

1937

## c 19 Public Inquiries Act

Ontario

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## CHAPTER 19.

## 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 a person or 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 they are appointed to examine. R.S.O. 1927, c. 20, s. 1.

Appoint-  
ment of  
commission.

May confer  
right to  
take evi-  
dence on  
oath.

2. The commissioner shall have 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. 1927, c. 20, 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 a commission issue during a session of the Legislature without the assent of the Assembly.

Not to  
proceed when  
petition  
pending.

Rev. Stat.,  
c. 11.

Nor during  
session unless  
assented to  
by Assembly.

(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

Power to  
take action  
on evidence.

Rev. Stat.,  
c. 12.

to the Assembly, such action as may be deemed proper, as fully as if such evidence had been given at the Bar of the Assembly.

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. 1927, c. 20, 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. 1927, c. 20, s. 4.

Stated case for court of appeal.

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 such court thereon shall be 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. 1927, c. 20, s. 5.