

CASE NO.

VOL. NO.

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Cite as: Doiron v. Duplisea, 1998 NSCA 134

MARGARET DOIRON

- and -

JEAN DUPLISEA, JOAN GLODE,
NORMAN DOUCET, LINDA SMITH,
EVERETT HARRIS and CORINNE
SPARKS, acting as the Board of
Examiners pursuant to the *Social
Workers Act*, S.N.S. 1993, c. 12

Appellant

Respondents

C.A. No. 144965

Halifax

CHIPMAN, J.A.
FREEMAN, J.A.
(concurring by
separate reasons)

APPEAL HEARD:

June 2, 1998

JUDGMENT DELIVERED:

June 25, 1998

SUBJECT:

ADMINISTRATIVE LAW - CERTIORARI - AVAILABLE WHERE TRIBUNAL MADE JURISDICTIONAL ERROR OR ERROR OF LAW ON THE FACE OF THE RECORD OR WHERE THERE WAS A FAILURE OF NATURAL JUSTICE

SUMMARY:

The appellant sought registration as a member of the Nova Scotia Association of Social Workers pursuant to s. 23(1) of the **Social Workers Act**, S.N.S. 1993, c. 12 which provided for grandparenting of social workers already practicing social work prior to the enactment of the **Act**. The Board of Examiners affirmed a decision of the Registrar rejecting the appellant's application. The appellant sought **certiorari** in the Supreme Court. The application was dismissed. On the appellant's appeal to the Court of Appeal, she contended that the Board had erred in law on the face of the record and exceeded its mandate by requiring expertise on her part in the field of social work, and in finding that she was not practicing social work which was contrary to the record before it.

ISSUE:

Whether the Supreme Court erred in finding that the Board had not erred in law or in jurisdiction.

RESULT:

The Nova Scotia Court of Appeal reviewed the circumstances under which **certiorari** might be granted and found that the Board had erred in jurisdiction and on the face of the record. The Court gave a declaration that the appellant was entitled to be registered as a member of the Nova Scotia Association of Social Workers pursuant to s. 23(1) of the **Act**.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. THE FULL COURT DECISION CONSISTS OF 37 PAGES.