

The Public Inquiries Act, 2013

being

[Chapter P-38.01*](#) of *The Statutes of Saskatchewan, 2013*
(effective May 15, 2013).

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-38.01

An Act respecting Inquiries concerning Public Matters and making consequential amendments to certain Acts

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Public Inquiries Act, 2013*.

Interpretation

2 In this Act:

“**commission**” means a commission of inquiry established pursuant to Part II; (« *commission* »)

“**commissioner**” means a person appointed as a commissioner pursuant to subsection 3(2); (« *commissaire* »)

“**court**” means the Court of Queen’s Bench; (« *Cour* »)

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; (« *ministre* »)

“**participant**” means a person who is permitted to participate in an inquiry; (« *participant* »)

“**property**” includes computer software; (« *bien* »)

“**record**” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media; (« *document* »)

“**study inquiry**” means an inquiry pursuant to Part III. (« *enquête de recherche* »)

PART II
Commissions of Inquiry

Commissions of inquiry

3(1) The Lieutenant Governor in Council may establish a commission of inquiry to inquire into and report on a matter that the Lieutenant Governor in Council considers to be of public interest.

(2) If a commission is established pursuant to subsection (1), the Lieutenant Governor in Council:

- (a) shall:
 - (i) appoint one or more persons as commissioners; and
 - (ii) set the terms of reference for the inquiry; and
- (b) may fix a date for the termination of the inquiry and for the delivery of the commission's report.

2013, cP-38.01, s.3.

Reporting

4(1) A commission shall deliver its report in writing to the minister by the date fixed for delivery of the report, if any, by the Lieutenant Governor in Council pursuant to section 3.

(2) The report mentioned in subsection (1) must:

- (a) be in a form appropriate for release to the public; and
- (b) conform with *The Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act*.

(3) Subject to subsection (4), the minister shall release the report to the public within two weeks after receiving the report from the commission pursuant to subsection (1).

(4) The requirement in subsection (3) to release a report does not apply during the period that:

- (a) commences on the day an Assembly is dissolved; and
- (b) ends on the day fixed for making the return to the writ for the general election held pursuant to *The Election Act, 1996* that follows the dissolution mentioned in clause (a).

2013, cP-38.01, s.4.

Participation at inquiry

- 5(1)** A commission shall give those persons who reasonably believe that they have an interest in the matter that is the subject of the inquiry an opportunity to apply to participate in the inquiry.
- (2) A commission shall determine whether a person is permitted to participate in an inquiry, and the manner and extent of his or her participation, after considering:
- (a) whether the person's interests may be adversely affected by the findings of the commission;
 - (b) whether the person's participation would further the conduct of the inquiry; and
 - (c) whether the person's participation would contribute to the openness and fairness of the inquiry.
- (3) A person who is permitted to participate in an inquiry may participate on his or her own behalf or be represented by counsel of his or her choice.

2013, cP-38.01, s.5.

Allegation of misconduct

- 6** A commission shall not make a finding alleging misconduct or a report alleging misconduct by a person unless:
- (a) reasonable notice of the allegation has been given to that person; and
 - (b) the person is given an opportunity to be heard in person or by counsel.

2013, cP-38.01, s.6.

Participant funding

- 7(1)** A commission may make a determination that funding is to be provided to a participant for counsel and other expenses.
- (2) If a commission makes a determination that funding is to be provided to a participant pursuant to subsection (1):
- (a) the commission shall determine the amount of funding that a participant is entitled to in accordance with any rules established pursuant to section 30; and
 - (b) the participant shall be paid the amount determined in accordance with clause (a) out of the general revenue fund.

2013, cP-38.01, s.7.

Public hearings

8(1) Subject to subsection (2), a commission shall:

- (a) ensure that hearings are open to the public; and
- (b) give the public access to information submitted in a hearing.

(2) A commission may, by order, exclude the public from all or part of its proceedings, or restrict or prohibit the public reporting of all or part of its proceedings and the publishing of any evidence at the inquiry, if the commission decides that the public interest in an open hearing or in reporting or publication is outweighed by another consideration, including one of the following considerations:

- (a) any reason for which information could or must be withheld by a public body pursuant to *The Freedom of Information and Protection of Privacy Act* or *The Health Information Protection Act*;
- (b) public security;
- (c) in the opinion of the commission it is necessary for the effective and efficient fulfilment of the commission's terms of reference;
- (d) the right of any person to a fair trial.

2013, cP-38.01, s.8.

Proceedings

9(1) Subject to this Act, the regulations, and the commission's terms of reference, a commission has the power to control its own processes and may make directives respecting practice and procedure to facilitate the just and timely fulfilment of its duties.

(2) A commission may arrange for the publishing, broadcast or electronic transmission of its proceedings.

2013, cP-38.01, s.9.

Witnesses

10(1) A person who appears before a commission to give evidence has the same immunities as a witness who appears before the court.

(2) An answer given by a witness before a commission shall not be used or be receivable in evidence against him or her in any trial or other proceedings against him or her, other than a prosecution for perjury in giving that answer.

(3) A person who is summoned to appear before a commission shall be paid for his or her appearance, and for any travel and other expenses reasonably incurred with respect to that appearance, out of the general revenue fund in accordance with rules established pursuant to section 30.

2013, cP-38.01, s.10.

Power to compel evidence

11 A commission may, by summons:

- (a) require a person to give evidence under oath or after making an affirmation or declaration, orally or in writing, for the purpose of an inquiry, and for that purpose may require a person to attend at any location as a witness; and
- (b) require a person to produce to the commission, or to a person designated by the commission, all records and other property in his or her custody or control that may relate in any way to the matter that is the subject of the inquiry.

2013, cP-38.01, s.11.

Power to inspect

12(1) In this section and in section 13, “**commissioner**” includes a person authorized by a commission.

(2) If a commission believes it is reasonably necessary to the conduct of an inquiry, a commissioner may:

- (a) enter any premises at any reasonable time to view or inspect the premises;
- (b) enter at any reasonable time premises containing any records or other property and inspect those records or that property;
- (c) require the production of records or other property relating to the matter that is the subject of the inquiry and may examine those records or other property;
- (d) require any person on the premises to:
 - (i) answer any questions that may be relevant to the inquiry; and
 - (ii) provide all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
- (e) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system; and
- (f) remove for examination and copying anything that may be relevant to the inquiry, including removing any computer hardware or software or any other data storage, processing or retrieval device or system.

(3) If a commissioner removes records or other property pursuant to subsection (2), the commissioner shall:

- (a) give a receipt for anything that is removed for examination and copying;
- (b) promptly return anything removed to the place from which it was removed or any other place agreed to by a commissioner and the person who furnished it; and
- (c) take all reasonable steps to ensure that, if a record is taken, a copy of the record is left at the premises to allow the business to be carried on.

(4) If a commissioner requires a person to answer questions, to produce a record or other property or to provide assistance in accordance with this section, the person shall do so in the manner and within the period specified by the commissioner.

2013, cP-38.01, s.12.

Power to search with warrant

13(1) If a commissioner is refused entry to any premises or vehicle, or if the commission is of the opinion that entry without notice is necessary, and the commission has reasonable grounds to believe that entering and searching the premises or vehicle will assist in the conduct of an inquiry, the commission may apply *ex parte* to the court for a warrant permitting a commissioner or a person named in the order to do those things mentioned in section 12.

(2) On an application pursuant to subsection (1), if the judge of the court who receives the application is satisfied that there are reasonable grounds for believing that entering and searching the premises or vehicle will assist in the conduct of an inquiry, the judge may issue a warrant authorizing a commissioner or a person named in the warrant:

- (a) to enter and search any place or premises named in the warrant;
- (b) to stop and search any vehicle described in the warrant; and
- (c) to seize and remove from any place, premises or vehicle searched anything that will assist in the conduct of the inquiry.

(3) With a warrant issued pursuant to subsection (2), a commissioner or other person named in the warrant may:

- (a) enter at any time and search any place or premises named in the warrant;
- (b) stop and search any vehicle described in the warrant;
- (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the commissioner or other person finds in the place, premises or vehicle;
- (d) require the production of and examine any records or other property that the commissioner or other person believes, on reasonable grounds, will assist in the conduct of the inquiry;
- (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
- (f) seize and remove from any place, premises or vehicle searched anything that the commissioner or other person believes, on reasonable grounds, will assist in the conduct of the inquiry.

(4) A commissioner or other person named in the warrant shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.

2013, cP-38.01, s.13.

Evidentiary privileges

14 A person has the same evidentiary privileges in relation to the disclosure of information and the production of records or other property pursuant to this Act that the person would have in a court in a civil proceeding.

2013, cP-38.01, s.14.

Contempt of commission

15(1) A commission may apply to the court if a person, without lawful excuse:

- (a) does not attend on being summoned pursuant to section 11 as a witness at an inquiry;
- (b) while in attendance as a witness at an inquiry, refuses:
 - (i) to take an oath or to make an affirmation or declaration legally required by the commission to be taken or made;
 - (ii) to produce any record or other property in his or her custody or control legally required by the commission to be produced to it; or
 - (iii) to answer any question to which the commission may legally require an answer;
- (c) contravenes an order of the commission pursuant to section 8 with respect to public reporting of its proceedings or the publishing of evidence; or
- (d) does any other thing that would, if the commission had been a court having power to commit for contempt, have been contempt of that court.

(2) On an application pursuant to subsection (1), a judge of the court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any evidence that may be offered in defence, may make an order in the same manner as if the person had been guilty of contempt of the court.

2013, cP-38.01, s.15.

Request for direction

16(1) A commission may apply to the court for direction on a question of law or on the jurisdiction of the commission.

(2) There is no right of appeal from a decision of the court made pursuant to this section.

2013, cP-38.01, s.16.

PART III
Study Inquiries

Order directing study inquiry

17(1) The Lieutenant Governor in Council may direct that a study inquiry be conducted and a report be delivered with respect to a matter that the Lieutenant Governor in Council considers to be of public interest.

(2) The Lieutenant Governor in Council shall direct how a study inquiry is to be conducted, including:

(a) appointing one or more persons to conduct the study inquiry and deliver a report;

(b) specifying the mechanisms by which the study inquiry is to be conducted, which may include:

- (i) interviews and surveys;
- (ii) public or private meetings;
- (iii) research studies;
- (iv) inspections and investigations;
- (v) calls for written submissions; and
- (vi) informal or formal hearings;

(c) designating the nature and scope of the report to be delivered and the extent to which the report will be made available to the public;

(d) directing whether a person appointed pursuant to clause (a) is to receive evidence and representations in writing or orally, and whether section 8 applies with any necessary modification; and

(e) directing that a person appointed pursuant to clause (a) has any or all of the following powers:

- (i) to compel a person to give or produce evidence in the manner required by section 11, and where so directed, sections 10 and 15 apply to the study inquiry as if it were a commission;
- (ii) to conduct inspections pursuant to section 12;
- (iii) to apply for a warrant pursuant to section 13, with any necessary modification;
- (iv) to apply to the court for direction pursuant to section 16, with any necessary modification.

(3) The Lieutenant Governor in Council may fix a date for the termination of the study inquiry and for the delivery of the report.

Designation of powers

18 The Lieutenant Governor in Council may:

- (a) direct that persons who believe that they have an interest in the matter that is the subject of a study inquiry have a right to apply to participate in the study inquiry, and if the Lieutenant Governor in Council so directs, section 5 applies to a person appointed to conduct the study inquiry as if he or she were a commission;
- (b) direct that a person appointed pursuant to section 17 may make a determination with respect to participant funding and if the Lieutenant Governor in Council so directs, section 7 applies to the person appointed to conduct the study inquiry as if he or she were a commission; and
- (c) direct that a person appointed pursuant to section 17 may arrange for the publishing, broadcast or electronic transmission of any proceedings held pursuant to this Part.

2013, cP-38.01, s.18.

Reporting

19(1) A person appointed to conduct a study inquiry shall deliver the report in writing to the minister by the date fixed for delivery of the report, if any, by the Lieutenant Governor in Council pursuant to subsection 17(3).

(2) The report mentioned in subsection (1) must:

- (a) be in a form appropriate for release to the public; and
- (b) conform with *The Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act*.

(3) Subject to subsection (4), the minister shall release the report to the public within two weeks after receiving the report pursuant to subsection (1).

(4) The requirement in subsection (3) to release a report does not apply during the period that:

- (a) commences on the day an Assembly is dissolved; and
- (b) ends on the day fixed for making the return to the writ for the general election held pursuant to *The Election Act, 1996* that follows the dissolution mentioned in clause (a).

2013, cP-38.01, s.19.

Allegation of misconduct

20 A person appointed pursuant to section 17 shall not make a finding alleging misconduct or a report alleging misconduct by another person unless:

- (a) reasonable notice of the allegation has been given to that person; and
- (b) the person is given an opportunity:
 - (i) to be heard in person or by counsel; or
 - (ii) to make written representations.

2013, cP-38.01, s.20.

Evidentiary privileges

21 Section 14 applies to a study inquiry as if it were a commission.

2013, cP-38.01, s.21.

**PART IV
Other Matters**

Interpretation of Part

22 In this Part, “**inquiry**” includes, unless the context requires otherwise:

- (a) an inquiry conducted by a commission; and
- (b) a study inquiry.

2013, cP-38.01, s.22.

Chairperson

23 If more than one person is appointed to conduct an inquiry pursuant to this Act, the Lieutenant Governor in Council may appoint one of them as chairperson.

2013, cP-38.01, s.23.

Resignation

24 A person appointed pursuant to this Act may resign by giving written notice to the minister.

2013, cP-38.01, s.24.

Staff

25(1) Subject to section 30, a commission or a person appointed to conduct a study inquiry may engage the services of:

- (a) legal counsel, clerks, reporters and assistants; and
 - (b) other persons having special technical or other expertise or knowledge.
- (2) A person engaged pursuant to subsection (1) may be authorized to inquire into a matter that is within the jurisdiction of the inquiry.
- (3) A person authorized pursuant to subsection (2) has the same privileges and immunities given to persons pursuant to section 26.

2013, cP-38.01, s.25.

Immunity

26(1) A commission, a commissioner, a person appointed to conduct a study inquiry and counsel to the commission or study inquiry have the same privileges and immunities as a judge of the court for any decision or action or failure to act in carrying out an inquiry pursuant to this Act.

(2) A person authorized to inspect or search pursuant to this Act has the same privileges and immunities that a commission or a person appointed to conduct a study inquiry would have in conducting the inspection or search.

2013, cP-38.01, s.26.

Review of actions

27 A decision or action taken by a commission or by a person appointed to conduct a study inquiry:

- (a) is final and conclusive for all purposes;
- (b) shall not be challenged, reviewed, prohibited, restrained or quashed in any court; and
- (c) is not subject to any proceedings or process of any court.

2013, cP-38.01, s.27.

Joint inquiries

28 Subject to the approval of the Lieutenant Governor in Council, if the scope of an inquiry to be conducted pursuant to this Act includes matters within the jurisdiction of the government of another province or territory of Canada or the government of Canada, the minister may enter into an agreement or arrangement with that government about:

- (a) the joint establishment of an inquiry; and
- (b) the manner in which the inquiry is to be conducted by the joint commission or study inquiry.

2013, cP-38.01, s.28.

Preservation of records

29 In accordance with the regulations and any rules made pursuant to clause 30(1)(g), the minister shall:

- (a) provide for the preservation and disposal of the records of an inquiry; and
- (b) protect information that is confidential or privileged.

2013, cP-38.01, s.29.

Rules

30(1) The Lieutenant Governor in Council may, either generally by regulation for all inquiries or by order for a specific inquiry, make rules about:

- (a) remuneration of commissioners or of a person appointed to conduct a study inquiry;
- (b) remuneration of witnesses;
- (c) allowances to witnesses for travel and other expenses;
- (d) other expenditures for services and facilities;
- (e) remuneration and expenses for services engaged pursuant to section 25;
- (f) the manner in which the amount of funding that a participant is entitled to is calculated;
- (g) the preservation and disposal of the records of an inquiry; and
- (h) other administrative matters.

(2) The minister shall cause all rules that are not made by regulation to be made public in any manner the minister considers appropriate, including posting the rules on the website of the ministry over which the minister presides.

2013, cP-38.01, s.30.

Regulations

31 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) governing directives that a commission may make pursuant to section 9;
- (c) prescribing rules mentioned in section 30;
- (d) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (e) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2013, cP-38.01, s.31.

PART V

Repeal, Consequential Amendments and Coming into Force

R.S.S. 1978, c.P-38 repealed

32 *The Public Inquiries Act* is repealed.

2013, cP-38.01, s.32.

33 to 35 **Dispensed.** This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Coming into force

36 This Act comes into force on assent.

2013, cP-38.01, s.36.