

Judicial Review Summary
BRENDA RISSEEUW
And
Saskatchewan College of Psychologists

Date of Judgment: January 11, 2017
Court: Queen's Bench for Saskatchewan
Presiding Judge: Honorable J. Danyliuk

Summary:

- *Judicial Review is a legal process that allows the Courts to supervise the exercise of jurisdiction by statutory tribunals to ensure that they act within the jurisdiction given to them by the legislature and that they act fairly. Decisions of the Council of the SCP are thus subject to review by the Courts on this basis.*
- *Ms Risseeuw requested the Court to quash the decision of Council dated May 22, 2014 rejecting her application for membership in the College as a labour mobility applicant following amendments to The Psychologists Act, 1997 in that regard. Ms Risseeuw was registered as a psychologist in Alberta. Council rejected her application primarily because she had previously applied in Saskatchewan and had not demonstrated competence.*
- *Ms Risseeuw's application was dismissed on the basis of delay. She applied to the Court on May 13, 2016, almost two years after the Council decision to reject her application was made. The Judge reviewed many court decisions on this issue of delay and found that because of the impact of the Council's decision on her and the fact that she had a previous judicial review application dismissed for delay, she knew that delay was a factor and, in these circumstances, waiting two years was too long. Moreover, she provided no explanation for the delay.*
- *The Court stated, "It would be extremely difficult for a professional regulator to exercise its proper functions where challenges to decision can be made years later. There is no certainty for the regulator, the profession and the public. Reasonably, this application ought to have been brought within six months of the date of the decision".*
- *The Court went on to comment, "The applicant could not reasonably expect [the College], which knew the applicant could not demonstrate competency up to 2008, would simply ignore all of that background and robotically admit her under mobility provisions when her application to [the College] failed to provide particulars as to further enhancement of her skills, and provided conflicting information as to residency and practice history. ... The applicant's position, if accepted, would require a professional regulator to ignore the past failures of the applicant to demonstrate her professional competence and to blindly register her for Saskatchewan membership based solely on a new mobility provision. That is not a tenable position".*
- *The Court stated that it is a regulator's duty to assess matters such as competency and ethics so as to protect the public interest. It was reasonable for Council to have regard to previous applications and the applicant's inability to successfully complete the oral interview in considering her application for admission as a labour mobility applicant.*
- *The Court found that Council's decision to reject Ms Risseeuw's application for membership was both reasonable and legally correct.*

- *Ms Risseeuw appealed the decision of the Court of Queen's Bench to the Saskatchewan Court of Appeal. The Court of Appeal upheld the Queen's Bench decision to dismiss the judicial review application on the basis of delay. It made no comment with respect to the other issues raised.*
- *The judgment of the Court of Queen's Bench can be read in its entirety at [2017 SKQB 8 \(CanLII\) | Risseeuw v Saskatchewan College of Psychologists | CanLII](#)*
- *The judgment of the Court of Appeal can be read in its entirety at [2019 SKCA 9 \(CanLII\) | Risseeuw v Saskatchewan College of Psychologists | CanLII](#)*