

**CONSOLIDATION OF PUBLIC INQUIRIES ACT**  
R.S.N.W.T. 1988,c.P-14

*(Current to: July 22, 2013)*

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2010,c.4,s.28

s.28 in force March 23, 2010

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Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## **PUBLIC INQUIRIES ACT**

### **INTERPRETATION**

#### Definitions

**1.** In this Act,

"Board" means a Board established under section 3; (*commission*)

"inquiry" means an inquiry under this Act. (*enquête*)

### **INQUIRY**

#### Inquiry

**2.** The Minister may, where the Minister considers it necessary or in the public interest, cause an inquiry to be made into

- (a) any matter relating to the conduct of the public business of Nunavut; or
- (b) any matter of public concern.  
S.Nu. 2010,c.4,s.28(2),(3)(a).

#### Board

**3.** The Minister may, for the purpose of conducting an inquiry under section 2, establish a Board composed of one or more persons appointed by the Minister to make the inquiry and to report on the inquiry to the Minister. S.Nu. 2010,c.4,s.28(3)(b).

#### Conduct and procedure of inquiry

**4.** (1) Subject to subsection (2) and sections 6 to 9, the conduct of and the procedure to be followed on an inquiry is under the control and direction of the Board.

#### Powers of Board

(2) Every Board may, subject to reasonable notice,

- (a) summon any person as a witness;
- (b) require any person to give evidence on oath or affirmation; and
- (c) require any person to produce the documents and things that the Board considers necessary for a full and proper inquiry.

#### Other powers of Board

**5.** Every Board has the same power as is vested in a court of record in civil cases

- (a) to administer oaths and affirmations;
- (b) to enforce the attendance of any person as a witness;
- (c) to compel any person to give evidence; and
- (d) to compel any person to produce any document or thing.

### Public hearing and exceptions

**6.** Every hearing on an inquiry shall be open to the public except where the Board is of the opinion that

- (a) matters involving public security may be disclosed at the hearing, or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure of such matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings are to be open to the public,

in which case the Board may exclude the public from a hearing concerning any such matters.

### Rights of interested persons

**7.** (1) Every Board shall accord to any person who satisfies it that he or she has a substantial and direct interest in the subject-matter of an inquiry, an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by his or her counsel or evidence relevant to his or her interest.

### Misconduct

(2) No finding of misconduct on the part of any person shall be made unless that person had reasonable notice of the substance of the misconduct alleged against that person and was allowed full opportunity during the inquiry to be heard in person or by counsel.

### Right of witness to object

**8.** (1) A witness at an inquiry shall be informed by the Board of the right of the witness to object to answer any question under section 5 of the *Canada Evidence Act*.

### Protection of witnesses

(2) A witness at an inquiry shall be deemed to have objected to answer any question asked of the witness on the ground that the answer of the witness may tend to incriminate the witness or may tend to establish the liability of the witness to a civil proceeding at the instance of the Crown or of any person, and no answer given by a witness at an inquiry shall be used or be admissible in evidence against the witness in any trial or other proceedings against the witness taking place after the inquiry, other than a prosecution for perjury in the giving of that evidence.

### Privilege

**9.** Nothing is admissible in evidence at an inquiry that would be inadmissible in a court by reason of a privilege under the law of evidence.

### Advisors

**10.** The Board, if authorized by the statutory instrument establishing the Board, may engage

- (a) the services of accountants, engineers, technical advisors or other experts, clerks, reporters and assistants that the Board considers necessary or advisable, and
  - (b) the services of counsel,
- to aid and assist the Board in the inquiry.

## PROCEEDINGS UNDER OTHER ENACTMENTS

Application of this Act to other enactments

**11.** Where an enactment provides for an investigation, inquiry or similar proceeding and provides that the incidents of this Act apply to that proceeding, then, except to the extent expressly set out in that enactment and notwithstanding that the matter involved may not fall within section 2 of this Act,

- (a) the person or body conducting the proceeding has the powers and the duties of a Board under this Act;
- (b) sections 4 to 10 of this Act apply with such modifications as the circumstances require to the proceeding; and
- (c) the regulations made under section 12 of this Act apply to the proceeding to the extent that no applicable regulations conflict with them.

## REGULATIONS

Regulations

**12.** The Commissioner, on the recommendation of the Minister, may make regulations respecting

- (a) the remuneration of the members of a Board and witnesses;
- (b) allowances for members of a Board and witnesses in respect of travelling and living expenses; and
- (c) any matter that the Commissioner considers necessary for carrying out the purposes and provisions of this Act.