

DATE: 2007-08-22

INQUIRY INTO PEDIATRIC FORENSIC PATHOLOGY IN ONTARIO

RULING ON STANDING AND FUNDING

COMMISSIONER GOUDGE:

On August 10, 2007, I received an application for standing from Mrs. Anne Marsden as “Advocate and Auditor” for what appears to be an organization called Access for All. She does not seek funding. For the reasons that follow, I dismiss the application.

On June 18, 2007, I invited interested persons to apply for standing at the Commission. The Rules of Standing and Funding provided that:

Persons may seek standing at the Inquiry by way of motion in writing with supporting materials, to be filed in electronic format with the Commission on or before July 16, 2007, or at the discretion of the Commissioner on any other date.

This application for standing was filed on August 10, 2007, after the deadline contained in the Rules of Standing and Funding, and after I heard oral submissions from the other applicants. I have nonetheless considered the application on its merits in light of the factors set out in my initial decision on standing and funding.

According to its application materials, Access for All seeks to ensure accountability in the public interest within the health care and justice systems. Mrs. Anne Marsden appears to be a main principal of the organization. Since the 1990s, Mrs. Marsden has headed several volunteer organizations, “which have the public interest as its number one priority”. There is a no suggestion in the application that Mrs. Marsden is trained as a health care professional.

Mrs. Marsden requested the opportunity to make oral submissions in support of the application for standing, and to “identify the role she can play in assisting public interest issues being brought to the Commissioner’s attention”. Having reviewed this application, I have determined that I do not require oral submissions on behalf of Access for All to reach my decision.

I am not persuaded that either Mrs. Marsden or Access for All has a substantial and direct interest in the subject matter of this Commission. Neither:

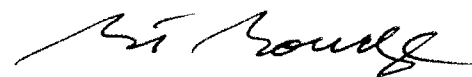
- a) had any involvement in the factual underpinnings that gave rise to the establishment of this Commission;
 - b) were involved in the provision of pediatric forensic pathology services in Ontario;
 - c) were involved in the criminal justice system between 1981 and 2001; or
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- d) will be the subject of, or affected by, any recommendations that may be made by me.

I have also reviewed the application to determine whether, despite the absence of a substantial and direct interest, either Mrs. Marsden or Access for All may have an ascertainable interest on the basis of a particular expertise that will assist the Commission in fulfilling its mandate. On the record before me, I am not persuaded that such an interest exists. Accordingly, I cannot grant this application.

I note that Mrs. Marsden seeks to “assist public interest issues in being brought” to my attention. The responsibility for representing the public interest lies with Commission counsel. No other party need be accorded standing to protect or advance the public interest at large.

The application is dismissed.

RELEASED: August 22, 2007



Stephen Goudge
Commissioner
