Public Law in Canada: *Public Inquiries*

Lenczner Slaght

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What is a Public Inquiry?

A public inquiry is an official investigation into a specific issue or event that is ordered by a municipal, provincial, territorial or federal governmental body.

Public inquiries are typically ordered in response to matters of significant public concern and tend to attract a great deal of media interest.

Public inquiries have a long history in Canada. Until 2006, public inquiries were known as 'Royal Commissions'. It was a Royal Commission which, in 1840, led to the passage of the Act of Union, establishing a single province of Canada. Since Confederation, over 500 public inquiries have been commissioned covering topics ranging from the decline of sockeye salmon in the Fraser River, the 1985 bombing of Air India Flight 182, the contamination of the national blood supply in the 1970s and 1980s, and the disproportionally high rates of violence and homicide against Indigenous women and girls.

Public inquiries examine the facts underlying an issue or event, including any factors that may have caused or contributed to it, and provide recommendations to the government to improve public policy.

Most inquiries involve an investigative stage and some form of public hearing. The inquiry ends with the publication of a final report. The recommendations in the report are not binding on the government.

Public inquiries are often lengthy, expensive and complex and may involve thousands (or millions) of documents and dozens of witnesses.

Public inquiries do not give rise to criminal or civil liability. They serve a broader purpose – to promote transparency and accountability and to improve policy in areas of real importance to the public.

> "[The] Leonard Cohen quote that I started the Inquiry with is "There is a crack in everything, that's how the light gets in." And I think that's what the public inquiry does, it shines a light through the crack that has been discovered, which is why the government ordered or asked for the public inquiry in the first place."

The Honourable Madam Justice Denise E. Bellamy, The Collingwood Inquiry, Transcript Date November 27, 2019

"Commissions of inquiry have a long history in Canada. This Court has already noted (*Starr v Houlden*, supra, at pp. 1410-11) the significant role that they have played in our country, and the diverse functions which they serve. As ad hoc bodies, commissions of inquiry are free of many of the institutional impediments which at times constrain the operation of the various branches of government. They are created as needed, although it is an unfortunate reality that their establishment is often prompted by tragedies such as industrial disasters, plane crashes, unexplained infant deaths, allegations of widespread child sexual abuse, or grave miscarriages of justice."

Phillips v Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy), 1995 SCC 86, 2 SCR 97 at para 60

Recent Public Inquiries in Ontario

Recent public inquiries in Ontario have addressed a wide variety of high-profile and important topics including:

- The Long-Term Care Homes Inquiry – This inquiry considered the safety and security of residents in the long-term care home system in Ontario after registered nurse, Elizabeth Wettlaufer, pleaded guilty to eight counts of first-degree murder, four counts of attempted murder and two counts of aggravated assault, for crimes she committed while working as a nurse in long-term care homes throughout the province.
- The Town of Collingwood Judicial Inquiry – This inquiry investigated the partial sale of the town's utility services corporation, and subsequent use of the proceeds of the sale, in transactions which resulted in the Mayor's brother being paid approximately $1 million dollars in consulting fees.
- The Elliot Lake Inquiry – This inquiry investigated the collapse of the Algo mall in the town of Elliot Lake, Ontario resulting in two deaths and multiple injuries.

Although public inquiries do not result in findings of civil or criminal liability, they can (and do) have lasting impacts on the individuals and organizations involved. Media coverage is common and the reputational impacts may be significant. Individuals may lose their jobs and criminal and civil trials may follow. Equally, the recommendations made by the commissioner, while not binding on government, may nevertheless have implications far beyond the conclusion of the inquiry.

"Although public inquiries do not result in findings of civil or criminal liability, they can (and do) have significant impacts on the individuals and organizations involved."

Guiding Principles

Public inquiries can be less formal and more flexible than criminal or civil trials. However, their procedures should be underpinned by certain guiding principles as they have consequences for the individuals and organizations involved.

The basic guiding principles have often been described as including:

- **Procedural Fairness** – A public inquiry must use its powers (e.g., the power to compel witnesses to give evidence and to produce documents) fairly. For example, in the Commission of Inquiry on the Blood System in Canada (and many other inquiries), certain witnesses were given confidential notices warning of potential findings of misconduct to enable them to prepare for and respond to the issues raised in the notice.
- **Thoroughness** – A public inquiry has a duty to investigate an issue of public importance thoroughly. Commission counsel must not advocate for any party and must not accept statements and explanations at face value: they should investigate, test, and verify.
- **Efficiency** – As Justice Bellamy said in the context of the Toronto Computer Leasing Inquiry, "A public inquiry must balance the need for fairness and thoroughness with the need to get the job done." A commissioner will need to exercise judgment as to what evidence to hear, so that proceedings do not get bogged down at public expense.
- **Accessibility** – A public inquiry is for the public. Hearings are usually open, and the commission should specifically turn its mind to accessibility. This will typically involve a number of practical considerations. Providing a place where the public can find out about the inquiry, ensuring that the inquiry is located in a place which may be attended by the public, and ensuring the language of the commission is accessible are all important considerations. In recent years, many inquiries have improved accessibility through the use of public websites.
- **Cost-Effectiveness** – A public inquiry is publicly funded. They can be lengthy and expensive and may go over budget. It is important that the inquiry can answer to public scrutiny. A budget for the inquiry will be set by the governmental body which commissions the inquiry, although subsequent budgets may be formulated by the inquiry itself, subject to approval.

"[Public inquiries] are often long, and expensive, and almost always longer and more expensive [than] the government thinks they're going to be [when] the Inquiry is set up. They can also be very painful experiences for a lot of people, and for those involved, their lives and decisions they made, often many, many years before, are put under a very public microscope."

The Honourable Madam Justice Denise E. Bellamy, The Collingwood Inquiry, Transcript Date November 27, 2019

Governing Legislation

The *Inquiries Act*, 1985 provides the legislative framework for federal public inquiries in Canada. There is comparable provincial and territorial legislation, as set out in the chart below.

In Ontario, section 274(1)(b) of the *Municipal Act*, 2001 also provides for municipal judicial inquiries. A municipality may launch a judicial inquiry to investigate "any matter connected with the good government of the municipality or the conduct of any part of its public business" and any related alleged misconduct. Other provinces, such as British Columbia and Alberta, also have legislation which provides for municipal judicial inquiries, whereas some provinces, such as Nova Scotia and Manitoba, do not.

Links to the various federal and provincial acts can be found below.

JURISDICTION	ACT
Federal	*Inquiries Act*, R.S.C. 1985, c. I-11
Alberta	*Public Inquiries Act*, R.S.A. 2000, c. P-39
British Columbia	*Public Inquiry Act*, S.B.C. 2007, c. 9
Manitoba	*Manitoba Evidence Act*, (Part V), C.C.S.M. c. E150
New Brunswick	*Inquiries Act*, R.S.N.B. 2011, c. 173
Newfoundland and Labrador	*Public Inquiries Act*, 2006, S.N.L. 2006, c. P-38.1
Nova Scotia	*Public Inquiries Act*, R.S.N.S. 1989, c. 372
Ontario	*Public Inquiries Act*, 2009, S.O. 2009, c. 33, Sch 6
Prince Edward Island	*Public Inquiries Act*, R.S.P.E.I. 1988, c. P-31
Quebec	*Act respecting Public Inquiry Commissions*, R.S.Q., c. C-37
Saskatchewan	*The Public Inquiries Act*, 2013, S.S. 2013, c. P-38.01
Northwest Territories	*Public Inquiries Act*, R.S.N.W.T. 1988, c. P-14
Nunavut	*Public Inquiries Act*, R.S.N.W.T. (Nu) 1988, c. P-14
Yukon	*Public Inquiries Act*, R.S.Y. 2002, c. 177

Commencing a Public Inquiry

Order in Council and Terms of Reference

To initiate a public inquiry, the government will make an Order in Council ("OIC"). The OIC will set out the inquiry's "terms of reference". The terms of reference establish the inquiry's mandate and are legally binding.

The OIC, and the terms of reference, might also:

- establish a timeline for the inquiry's work;
- provide for the appointment of an independent commissioner (often a judge) to conduct the inquiry;
- set out the commissioner's organizational powers (e.g., the power to hire commission counsel, to grant standing, and to recommend funding for participants); and/or,
- provide a budget.

Governments may seek legal assistance or advice in preparing a clear and appropriate OIC, to ensure that the objective and scope of the inquiry meets the government's goals.

Terms of Reference Examples

Terms of reference vary from inquiry to inquiry and may be relatively broad or very specific. Some examples can be found at the following links:

- Walkerton Inquiry
- Toronto Computer Leasing Inquiry, Toronto External Contracts Inquiry *(see Appendix B, page 112)*
- Public Inquiry into Anti-Alberta Energy Campaigns
- The Town of Collingwood Judicial Inquiry

Challenges to Terms of Reference

Terms of reference for an inquiry may be challenged in court, typically by way of an application for judicial review. These challenges may attack the terms of reference on a variety of different grounds. For example, a party may argue that the subject matter of the inquiry falls outside of the constitutional jurisdiction of the government that commenced it, or may allege that the inquiry cannot be conducted without breaching the Charter rights of individuals involved.

A recent example of a challenge to an inquiry's terms of reference is the application for judicial review brought by Ecojustice, an environmental non-profit legal advocacy group, in the Public Inquiry into Anti-Alberta Energy Campaigns. Ecojustice challenged the inquiry's terms of reference on three grounds: that the inquiry was brought for improper political purposes, that there was a perception of bias and unfairness, and that it purports to deal with issues that fall outside of provincial jurisdiction.

In May 2021, the *Ecojustice Canada Society v Alberta* decision was released, dismissing Ecojustice's application on all three grounds.

"...a public inquiry is neither a civil nor a criminal trial. A trial is narrow and retrospective and examines specific events. Trials do not seek to explain why something occurred, except for the purpose of determining guilt or liability. While there is certainly public interest in some trials, the public is not purposely engaged. By contrast, a public inquiry is a public investigation, carried out in the public eye. It carries its own set of rules and procedures and has different aims. One of the important differences is that there are no legal consequences from the commissioner's findings. This distinction can be frustrating for members of the public who want to see perceived wrongdoers penalized. Punishment or penalty may well follow, but not as part of the public inquiry itself."

The Honourable Madam Justice Denise E. Bellamy, The Toronto Computer Leasing Inquiry/Toronto External Contracts Inquiry Report, Volume 3: Inquiry Process, p. 22

Parties and Participants

The Commissioner

The commissioner establishes formal rules for the inquiry, chooses staff, and formulates a roadmap for fulfilling the terms of reference. The commissioner will then conduct the inquiry according to that roadmap and, ultimately, write the report. This means that the conduct of each commission will be, in some ways, unique.

The commissioner will usually be an individual who commands respect in the community, whether from having held public office, having had particular employment or academic experience, or otherwise. Judges are a common choice as they have experience in analyzing evidence and conducting a fair hearing.

Although commissioners are often judges, this is not always the case. In the Public Inquiry into Anti-Alberta Energy Campaigns, a fellow of the Chartered Professional Accountants of Alberta has been appointed as the commissioner. That inquiry's mandate includes, among other things, investigating "anti-Alberta energy campaigns that are supported by foreign organizations" to determine if they provide financial assistance to a Canadian organization which has disseminated misleading or false information about the Alberta oil and gas industry.

Given that the commissioner's role is to carry out an inquiry into an issue of public importance, any appointees should be free of conflicts of interest so that public confidence in the findings of the inquiry are not undermined. That said, the office of the commissioner is appointed by, and answerable to, executive government. Their actions are judicially reviewable, and, if a judge is appointed as commissioner, judicial authority is not carried over to the role.

In some cases, instead of a single commissioner, the government may appoint a panel of commissioners. A panel might be useful if the commission is to undertake a wide-ranging policy inquiry.

Commission Counsel

Commission counsel acts as counsel to the commissioner. Given the complexity of many public inquiries, commission counsel will often include lead counsel as well as a legal team.

The commissioner may adapt the role of commission counsel. As Commissioner O'Connor explained in his article, *The Role of Commission Counsel in a Public Inquiry*, (Summer 2003), 22 Advocates' Soc. J. No. 1, in general, commission counsel:

- provides legal advice to the commissioner on such issues as procedures to be followed, standing for affected parties, and the breadth of the commission's mandate;
- conducts or supervises the investigation that leads to the evidentiary hearings, including gathering documentary and witness evidence;
- maintains open communication with the parties who may be affected by the process or have an interest in the issues raised by the inquiry;
- calls evidence at the hearing, including questioning witnesses;
- assists the commissioner in writing his or her report; and,
- serves as media spokesperson.

As further explained by Commissioner O'Connor, commission counsel must be able to investigate and lead evidence in a thorough, impartial and balanced way. Some parties to a public inquiry may not be motivated to thoroughly cross-examine each other where they share a common interest in the outcome of the inquiry. In these circumstances, commission counsel is crucial in fulfilling the role as advocates for the truth. As stated by Commissioner O'Connor, "this gives the commissioner the benefit of hearing all of the relevant facts or evidence unvarnished by the perspective of someone with an interest in a particular outcome."

Parties and Intervenors

In a public inquiry, individuals or organizations must be granted standing to participate. This is intended to ensure the involvement of those individuals and organizations most directly affected by the events at issue. Participants may be granted full standing or may be granted standing only for a limited purpose. As such, the extent of participation by parties may be limited to the purpose for which standing was granted.

Parties may be permitted (or required) to produce documents, give evidence, attend the hearing, and examine or cross-examine witnesses. Parties will usually be represented by legal counsel. This means that their participation may result in legal and other costs. In certain cases, an application for funding can be made which may cover some portion of the costs associated with participating in the inquiry.

An individual or organization might also gain standing as an intervenor. These are typically individuals with a genuine concern about issues raised by the inquiry, and who have a particular perspective or expertise which may assist the commission, even though they do not have a direct and substantial interest in the subject matter. Intervenors will not normally participate in hearings. They may, however, contribute or make written submissions where the commissioner determines that their contributions are required.

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Standing and Funding

Applying for Standing

Individuals and organizations may consider applying for standing in inquiries which could impact their rights or interests. Inquiries may have significant reputational implications. They can also influence public policy when relating to a sector, group or issue.

When deciding whether to apply for standing on behalf of an individual or organization, counsel may wish to consider factors such as:

- the degree of involvement of the individual or organization in the events giving rise to the inquiry;
- the potential time and financial costs of participating in the inquiry;
- the likelihood of the individual or organization being compelled to provide evidence in the inquiry (regardless of standing);
- the potential reputational implications of being involved in the inquiry; and
- the desire of the individual or organization to raise a particular point of view and/or help affect public policy.

The Basis for Granting Standing

Often the commissioner will set out the specific criteria for granting standing in the Rules of Procedure.

Aside from the overriding discretion of the commissioner to grant standing, the basis for standing will also be informed by the relevant legislation and the terms of reference.

The principle of fairness will also be a relevant consideration in granting standing. Where an individual's rights and interests will affected, standing is more likely to be granted.

In terms of governing statutes, the federal *Inquiries Act* provides at section 12 that:

> The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of an investigation, to be represented by counsel.

The Ontario *Public Inquiries Act* provides at section 15(1) that:

> 15 (1) Subject to the order establishing the commission, a commission shall determine,
>
> (a) whether a person can participate in the public inquiry;
>
> (b) the manner and scope of the participation of different participants or different classes of participants;
>
> (c) the rights and responsibilities, if any, of different participants or different classes of participants; and
>
> (d) any limits or conditions on the participation of different participants or different classes of participants. 2009, c. 33, Sched. 6, s. 15 (1).
>
> The commission must consider, before making a determination on participation, the factors set out at section 15(2):
>
> (a) whether a person has a substantial and direct interest in the subject matter of the public inquiry;
>
> (b) whether a person is likely to be notified of a possible finding of misconduct under section 17;
>
> (c) whether a person's participation would further the conduct of the public inquiry; and
>
> (d) whether a person's participation would contribute to the openness and fairness of the public inquiry.

A party's "substantial and direct interest in the subject matter" will be considered against the terms of reference, which represent the subject matter of the inquiry. This interest was described in the Walkerton Inquiry as "anyone whose reputation might be damaged by the findings...and who has a greater interest in the proceedings than that of an interested member of the public."

Applying for Funding

Parties who are granted standing may be entitled to apply for funding to cover the costs of participating in the inquiry.

The power of a commissioner to recommend funding of legal counsel for a party with standing is often expressly authorized by the terms of reference. However, a commissioner may also make a recommendation for funding on the basis of their overriding discretion, or in limited circumstances, the governing statute.

> "The basis for granting funding may be established by the governing statute, the terms of reference, the principle of fairness, or the overriding discretion of the commissioner."

In the Toronto Leasing Inquiry, the terms of reference and applicable legislation did not confer the power to award funding. Justice Bellamy determined that, although she did not have the jurisdiction to order funding, she did have the jurisdiction to make recommendations for funding. In recommending funding for some parties, Justice Bellamy set out factors to be considered in granting funding, including that:

- It is not in the public interest to have open ended funding.
- It is not in the public interest for public funds to be provided to individuals for their lawyer of choice at that lawyer's regular hourly rate.
- Attendance of counsel at the hearings should be limited to attending when the party's interests were engaged.
- No fees incurred before the date of Council's decision to hold a public inquiry should be paid.
- No fees in relation to any matters arising out of the inquiry (civil litigation) should be paid.

Process and Rules

The Design

The commissioner has a broad discretion in how the inquiry is conducted, including the procedures to be used when investigating the topic of inquiry. For example, the commissioner might conclude that the inquiry ought to be conducted in different "phases". This occurred in the City of Mississauga Judicial Inquiry, in which Justice Cunningham split the inquiry into two "phases", dealing with two separate transactions between the City of Mississauga and a development company.

The Inquiry into Pediatric Forensic Pathology in Ontario, also known as the Goudge Inquiry, proceeded in nine phases. The Goudge Inquiry examined the practice and use of pediatric forensic pathology in investigations and criminal proceedings in Ontario.

The inquiry process is flexible. Commissioners will need to choose procedures which are appropriate for the provincial, federal or municipal settings, and the subject matter at issue.

The Rules of Procedure

The commissioner has broad discretion, subject to the duty of fairness, to formulate the rules of procedure by which a public hearing is to be conducted. These should be set out clearly and made available to the parties and the public.

The rules of procedure should establish the guiding principles of the inquiry, practical information such as the location and time of hearings, rules relating to standing, witness interviews, documentary evidence, and the hearing of the evidence. Technological matters should also be considered, such as whether and how electronic hearings will be held, and how those hearings will be made publicly available. In recent years, public inquiries almost always have a website, which is a helpful way of keeping the public up to date on the status of the inquiry.

The Investigation

Much of the inquiry's work will take place before any public hearings begin. Documents will be obtained and reviewed by the commission, agreed statements of facts may be compiled, expert opinions may be sought, affidavit evidence may be delivered, and often 'expected evidence' of witnesses will be prepared. In the Arar Inquiry, an inquiry into the actions of Canadian officials in relation to the detention and deportation of Maher Arar, before hearings began, eight separate background research papers were commissioned in order to inform the public inquiry. The participants in the inquiry were invited to respond to those consultation papers.

Locating and disclosing relevant documents should occur at the investigation stage, and witnesses are often advised in advance as to which documents will be put to them at the hearing.

Commissioners may, under Part II of the federal legislation, enter into any public premises to examine documents and records, although municipal and provincial inquiries may have different powers in this regard. In Ontario, for example, the power to enter and search public or private premises is only afforded to the commissioner if the terms of reference specifically include it. They may then obtain a search warrant for the relevant premises.

Counsel for parties will be integral in this process; they will have to review a wide range of relevant documents, consider which of them are relevant to the inquiry, and disclose them. This can be a large undertaking. In the Red Hill Valley Parkway Inquiry, the City of Hamilton collected approximately three million documents from over 100 custodians and identified over 60,000 documents as relevant to the issues in the inquiry. The inquiry is in the investigation stage with a hearing scheduled to take place later in 2021.

Similarly, statements of non-contentious facts may be agreed and used to form the basis upon which witnesses are to be questioned. These will be compiled with cooperation of the commission and parties' counsel.

The investigation undertaken before the public hearing will shape those issues which must be put to witnesses, and may mean that certain witnesses are more or less relevant to the inquiry in its mission to fulfill the terms of reference. Throughout this period, the commissioner will also need to consider whether to issue notices of alleged misconduct to individuals or organizations who may be implicated in wrongdoing by the commissioner's report.

Notices of Misconduct

Although public inquiries are not judicial procedures, findings of misconduct which arise out of public inquiries can have significant reputational impacts.

Governing legislation will usually set out that no finding of misconduct shall be made against any person in a report of a commission unless that person had reasonable notice of the substance of the alleged misconduct and was allowed full opportunity to be heard in person or by counsel during the inquiry. This requirement is absent from Ontario's *Municipal Act*, but the Supreme Court of Canada in its decision in *Canada (Attorney General) v Canada (Commission of Inquiry on the Blood System in Canada—Krever Commission)* ("*AG v Krever Commission*") has said that the right to receive such notice is grounded in the principles of natural justice. That requirement will also usually be reflected in the rules of procedure of the inquiry.

The threshold for giving notices is low. In the Toronto Leasing Inquiry, notices were issued if there was a "reasonable prospect" of the commissioner making a negative finding. In that inquiry, reputational damage was included in the 'findings' which would give rise to a notice.

The identities of those who receive such notices will remain confidential, as will the content of notices. The receipt of a notice does not confer standing upon the individual. This can lead to practical difficulty where the person or organization does not have standing (which is public) but has received a notice and may choose to exercise their right to be heard.

The Supreme Court of Canada in *AG v Krever Commission* directed that a notice of alleged misconduct be set out in as much detail as possible, but also held that such notices are not subject to the strict degree of specificity applicable to formal findings. Notices should, however, be updated as the level of detail involved in the hearings increases, and new possible misconduct comes to light. In *AG v Krever Commission*, the Court held that the notices ought to be given "as soon as it is feasible", but late delivery will not be procedurally unfair where "adequate time is given to the recipients of the notices to allow them to call the evidence and make the submissions they deem necessary".

"Although public inquiries are not judicial procedures, findings of misconduct which arise out of public inquiries can have significant reputational impacts."

The Hearing

Most, although not all, public inquiries include a public hearing phase. These public hearings are not bound by the same strict rules of evidence as those which exist in a courtroom. It falls to the commissioner to impose discipline on hearings.

Opening Statements

At the start of the public hearings, the commissioner will give an opening statement, in which they will explain the mission and format of the inquiry and acknowledge the engagement of participants.

Opening statements from parties are not uniformly required. However, commissioners may choose to permit opening statements, and in some recent inquiries, written opening statements have been permitted; see, for example, the submissions allowed at the Collingwood Inquiry.

Experts

Experts should testify when the commissioner considers it to be in the public interest to hear from someone with professional knowledge in a subject area, and when those experts will assist the commissioner in understanding a relevant area. In the Long-Term Care Homes Inquiry, which inquired into the serial murder of residents by a healthcare practitioner, the commission required expert evidence from a data analyst, a registered pharmacist, and a professor who was an expert in serial killer healthcare providers. Those experts provided written opinions and were later questioned in relation to those opinions by counsel to the commissioner and counsel to the participants.

Examinations

Examinations must be thorough, fair, efficient and cost-effective. They may be time-limited. The order in which witnesses will give evidence is usually set down in the rules of procedure but may be decided by agreement. Typically, a witness will make some form of affirmation. Commission counsel will then lead evidence. Counsel for other parties may wish to lead the witness but must apply to the commissioner to do so. The commissioner is not, in principle, unable to question the witness herself, but some commissioners may choose not to do so.

Although there is no discovery process, usually the witness' evidence, as well as documents and evidence upon which a witness is to be examined, will be disclosed in advance.

Closing Submissions

Closing submissions are not required, but may be received from all parties with standing, as well as from recipients of notices of alleged misconduct. They may be provided orally or in writing. Submissions may be requested to deal with a specific issue. In the Long-Term Care Homes Inquiry, for example, participants were invited to include written suggestions on how certain offences might be avoided. Submissions were also circumscribed by other rules: they were limited to 40 pages, and only those participants who filed written closing submissions were afforded the opportunity to make time-limited oral submissions.

The Report

At the conclusion of the investigation and hearing, the commissioner must write the report. The report should give the public the significant facts, identify and describe the significant issues, make recommendations which are achievable, but which also address the key problems, and be clear, accurate, and fair.

Those recommendations will not be binding upon anyone and are not findings of guilt or liability. The government will, however, often respond to them, and indicate how far it will adopt or modify them, if at all. Both the report, and the governmental response to it, will be subject to public scrutiny, and certainly to the scrutiny of those involved in the inquiry process. If the report goes beyond or does not fulfil the commission's mandate, the inquiry may face legal challenge.

Lenczner Slaght's Public Law Practice

Lenczner Slaght's lawyers help clients navigate complex litigation matters involving all levels of government and the public sector.

Our public law practice includes public inquiries, administrative hearings, and litigation matters relating to constitutional, human rights, judicial review, municipal, procurement and professional regulation matters.

Our Expertise

We advise clients facing public inquiries, coroner and police inquests, legislative and parliamentary committees, and investigations by ethics and integrity commissioners. We act as counsel for governments, government departments/agencies, and Crown corporations. We also act as counsel for companies conducting business with governments and their agencies, as well as for individuals and organizations dealing with specific regulators and/or overall regulatory regimes.

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Our Public Inquiry Experience

At Lenczner Slaght, we use our decades of experience to help clients navigate the lengthy, complex (and often high-profile) public inquiry process. Whatever the issue, our lawyers have the experience needed to guide you to a successful outcome.

Our expert litigators have acted as commission counsel, counsel to parties and intervenors, and counsel to individuals/organizations without standing.

Our public inquiries work has included:

- Elliot Lake, Cunningham Inquiry – Counsel to a witness physician involved in rescue efforts
- Hamilton Inquiry – Counsel to the City of Hamilton
- Long-Term Care Inquiry – Counsel to the Commissioner
- Waterloo Inquiry – Counsel to Private Party
- Mississauga Inquiry – Counsel to the Commissioner
- Collingwood Inquiry – Counsel to the Town of Collingwood

While our Partner, William C. McDowell, was Associate Deputy Minister of Justice, his public inquiries work included:

- Air India Inquiry – Supervisory oversight as Associate Deputy Minister of Justice
- Arar Inquiry – Supervisory oversight as Associate Deputy Minister of Justice
- Driskell Inquiry – Supervisory oversight as Associate Deputy Minister of Justice

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