

The reasons for judgement of the Court were delivered orally by:

CLARKE, C.J.N.S.:

On December 22, 1992, Professor Bruce H. Wildsmith, Q.C., a one person Board of Inquiry appointed pursuant to the **Human Rights Act**, R.S. 1989, c. 214, found that the appellants discriminated, on the basis of gender, against the respondent, Patricia Fortune, in respect of her application for employment as a spare school bus driver. He determined the acts of discrimination were contrary to section 12(1)(d) of the **Act**. He awarded Ms. Fortune \$25,660.00, plus Canada Pension Plan contributions if applicable, and in addition thereto a general award of \$4,000.00 for "humiliation, embarrassment, aggravation, stress and upset associated with being a victim of discrimination".

The appellants have appealed. The appellants argue that the Board of Inquiry was not validly appointed. No challenge was made until this appeal. In our view there is a presumption that public and official acts and duties have been regularly and properly performed and that persons acting as public officers are presumed to be regularly and properly appointed. In the absence of evidence to contrary, it is our opinion that Mr. Wildsmith was a public officer, performing public duties, and accordingly is presumed to be validly appointed.

Pursuant to section 36(1) of the **Act** an appeal to this Court is "on a question of law". It is our unanimous opinion that Mr. Wildsmith made no manifest or reversible errors in law that would cause his decision or order to be set aside.

The respondents seek interest on the award. After hearing both counsel on this issue, we have concluded that Civil Procedure Rule 62.10(4) applies in that execution by the respondent Ms. Fortune was delayed because the appellants made it known that an appeal would be filed, and they did on January 15, 1993.

As a result we order that the award of Mr. Wildsmith will bear interest at the rate of 6% per annum from January 15, 1993, until paid. No costs are granted to either party.

The appeal is dismissed.

C.J.N.S.

Concurred in:

Matthews, J.A.

Chipman, J.A.