Cabinet. The Minister also oversees the administration of the system of justice and acts as steward of federal statutes. As of January 29, 2015, this responsibility extended to approximately 45 federal statutes, with a shared responsibility with other Ministers for 6 other statutes. The Minister develops policy in the key federal areas of criminal justice, family law, access to justice, Aboriginal justice, public and private international law. Lastly, the Minister has the statutory duty to report to the House of Commons (the "House") under section 4.1 any inconsistency he

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has ascertained to exist between a provision of a government bill and guaranteed rights.

30. Section 5 of the *Department of Justice Act* outlines the powers, duties and functions of the Attorney General of Canada. The Attorney General is responsible for advising the heads of federal departments on all matters of law. The Attorney General represents the Crown in all litigation that falls under his mandate described under section 5 as "for or against the Crown or any department, in respect of any subject within the authority or jurisdiction of Canada". By long-standing tradition, the Attorney General is expected to defend the laws adopted by Parliament, including legislation passed during the tenure of a prior government.

31. Since 2006, the Attorney General is also responsible for a separate department, the Office of the Director of Public Prosecutions created under the *Director of Public Prosecutions Act*. That office has the responsibility to conduct criminal prosecutions.

*B. The Department of Justice*

32. The Department of Justice supports the dual roles of the Minister and Attorney General and plays an important role in the development and preparation of government legislation, an intricate process that involves many stakeholders. This process includes identifying an issue, developing and presenting a policy for Cabinet approval and ultimately leads to tabling a legislative proposal before a law-making body. The Department contributes to this process by providing both legal advice and legal policy advice. Officials from the Department can also support the Minister of Justice, other Ministers, and Parliamentarians through testimony before House or Senate Committees.

33. The Deputy Minister is the highest ranking public servant in the Department and is responsible for providing guidance, direction, and support to a



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number of senior executive managers across the Department. The Deputy Minister also gives support through legal advice to other government departments, including the Privy Council Office.

34. The Deputy Minister and Minister work closely together. The Deputy Minister gives legal and policy advice to the Minister and supports the Minister at Cabinet meetings in his legal advisory and policy roles.

35. The Deputy Minister is supported by Justice lawyers who inform him whenever Justice officials are advising of significant legal risks, including a risk that proposed legislation is inconsistent with the guaranteed rights.

36. Lawyers from Justice are typically involved at every stage of the policy development process culminating in the tabling of legislation.

37. As will be described in more detail below, the bulk of Justice lawyers' advisory work is focused on advising policy officials across government about how to achieve their policy objectives while respecting the Constitution and all other relevant legislation. Most often, any legal risks identified are reduced or mitigated before they reach Parliament. As a result, section 4.1 of the *Department of Justice Act* and the examination for consistency with the guaranteed rights is an important, but relatively small – in terms of volume – part of the Department's work.

**IV. The Policy Development Process**

38. Justice lawyers are typically involved throughout the policy development process — from initial policy development to legislative drafting — by providing advice on any legal concerns which may arise, including those related to the guaranteed rights.

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A. *A policy is first developed*

39. The policy development process involves a continuous feedback loop of political direction, research, consultation (both internal and external) and the development of proposed options – some of which may involve legislative changes – aimed at achieving particular policy goals as decided upon by the government of the day, often through the Cabinet decision-making process.

40. Federal departments engage in policy development in a wide variety of areas of federal jurisdiction. To name a few, these areas include Aboriginal affairs, citizenship and immigration, economic development, the environment and natural resources, income security programs, intellectual property, national security and policing and corrections.

41. The Department of Justice itself also engages in policy development, including the planning, development and implementation of laws, policies and programs in the justice sector, dealing with criminal law (substantive and procedural) including youth criminal justice and sentencing, family law, human rights, privacy and access to information, judicial affairs and access to justice issues.

42. Policy officials may seek legal advice throughout the policy development process. Within the Department of Justice, policy officials may also provide legal advice in respect of the proposals they are developing, or they may seek expert advice from other centres of expertise within Justice.

43. The Department has legal services units that provide legal advice to every federal department: the departmental legal services units ("LSU"). Lawyers in these groups are on the front lines in terms of identifying *Charter* and other legal issues and providing legal advice on questions arising from policy development, legislative drafting processes, or government action. Lawyers in LSUs are typically consulted at the outset of a policy proposal initiated by a

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government department. Further, the head of a LSU is normally part of the senior management team of the line department that the LSU supports and works closely with the Deputy Minister and other senior officials from that line department to advise and support the Minister of the line department.

44. The importance placed on the guaranteed rights in the Department's work is evident through the creation of one of its centres of expertise, the Human Rights Law Section ("HRLS"). Centres of expertise ensure that the government benefits from expert legal advice in complex and novel areas. They also ensure coherence and consistency in the legal advice provided to the whole of government.

45. HRLS serves as a center of expertise on all human rights issues, including the *Charter*, the *Canadian Bill of Rights*, the *Canadian Human Rights Act* and Canada's international human rights obligations. Its lawyers are available to work with departmental legal services unit counsel throughout the policy and legislative drafting stages. They are also available to assist Department of Justice counsel when the Minister has the policy lead (e.g., *Criminal Code* reform). In conjunction with other Justice colleagues, HRLS is available to advise the Minister on the likelihood that a proposed measure will be found by the courts to infringe a guaranteed right and, if so, the likelihood of successfully defending an infringement.

46. Government officials thus work with Justice lawyers and officials to address any legal concerns, including those related to the *Charter* and other human rights guarantees, before a policy proposal is submitted to Cabinet for approval. All through the policy development process, the proposed policy can be adjusted as required to minimise any risk of inconsistency with the guaranteed rights.

47. These adjustments inform the content of the Memorandum to Cabinet ("MC"). Cabinet approval for a policy is sought through an MC by a sponsoring

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minister; the department supporting that minister is responsible for preparing the MC. Where the policy proposal recommends the drafting of legislation, the MC contains the drafting instructions the sponsor asks Cabinet to issue to the legislative drafters.

48. The *Drafter's Guide to Cabinet Documents* directs that the legal risk assessment of a proposed measure, including compliance with *Charter* rights, be contained in the MC. The sponsor of the policy must ensure that sufficient information is provided in the MC so that ministers understand why any identified risk factor is relevant to the issue. The sponsor must also indicate the likelihood of a legal challenge being initiated, as well as the likelihood of the challenge being successful.

49. The identification and resolution of constitutional issues occurs throughout the policy development process at the officials' level, including up to the level of Deputy Ministers. Where a risk is identified, officials of the initiating department can attempt to resolve it by adjusting the proposed policy in conjunction with legal advice in an effort to achieve the policy objective with less risk. Where the position of policy officials is to pursue options which raise significant legal risks, officials and Justice counsel would report their concerns up, for resolution by more senior officials. Such reporting would include a discussion of risks of different levels, up to and including those which would trigger the Minister's obligation to report an inconsistency under the examination provisions.

50. If these discussions do not lead to changes to the policy, HRLS will participate, alongside other Justice colleagues, in briefing senior Departmental officials on the legal advice provided, so as to inform further discussions at senior levels and, potentially, at the Cabinet table. This advice also addresses the drafting instructions which are then part of the MC that will be placed before Cabinet.

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*B. Cabinet then decides whether to approve the policy*

51. The same dialogue occurs around the Cabinet table. At the Cabinet table, the Minister of Justice can again raise any significant legal concerns and advise his colleagues in respect of the constitutionality of the policy being proposed.

52. It is fairly common for Ministers to ask their Deputy Minister to be present during a Cabinet meeting. This allows the Minister, where he considers it useful, to call on his Deputy to provide Cabinet with the information and assessment it requires to make informed decisions.

53. Ministers together make decisions on government policy and initiatives in Cabinet and its committees. Through these mechanisms, Ministers can reconcile different perspectives by participating in and influencing deliberations.

54. The Cabinet consultation process thus provides an opportunity to ensure that Ministers are informed of legal concerns and potential impacts on guaranteed rights. As the legal member of the Cabinet, the Minister of Justice performs a critical advisory role in those discussions as the exclusive source of legal advice to Cabinet.

55. If the Minister advises Cabinet that he is concerned about potential inconsistencies with the guaranteed rights and these concerns are then addressed to his satisfaction, then there is no issue. When his concerns are not addressed, a number of alternative scenarios could ensue, ranging from further attempts to persuade Cabinet colleagues to alter their policy, to, at the extreme end, considering invoking the notwithstanding clause or the Minister resigning if he or she thinks it is required under the circumstances.

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**C.     *Legislation is drafted, where required***

56.       Once Cabinet approves the MC, the legislative drafting process begins in earnest. The MC contains the drafting instructions Cabinet has decided to issue to the legislative drafters - the legislative counsel in the Legislative Services Branch (the "Branch").

57.       Legislative counsel in the Branch are specialized lawyers responsible for drafting legislation.

58.       They are also responsible for examining legislation and regulations for consistency with the guaranteed rights. In executing this responsibility, legislative counsel work closely with other government lawyers, including lawyers from HRLS.

59.       The Chief Legislative Counsel provides final examination from the Branch of all government bills for consistency with guaranteed rights in consultation with HRLS, if required. More routinely, however, if legislative counsel identifies a potential inconsistency with guaranteed rights, they would consult HRLS early in the drafting process.

60.       Once a bill is drafted, it is reviewed by the Leader of the Government in the House of Commons for the purpose of ensuring its conformity with the Cabinet mandate. Cabinet decides whether and when the government will introduce the bill in Parliament.

61.       Where the Minister ascertains that there is an inconsistency between a provision of a government bill and guaranteed right, he must report the inconsistency to the House "at the first convenient opportunity". Given the applicable parliamentary practices, the Minister would table his report of inconsistency to the House after first reading of the government bill in issue and relates to it in that form.

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**V. "Ascertaining inconsistency"***A. The challenge of reaching a definitive view in an evolving context*

62. By their plain language, the examination provisions require the Minister to reach a definitive view – he must "ascertain" that there "is an inconsistency" between a government bill and a guaranteed right. However, the formation of such a definitive legal view is often a challenging exercise.

63. The assessment is made by applying the law to the set of facts at a particular point in time. However, facts relating to a law's impact can change as society evolves, including social and legislative facts that speak to the purpose of the measure, the rational connection between the measure and its purpose, and the proportionality between the nature and scope of rights infringement and the importance to society of the objective being pursued.

64. The jurisprudence about guaranteed rights is also constantly evolving, sometimes very significantly and unpredictably. There have been many examples of this over time, including, for example, significant shifts recently in what had appeared to be settled law under the *Charter* in relation to assisted suicide and labour relations.

*B. A standard is required*

65. The need for a department-wide standard to implement the examination provisions stems from two sources. First, the public service must support the Minister in performing his statutory duty, without, however, purporting to exercise it on his behalf. Second, the Department of Justice must provide clients with consistent advice about the same issue.

**1. Supporting senior decision-makers**

66. The law imposes on a single official — the Minister or Deputy Minister — the duty to ascertain that a proposed measure is inconsistent with guaranteed

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rights. Given that responsibility, the examination standard must reflect the wording and intent of the examination provisions while providing those officials with a meaningful opportunity to form their own views.

67. In the case of government bills, the Deputy Minister will be informed whenever Justice officials are advising that proposed legislation is inconsistent with the guaranteed rights. The Deputy Minister is free to disagree with the advice and may request clarification or modification.

68. If the Deputy Minister agrees with the assessment, he would advise the Minister who can also arrive at his own conclusion, taking advice from the Deputy Minister, and others if he so desires. The Minister and Deputy Minister have to form an opinion of their own and reach the level of legal certainty required by the examination provisions.

69. Thus, while Department lawyers offer advice, they can do no more than that. The Minister is usually legally trained and Deputy Minister always has been. These officers of the law must come to their own assessment based on the advice they receive, as well as their own appreciation of the legal issues at stake.

2. The need for a clear and consistent standard

70. The areas of law in which the Department works are varied and complex. On any given issue there may be diverse opinions. Ultimately, there can only be one departmental position. Senior departmental officials, up to and including the Deputy Minister, are responsible for resolving any differences in arriving at that position.

71. In order to support senior officials in exercising their functions, government lawyers therefore need to have a shared understanding of the examination standard. This common understanding allows government lawyers to provide consistent advice to the Minister of Justice and all other government



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departments.

72. A standard also reinforces that the role of government lawyers is to provide an objective assessment of legality, an assessment which will be considered by the ultimate decision-maker.

*C. A standard that accords with roles and accountabilities*

73. In 1993, the Department formalized the examination standard it had been using before. That formalized standard is known as the "credible argument" standard.

74. The "credible argument" standard provides that the threshold for a report is reached only when it is concluded that no credible argument can be advanced in support of the consistency of the legislation, that is, an argument that is reasonable, *bona fide* and capable of being raised before and accepted by the courts. The standard requires substantial, but not absolute, certainty of inconsistency. It is not based on fixed percentages.

75. The credible argument standard reflects the roles and accountabilities created by the Constitution.

1. The role of the Department

76. The credible argument standard reconciles the important responsibility of the Department to advise the Minister in relation to his statutory obligations, as well as to turn policy into draft legislation on behalf of elected officials, with the fact that only the elected officials are accountable to Parliament, and ultimately to the Canadian people, for their choices.

77. Legislative proposals are an important step in the democratic process; the laws they become are an expression of that process. Democracy is not about getting the "right answers"; rather, it is about who makes the difficult decisions

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about what a "right answer" might be. Thus, democracy necessarily implies that it is for the government of the day to decide which policy proposals it wishes to ask Parliament to enact into law, subject to the outer limits imposed by the Constitution.

78. In Canada's constitutional democracy, the public service supports the policy-making function of the government. To serve the Canadian people faithfully, public servants therefore owe a duty of loyal service to the government of the day. Loyal service requires public servants to perform their work of providing full and frank advice to the Executive with professionalism and without regard to their own political inclinations or personal opinions about the government's legislative agenda.

2. The role of the Minister

79. The credible argument standard takes into account the multiple roles the Minister performs in Canada's constitutional democracy. It is sensitive to the duty to uphold the rule of law and the Constitution while ensuring that the Minister, through the exercise of his statutory duty, does not foreclose legislative debate over policy except in the clearest cases of inconsistency with the guaranteed rights.

80. The Minister is also mindful that the Houses of Parliament are chambers for debate about policies and potential legislation. The House of Commons scrutinizes the government's actions and requires the executive to defend and justify its choices. Both Houses play a crucial role in evaluating legislative proposals, hearing from witnesses who provide a range of opinions on a variety of issues addressed through legislative proposals (including the constitutionality thereof), and proposing and accepting changes. Ultimately, after Parliament has debated potential legislation and exercised its judgment, what eventually becomes law may be different from that which was initially examined

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and introduced in the House in bill form.

3. The role of Parliament

81. Within the scope of issues debated in Parliament lies consideration of whether the courts will uphold laws as consistent with guaranteed rights and the Constitution more generally.

82. Parliament's judgment may differ from how courts will ultimately rule, but it does not necessarily make Parliament's assessment of legal concerns unreasonable. It is the role of legislative bodies to study and enact legislative measures. It is the role of the courts of law to assess the validity of those measures in cases where the law is challenged.

83. However, just as courts generally refuse to examine legislative measures while they are being examined and debated in Parliament, so too must Parliament be given a certain latitude in passing legislative measures with due consideration for the law and the Constitution, but without the level of legal certainty that might be expected from the final determination of a court of law.


4. A system of checks and balances


84. The examination standard must therefore reflect the role of Parliament in our Constitution. Elected governments shape policy and introduce legislation as they think best, while remaining mindful of the outer boundaries set by the Constitution and by guaranteed rights; Parliament debates and enacts legislation, including giving consideration to its consistency with the Constitution and the *Bill of Rights*; courts have the ultimate responsibility to decide whether legislation is constitutional. The credible argument standard is intended to allow each branch of government to perform its appropriate role in ensuring that guaranteed rights are respected.

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85. The Department of Justice's approach to the examination of legislation and regulations in support of the Minister's obligation is thus informed by the need to be respectful of the democratic process, while at the same time supporting the Minister of Justice and Attorney General of Canada in the exercise of his roles and duties, including, but not limited to, upholding the rule of law.

SWORN before me at the City of )  
Ottawa, in the judicial district of Ottawa- )  
Carleton, in the province of Ontario, )  
this 28<sup>th</sup> day of May, 2015 )

  
Commissioner for Taking Affidavits in  
the Province of Ontario

  
William F. Pentney, Q.C.

**Josée Carrière, a Commissioner, etc.,  
within or outside the Province of Ontario,  
for the Government of Canada,  
Department of Justice.  
Expires March 26, 2016.**