

Inquiries Act

I-11

An Act respecting public and departmental inquiries

SHORT TITLE

Short title

1. This Act may be cited as the *Inquiries Act*.

R.S., c. I-13, s. 1.

PART I

PUBLIC INQUIRIES

Inquiry

2. The Governor in Council may, whenever the Governor in Council deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof.

R.S., c. I-13, s. 2.

Appointment of commissioners

3. Where an inquiry as described in section 2 is not regulated by any special law, the Governor in Council may, by a commission, appoint persons as commissioners by whom the inquiry shall be conducted.

R.S., c. I-13, s. 3.

Powers of commissioners concerning evidence

4. The commissioners have the power of summoning before them any witnesses, and of requiring them to

(a) give evidence, orally or in writing, and on oath or, if they are persons entitled to affirm in civil matters on solemn affirmation; and

(b) produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

R.S., c. I-13, s. 4.

Idem, enforcement

5. The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

R.S., c. I-13, s. 5.

PART II

DEPARTMENTAL INVESTIGATIONS

Appointment of commissioners

6. The minister presiding over any department in the federal public administration may appoint, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report on the state and management of the business, or any part of the business, of the department, either in the inside or outside service thereof, and the conduct of any person in that service, so far as the same relates to the official duties of the person.

R.S., 1985, c. I-11, s. 6; 2003, c. 22, s. 174.

Powers of commissioners

7. For the purposes of an investigation under section 6, the commissioners

- (a) may enter into and remain within any public office or institution, and shall have access to every part thereof;
- (b) may examine all papers, documents, vouchers, records and books of every kind belonging to the public office or institution;
- (c) may summon before them any person and require the person to give evidence, orally or in writing, and on oath or, if the person is entitled to affirm in civil matters on solemn affirmation; and
- (d) may administer the oath or affirmation under paragraph (c).

R.S., c. I-13, s. 7.

Subpoena or summons

8. (1) The commissioners may, under their hands, issue a subpoena or other request or summons, requiring and commanding any person therein named

- (a) to appear at the time and place mentioned therein;
- (b) to testify to all matters within his knowledge relative to the subject-matter of an investigation; and
- (c) to bring and produce any document, book or paper that the person has in his possession or under his control relative to the subject-matter of the investigation.

Idem

(2) A person may be summoned from any part of Canada by virtue of a subpoena, request or summons issued under subsection (1).

Expenses

(3) Reasonable travel expenses shall be paid at the time of service of a subpoena, request or summons to any person summoned under subsection (1).

R.S., c. I-13, s. 8.

Evidence taken by commission

9. (1) In lieu of requiring the attendance of a person whose evidence is desired, the commissioners may, if they deem it advisable, issue a commission or other authority to any officer or person named therein, authorizing the officer or person to take the evidence and report it to the commissioners.

Powers for that purpose

(2) An officer or person authorized under subsection (1) shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to the officer or person by the commission, and, with regard to the taking of evidence, has the powers set out in subsection 8(1) and such other powers as a commissioner would have had if the evidence had been taken before a commissioner.

R.S., c. I-13, s. 9.

Witnesses failing to attend, etc.

10. (1) Every person who

- (a) being required to attend in the manner provided in this Part, fails, without valid excuse, to attend accordingly,
- (b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same,
- (c) refuses to be sworn or to affirm, or
- (d) refuses to answer any proper question put to him by a commissioner, or other officer or person referred to in section 9,

is liable, on summary conviction before any provincial court judge, or judge of a superior or county court, having jurisdiction in the county or district in which that person resides, or in which the place is situated at which the person was required to attend, to a fine not exceeding four hundred dollars.

Justice of the peace

(2) For the purposes of this Part, a judge of a superior or county court referred to in subsection (1) shall be a justice of the peace.

R.S., 1985, c. I-11, s. 10; R.S., 1985, c. 27 (1st Supp.), s. 203.

PART III

GENERAL

Employment of counsel, experts and assistants

11. (1) The commissioners, whether appointed under Part I or under Part II, may, if authorized by the commission issued in the case, engage the services of

- (a) such accountants, engineers, technical advisers or other experts, clerks, reporters and assistants as they deem necessary or advisable; and
- (b) counsel to aid and assist the commissioners in an inquiry.

Experts may take evidence and report

(2) The commissioners may authorize and depute any accountants, engineers, technical advisers or other experts, the services of whom are engaged under subsection (1), or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.

Powers

(3) The persons deputed under subsection (2), when authorized by order in council, have the same powers as the commissioners have to take evidence, issue subpoenas,

enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

Report

(4) The persons deputed under subsection (2) shall report the evidence and their findings, if any, thereon to the commissioners.

R.S., c. I-13, s. 11.

Parties may employ counsel

12. 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.

R.S., c. I-13, s. 12.

Notice to persons charged

13. No report shall be made against any person until reasonable notice has been given to the person of the charge of misconduct alleged against him and the person has been allowed full opportunity to be heard in person or by counsel.

R.S., c. I-13, s. 13.

PART IV

INTERNATIONAL COMMISSIONS AND TRIBUNALS

Authority to confer powers on

14. (1) The Governor in Council may, whenever the Governor in Council deems it expedient, confer on an international commission or tribunal all or any of the powers conferred on commissioners under Part I.

Exercise of powers in Canada

(2) The powers conferred on an international commission or tribunal pursuant to subsection (1) may be exercised by the commission or tribunal in Canada, subject to such limitations and restrictions as the Governor in Council may impose, in respect of all matters that are within the jurisdiction of the commission or tribunal.

R.S., c. I-13, s. 14.