Ruling on Application of F.A.C.T.
(Fathers Are Capable Too: Parenting Association)
for standing at the Inquest into the deaths of
Gillian and Ralph Hadley

A standing hearing was held on October 11, 2001 at the Coroner's Courts to determine those parties who would participate in the inquest into the circumstances of the deaths of Gillian and Ralph Hadley.

This decision concerns the application of F.A.C.T.(Fathers Are Capable Too: Parenting Association) and is based on information supplied in a written affidavit, oral presentation and answers to questions posed to counsel for F.A.C.T., Mr. Walter Fox.

Section 41 (1) of the Coroners Act of Ontario R.S.O. 1990 Chapter C.37 states:

"On the application of any person before or during an inquest, the coroner shall designate the person as a person with standing at the inquest if the coroner finds that the person is substantially and directly interested in the inquest."

It is conceded that F.A.C.T had no direct involvement with either Gillian or Ralph Hadley. F.A.C.T. does not therefore meet the private law test normally applied to this criteria.

Stanford v. Harris (1989) 38 Admin. L. R.141 (Ont.Div.Crt) is the definitive guide regarding standing for special interest groups considering the emerging public interest function of the inquest.

Campbell, J. writes (page 156) –

"Mere concern about the issues to be canvassed at the inquest, however deep and genuine, is not enough to constitute direct and substantial interest. Neither is expertise in the subject of the inquest or the particular issues of fact that will arise. It is not enough that an individual has a useful perspective that might assist the coroner. The interest of an applicant for standing in the recommendations of the jury must be so acute that the interest may be said to be not only substantial, but also direct."

In People First of Ontario vs Porter (1991) 5 O.R. (3d) 289 (Ont.Div.Crt.) page 622, Campbell, J. also cautions:

"Notwithstanding the emerging public interest in the jury recommendations in the modern Ontario inquest, an inquest is not a trial; an inquest is not a Royal Commission; an inquest is not a public platform; an inquest is not a campaign or a lobby; an inquest is not a crusade."

While F.A.C.T. does not fit the legally unique position of the applicants in Stanford v. Harris, I feel there are some merits to its argument regarding a unique perspective and that its interests in the recommendations are "so acute that the interest may be said to be substantial and direct".

There are four principles to be applied in the determination of standing for a Special Interest Group.

The first is the determination of a " potentially significant area" identified by the group that is an issue for the inquest. I believe the significant areas identified by F.A.C.T., for example the impact of criminal and family court matters on parents and the community supports available to parents in such situations are on point with issues of the inquest.

The second principle is a determination of the nature of the group (i.e. membership, directing voice, goals, funding ,expertise and interest in possible recommendations arising from the inquest). I am satisfied that F.A.C.T. has legitimacy in these areas.

The third principle is a determination of the expertise and uniqueness of the expertise of the interest group. I am satisfied that F.A.C.T. can offer this inquest a perspective that is not already represented by other parties granted standing.

The fourth principle is a determination of the interest of the group in the preventive recommendations of the inquest in preventing domestic violence. I am satisfied from the information supplied that F.A.C.T. wishes to contribute to recommendations that might prevent similar tragedies.

I am therefore granting standing to F.A.C.T. and appreciate the undertaking of counsel to ensure respect for the inquest process by the organization given an earlier demonstration and distribution of literature outside the inquest court.

I refer again to Campbell, J. in Stanford v. Harris page 167-

" The danger is not simply that of the busybody or the crank, but also that danger of sincerely motivated groups seeking a public platform for views that are not sufficiently relevant to the subject of the inquest and which will only result in undue delay and inefficiency.

To paraphrase what was said with respect to criminal trials in McCormick's Evidence Handbook, 2nd edition (1972) at 81, the coroner has the power and the duty to see that the sideshow does not takeover the circus, as said with respect to criminal trials. It is for the coroner in each case to balance this danger, and the need to avoid repetition and unduly prolonged procedures, against the degree of knowledge or expertise demonstrated by the applicants for standing and the degree to which they and their counsel can assist by providing a point of view that might not otherwise emerge."

I have been convinced that F.A.C.T. can offer such assistance to this inquest.

Finally, I shall quote from Dr. James Young's ruling on standing at the Sanchia Bulgin inquest:

" *The length of an inquest is a careful balance between a full public airing of the facts of a death and a proper exploration of potential recommendations versus a hearing that is unduly repetitious or lost in secondary issues, legal argument or parties attempting to find fault.*"

I shall be looking to all parties to cooperate in achieving such a balance.

* * * *

October 12, 2001

Dr. Bonita Porter
Deputy Chief Coroner of Inquests