



*Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*

Ontario Review Board

**Consultation Policy**

Introduction

The *Good Government Act, 2009* (GGA), received Royal Assent on December 15, 2009. Schedule 5 to the GGA enacted the new *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (ATAGAA). The purpose of the ATAGAA is to ensure that adjudicative tribunals are accountable, transparent and efficient in their operations, while remaining independent in their decision-making.

The Ontario Review Board has developed documents to meet the legislative requirements of the ATAGAA.

Section 4 of the ATAGAA requires that every adjudicative tribunal shall develop a consultation policy. The consultation policy must describe whether and how the Board will consult with the public when it is considering changes to rules or policies, including consultations with any persons, entities or groups of persons or entities whose interests, in the opinion of the Board's Chair, would be affected by the changes.

The Ontario Review Board (the Board) is an independent adjudicative tribunal created pursuant to Part XX.1 of the *Criminal Code of Canada*. It is a specialized Board which has forensic expertise, and adjudicates matters of public safety and liberty in relation to persons found not criminally responsible of criminal offences on account of mental disorder under section 16 of the *Criminal Code*, or persons found unfit to stand trial because of mental disorder. The Government of Ontario appoints individuals to the Board to conduct hearings in accordance with its statutory mandate.

The Board's practices and procedures are established to support fair, open and accountable services and to support the principles outlined in its policies.

Consultation Policy

Under the direction of the Chair, the Board adopts this Consultation Policy (the Policy).

Consultation can play an important role in the mandate of the Boards to protect the public interest, particularly when considering changes to rules or policies. For the purpose of this Policy, consultation is defined as a genuine exchange of information and points of view concerning policies or rules of practice of the Board between the Board and stakeholders prior to a policy or rule being adopted or amended.

The Board recognizes consultation as a process to seek out and consider the interests of stakeholders.

In this context, the term “stakeholder” applies to parties and interested persons in the outcomes and functioning of the Board which may include depending on the nature of the circumstances

- NCR and unfit accused, their families, their counsel, and organizations which represent them
- Designated hospitals under Part XX.1 of the *Criminal Code*
- The Attorney General for the province of Ontario
- The Minister of Health for the province of Ontario
- Correctional Services Canada
- Organizations with an interest in criminal justice policy and mental health policy
- The Attorney General of Canada
- Police services representatives

#### Process for Consultation

Good consultation recognizes the needs of all participants, including stakeholders and the Board. When the Board identifies a need for consultation, a recommendation for consultation will be made to the Chair, identifying the extent and nature of the consultation required. The Chair, or the Chair’s delegate, will identify key stakeholders affected by the decision and will invite appropriate representatives from the identified stakeholders to join in consultation with the Boards.

The invitation to consult may be issued verbally, in writing, or as a public invitation published on the internet. The invitation will include information on the topic of the consultation, a clear timeframe for the consultation, and a contact person to handle inquiries. On acceptance of the invitation, the individuals will receive relevant background information to assist in the development of their viewpoints.

The Board is committed to the following expectations:

- a) informing the relevant stakeholders in an accurate and timely manner when changes to its rules or policies are being considered.
- b) inviting participation from stakeholders as early as possible in the decision-making process.
- c) seeking feedback through consultation using a range of mechanisms appropriate to the issue at hand, including but not limited to, meetings, surveys, web-based feedback, fax, mail and phone.
- d) considering the information or submissions obtained through the consultation process, where appropriate, before finalizing a policy or rule.

### Other Public Communications

The Board also keeps the public informed of its activities by:

- a. Posting relevant information on the Board's website at [www.orb.on.ca](http://www.orb.on.ca)
- b. Publishing Annual Reports for submission to the Ministry of Health and Long-Term Care.
- c. Publishing Annual Business Plans for submission to the Ministry of Health and Long-Term Care.

### Adoption

This Policy was adopted by the Chair, The Hon. Mr. Justice Richard D. Schneider, on October 1, 2012.

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This document is available on the Board's website at [www.orb.on.ca](http://www.orb.on.ca)

If you have any questions about this document or would prefer it in an alternative format, please contact the Ontario Review Board.