

1960

c 323 Public Inquiries Act

Ontario

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CHAPTER 323

The Public Inquiries Act

1. Whenever the Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein and such inquiry is not regulated by any special law, he may, by commission, appoint one or more persons to conduct such inquiry and may confer the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as the commissioner or commissioners deem requisite for the full investigation of the matters into which he or they are appointed to examine. R.S.O. 1950, c. 308, s. 1.

Appoint-
ment of
commission

2. A commissioner has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1950, c. 308, s. 2.

Compelling
attendance
of witnesses

3.—(1) A commission may be issued directing an inquiry into matters connected with elections to the Assembly and any alleged attempt to corrupt a candidate at any such election or a member of the Assembly after his election.

Inquiry as
to election

(2) Such inquiry may be directed notwithstanding that the person charged may be liable to criminal prosecution or that criminal proceedings have been commenced or concluded.

Not affected
by liability
to prosecu-
tion

(3) A commission shall not issue under this section nor shall an inquiry proceed under a commission already issued where a petition has been presented under *The Controverted Elections Act* with respect to the election until the proceedings thereon have terminated, nor shall such a commission issue during a session of the Legislature without the assent of the Assembly.

Not to
proceed
when
petition
pending
or during
session
R.S.O. 1960,
c. 65

(4) The Assembly, upon the evidence taken under the commission being submitted, may take, under *The Legislative Assembly Act* or under any other authority belonging to the Assembly, such action as is deemed proper as fully as if such evidence had been given at the bar of the Assembly.

Power to
take action
on evidence
R.S.O. 1960,
c. 208

Circumstances under which no action to be taken

(5) No such action shall be taken against any person so charged founded upon evidence given by any witness unless it appears that he had an opportunity of appearing before the commissioner and cross-examining the witness either at the time that he was examined in chief or subsequently and that he had also an opportunity of calling witnesses on his own behalf. R.S.O. 1950, c. 308, s. 3.

Revoking or changing commission

4. The Lieutenant Governor in Council may revoke, modify or enlarge the scope of any commission. R.S.O. 1950, c. 308, s. 4.

Stated case

5.—(1) Where the validity of the commission or the jurisdiction of a commissioner or the validity of any decision, order, direction or other act of a commissioner is called into question by any person affected, the commissioner, upon the request of such person, shall state a case in writing to the Court of Appeal setting forth the material facts and the decision of the court thereon is final and binding.

Order directing stated case

(2) If the commissioner refuses to state a case, any person affected may apply to the Court of Appeal for an order directing the commissioner to state a case.

Proceedings stayed until case determined

(3) Pending the decision of the stated case, no further proceedings shall be taken by the commissioner.

Action injunction, etc., not to lie against commissioner

(4) No action shall be brought or other proceeding taken with respect to anything done or sought to be done by the commissioner or to restrain or interfere with or otherwise direct or affect the conduct of any such commissioner. R.S.O. 1950, c. 308, s. 5.
