

APPENDIX F: OVERVIEW OF EXISTING PROCESSES

Model	Created by	Explanation & Mandate	Scope determined by	Examples	Some Potential Strengths and Weaknesses
Public Inquiry (Manitoban)	<i>The Manitoba Evidence Act</i>	<p>An investigation conducted into a matter of public concern led by a judge. As compared to inquest, inquiries are less restricted to specific facts and more able to look at broader public policy issues.</p> <p>Mandate: Any matter within the jurisdiction of the Legislature connected with or affecting: good government of the province, the administration of justice or any matter that is of sufficient public importance to justify an inquiry.</p>	Set out by Order in Council (originating from Federal Cabinet)	Phoenix Sinclair Inquiry	<p><u>Strengths:</u></p> <ul style="list-style-type: none"> - ability to depart from certain evidentiary rules - well resourced - brings certain stakeholders together - independence (through a judge) - brings attention to an issue - results in an extensively researched report - cross-examinations may elicit truth from reluctant witnesses <p><u>Weaknesses:</u></p> <ul style="list-style-type: none"> - adversarial - too formalistic - excludes Indigenous legal traditions - they are long and very expensive / resource extensive - lack of participant funding or input in terms of references for the families - often hard to enforce recommendations - exclusion of the families - not contextual
Public Inquiry (Canadian)	<i>Inquiries Act</i>	<p>Same as above but these inquiries relate to federal matters.</p> <p>Any matter connected with the good</p>	Set out by Order in Council (originating from Federal Cabinet)	<p>Royal Commission on Aboriginal Peoples</p> <p>Commission on</p>	- same as above

		government of Canada or the conduct of any part of the public business thereof.		the Future of Health Care in Canada	
Roundtables	Government or Legislation, eg. <i>The Sustainable Development Act</i>	<p>A conference for discussion or deliberation by several participants.</p> <p>Mandate: To bring together a group of people or a team to have in depth discussions on an issue, share opinions, strategies or tactics, or to “brainstorm”.</p> <p>Or</p> <p>To provide advice and guidance to government on a particular issue.</p>	<p>Established by government</p> <p>Or</p> <p>Set out in the Act</p>	<p>Roundtable on cyber-bullying and exploitation of children</p> <p>Or</p> <p>Manitoba Roundtable on Sustainable Development</p>	<p><u>Strengths</u></p> <ul style="list-style-type: none"> - potential to be solution based because it offers safe and open environment - reduces the need for legal representation - potential to be more inclusive of all (including families) - brings stakeholders together - more informal - less adversarial - more flexible format - less formalistic terms of references - more control on outcome and process - can be more contextual - voices heard - can include systemic and individual considerations - less timely - potentially less costly <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> - potentially less resources - harder to enforce recommendations - potentially harder to bring attention in mainstream - can be politicized - if parties are not inclined to be candid, there are fewer tools to elicit truth (such as cross-examinations)
Truth and Reconciliation	Indian Residential	It is a commission tasked with discovering	Agreed to as part of the	Canada's TRC	<p><u>Strengths</u></p> <ul style="list-style-type: none"> - eliminate denial

<p>Commission (TRC)</p>	<p>Schools Settlement Agreement</p>	<p>and revealing past wrongdoings by a government (or maybe non-governmental bodies) in the hope of resolving conflict left over from the past.</p> <p>Mandate: To inform all Canadians about what happened in Indian Residential Schools (IRS) and document the truth of survivors, families, communities and anyone personally affected by the IRS experience.</p>	<p>Indian Residential Schools Settlement Agreement</p>		<ul style="list-style-type: none"> - reduces the need for legal representation - more inclusive of all (including families) - brings stakeholders together - more informal - less adversarial - more flexible format - less formalistic terms of references - more control on outcome and process - can be more contextual - healing families and society - voices heard - can examine systemic and individual considerations <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> - potentially less resources -harder to enforce recommendations -potentially harder to bring attention in mainstream - if parties are not inclined to be candid, there are fewer tools to elicit truth (such as cross-examinations)
<p>Inquest</p>	<p><i>The Fatality Inquiries Act</i></p>	<p>An investigation into the death of an individual. Tends to be more restrictive and less likely to examine systemic issues.</p> <p>To determine the circumstances surrounding the death and make recommendations to reduce the likelihood of</p>	<p>Set out in letter from the Chief Medical Examiner to the Provincial Court. The letter may or may not set out specific issues to be considered at the inquest</p>	<p>Brian Sinclair Inquest</p> <p>Pediatric Cardiac Surgery Inquest</p>	<p>Same as inquiries. In addition:</p> <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> - there has to have been a death (would not address the circumstances of any missing women and girls) - report/judge cannot express opinion of culpability - in practice, inquests tend to exclude considerations of systemic issues

		similar deaths in the future.			
Review by Children's Advocate	<i>The Child and Family Services Act</i>	<p>A review by the Office of the Children's Advocate after the death of a young person who was receiving child welfare services in the year before their death.</p> <p>Mandate: To identify ways in which programs and services may be improved to enhance the safety and well-being of children and prevent deaths in similar circumstances.</p> <p>The Children's Advocate may also do Special Reports on systemic issues.</p>	Set out in the Act - Review the standards and quality of child welfare and other publicly funded services, mental health or addiction treatment services	Emergency Placements for Children in Manitoba's Child Welfare System	<p><u>Strengths</u></p> <ul style="list-style-type: none"> - potential for systemic change - can recommend changes to standards and funding of services <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> - relates to children in care only - does not apply to adults - limited scope - potential exclusion of the families - the report and review is confidential
Standing Senate Committee Reports	Standing Senate Committees	<p>Reports researched and written by various Senate "standing committees" on specific topics. For example, there is a Standing Committee on Aboriginal Peoples.</p> <p>To investigate and report</p>	Established by the Standing Senate Committee	2006 Standing Senate Committee on Social Affairs, Science and Technology's report called "Out of the Shadows at Last: Transforming	<p><u>Strengths</u></p> <ul style="list-style-type: none"> - well resourced - broader scope - potential to include systemic and individual considerations - at times less partisan than House of Commons <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> - limited scope

		on matters of national importance.		Mental Health, Mental Illness and Addiction Services in Canada”	- exclusion of families - potentially less consultation with stakeholders - politicization
Manitoba Ombudsman Report	<i>The Ombudsman Act</i>	Reports conducted by the Manitoba Ombudsman relating to a provincial government (in)action. To investigate and make recommendations to government regarding matters of administration.	Set out in the legislation – decisions that are contrary to law, unreasonable, unjust, oppressive or improperly discriminatory	Report on the process for the review of child welfare and collateral services after the death of a child	Same as above. In addition: <u>Weaknesses</u> - provincially focused
Independent Advisory Panel	Government	A panel of “experts” from academia, civil society, business and independent consultants who research and discuss a particular issue and provide advise to the Federal government. To provide advice and guidance to government on a particular issue.	Established by government	Advisory Panel on Open Government	Same as above (but not provincially focused)