



**Executive  
Council**

Nova Scotia

*A certified copy of an Order in Council dated  
October 21, 2020*

2020-293

The undersigned has the honour to recommend that the Governor in Council make an Order in the following form or to like effect:

WHEREAS the mass shooting that took place in Nova Scotia on April 18 and 19, 2020 took the lives of 22 innocent victims and forever changed the lives of countless others;

WHEREAS the incident, the largest mass shooting in Canadian history, devastated families, friends and entire communities and saddened all Nova Scotians and all Canadians;

WHEREAS the Government of Canada and the Government of Nova Scotia have committed to launching a comprehensive public inquiry to determine what happened and to make recommendations to avoid such tragic events in the future;

WHEREAS the Government of Canada and the Government of Nova Scotia desire that the commissioners conducting the comprehensive public inquiry have, in accordance with Part I of the *Inquiries Act* (Canada) and the *Public Inquiries Act*, the power to summon witnesses, enforce their attendance and require 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;

AND WHEREAS it is the expectation of the Government of Canada and the Government of Nova Scotia that by establishing the public inquiry under their respective authorities the terrible tragedy of April 18 and 19, 2020 will be fully examined;

THEREFORE, the Governor in Council, on the report and recommendation of the Attorney General and Minister of Justice dated October 20, 2020, and pursuant to Sections 2 and 3 of Chapter 372 of the Revised Statutes of Nova Scotia, 1989, the *Public Inquiries Act*, is pleased, effective on and after October 21, 2020, to:

(1) direct that a Commission do issue, for the period ending on December 15, 2022, appointing three Commissioners, namely, the Honourable J. Michael MacDonald as Chief Commissioner, together with Kim Stanton and Leanne J. Fitch to conduct an inquiry under the name of the Joint Public Inquiry into the Nova Scotia April 2020 Tragedy (“the Joint Public Inquiry”), and approving the rate of remuneration for the Chief Commissioner at \$2,000.00 *per diem* and for the Commissioners at \$1,800.00 *per diem*, which Commission must:

(a) direct the Commissioners to inquire into and make findings on matters related to the tragedy in Nova Scotia on April 18 and 19, 2020, including

- (i) the causes, context and circumstances giving rise to the tragedy,
- (ii) the responses of police, including the Royal Canadian Mounted Police (RCMP) and municipal police forces, and
- (iii) the steps taken to inform, support and engage victims, families and affected citizens;

(b) direct the Commissioners to examine issues as they relate to the tragedy in Nova Scotia on April 18 and 19, 2020, including

- (i) contributing and contextual factors including the role of gender-based and intimate partner violence,
- (ii) access to firearms,

(iii) interactions with police, including any specific relationship between the perpetrator and the RCMP and between the perpetrator and social services, including mental health services, prior to the event and the outcomes of those interactions,

(iv) police actions, including operational tactics, response, decision-making and supervision,

(v) communications with the public during and after the event, including the appropriate use of the public alerting system established under the Alert Ready program,

(vi) communications between and within the RCMP, municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program and the Alert Ready program,

(vii) police policies, procedures and training in respect of gender-based and intimate partner violence,

(viii) police policies, procedures and training in respect of active shooter incidents,

(ix) policies with respect to the disposal of police vehicles and any associated equipment, kit and clothing,

(x) policies with respect to police response to reports of the possession of prohibited firearms, including communications between law enforcement agencies, and

(xi) information and support provided to the families of victims, affected citizens, police personnel and the community;

(c) direct the Commissioners to set out lessons learned as well as recommendations that could help prevent and respond to similar incidents in the future;

(d) direct the Commissioners to submit, in both official languages, an interim report on their preliminary findings, lessons learned and recommendations no later than May 1, 2022 and a final report on their findings, lessons learned and recommendations no later than November 1, 2022, simultaneously, to the Governors in Council of Canada and of Nova Scotia, which reports must be made public by the Attorney General and Minister of Justice, in coordination with the Minister of Public Safety and Emergency Preparedness of Canada, as soon as feasible after receipt by the Governor in Council;

(e) direct the Commissioners, in carrying out their work,

(i) to be guided by restorative principles in order to do no further harm, be trauma-informed and be attentive to the needs of and impacts on those most directly affected and harmed; and

(ii) to give particular consideration to any persons or groups that may have been differentially impacted by the tragedy;

(f) authorize the Commissioners to:

(i) adopt any procedures and methods that they may consider expedient for the proper and efficient conduct of the Joint Public Inquiry and to sit at any times and in any places in Nova Scotia that they may decide,

(ii) consider findings, as they consider appropriate, of previous examinations or investigations that may have been conducted that they deem relevant to the Joint Public Inquiry,

(iii) grant to the victims and families of the victims of the tragedy of April 18 and 19, 2020 an opportunity for appropriate participation in the Joint Public Inquiry,

(iv) grant to any other person who satisfies the Commissioners that they have a substantial and direct interest in the subject matter of the Joint Public Inquiry an opportunity for appropriate participation in it,

(v) engage the services of experts and other persons, in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry, and

(vi) recommend, in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry, that funding be provided to any person described in subparagraph (iii) or (iv), if in the Commissioners' view they would not otherwise be able to participate in the Joint Public Inquiry; and

(g) direct the Commissioners to:

(i) perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,

(ii) perform their duties in such a way as to ensure that the conduct of the Joint Public Inquiry does not jeopardize any ongoing criminal investigation or proceeding or any other investigation, and provide notice to the government institution responsible for any ongoing investigation or proceeding about any potential jeopardy, identified by the Commissioners, that could result from the

conduct of the Joint Public Inquiry,

(iii) not disclose publicly or in any report any “personal information” as defined in section 3 of the *Privacy Act* (Canada) or subsection 3(1) of the *Freedom of Information and Protection of Privacy Act* or “personal health information” as defined in section 3 of the *Personal Health Information Act* that has been received in evidence during any portion of the Joint Public Inquiry conducted in camera, unless the person to whom it relates consents or, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure,

(iv) make any disclosure referred to in subparagraph (iii) in a way that minimizes, to the greatest extent possible, any invasion of privacy that could result from the disclosure,

(v) ensure that, in respect of any portion of the Joint Public Inquiry conducted in public, members of the public can, simultaneously in both official languages, communicate with and obtain services from it,

(vi) provide the Government of Canada and the Government of Nova Scotia an opportunity for appropriate participation in the Joint Public Inquiry, and

(vii) take into account the coronavirus disease 2019 (COVID-19) restrictions when in-person meetings are being organized and if travel is being considered;

(2) authorize the Commission to exercise in Nova Scotia those provincial powers that are ancillary or incidental to their powers as provided to them by the *Inquiries Act* (Canada) and by any Order in Council issued under that Act for purposes of the Joint Public Inquiry; and

(3) order that the portion of such remuneration, expenses and other costs payable by the Government of Nova Scotia in respect of the Joint Public Inquiry shall be paid out of the General Revenue Fund of the Province.

The Governor in Council is further pleased, pursuant to Section 19 of Chapter 24 of the Acts of 1998, the *Public Archives Act*, to direct that the Provincial Archivist shall not be required to have care and control of the records of the Commission and directs the Commission, as soon as feasible after the conclusion of the Inquiry, to transfer all records of the Commission in accordance with the Order in Council of Canada establishing the Commission of the Joint Public Inquiry.

**Certified to be a true copy**

  
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**Laura Lee Langley**  
**Clerk of the Executive Council**