

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

VOLUME 64

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday November 2, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 2 novembre 2006

Appearances/Comparutions

Mr. Pierre R. Dumais M ^e Simon Ruel Ms. Maya Hamou	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Actg.Det.Supt.Colleen McQuade Dect.Staff Sgt. Colin Groskopf	Ontario Provincial Police
Mr. David Rose Mr. Mike Lawless	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Ms. Terri Saunder	Cornwall Standard Freeholder

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1 --- Upon commencing at 10:04 a.m./

2 L'audience débute à 10h04

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Good morning all.

8 **MR. DUMAIS:** Good morning, Commissioner.

9 **THE COMMISSIONER:** Good morning, sir.

10 **MR. DUMAIS:** We are here this morning
11 dealing with a number of exhibits that have been filed
12 within the last couple of weeks as interim "C" exhibits.

13 I have prepared a list. I have given my
14 friends a copy of that list. That list has changed a bit
15 from yesterday, so I'm just going to go through the
16 different exhibits and try to identify parties that I know
17 wish to make submissions on the matter.

18 The first exhibit is C-71A, B and C, which
19 was filed when Lise Brisson was testifying by myself.

20 The second is Exhibit C-72 -- sorry, so I
21 will be making submissions on the Exhibit C-71, and I can
22 advise and I guess Mr. Rose has indicated for the record as
23 well that he wishes to make his submissions in camera.
24 I've received correspondence from David Sherriff-Scott as
25 well that I will read in for the record, and we had a

1 discussion yesterday and essentially we are making the same
2 request before you, Commissioner, but he had different
3 knowledge, which he has put on record, but just for the
4 purpose of today's proceedings, I will read in his letter.

5 Exhibit C-72 is the Ad Hoc Committee Report,
6 which was filed when Madame Brisson was testifying as well
7 by ourselves. I will be making submissions on that and so
8 will Mr. Rose and certainly, Commissioner, we are going to
9 invite everyone to make submissions on each one of them.

10 The next exhibit is C-76, which is the case
11 history and that was used in cross-examination by Cornwall
12 Police Services. I will be making submissions on that and
13 I am presuming Cornwall Police may have submissions as
14 well.

15 The next document is C-84 and that was a
16 document that was discussed in an in camera session where
17 we identified C-1 or gave the moniker C-1 to the name of
18 the person that Mr. David Sherriff-Scott wanted protected.
19 So I will be making submissions on that one, and I will be
20 reading in Mr. Sherriff-Scott's submissions as well.

21 The next exhibit is C-90 which was filed
22 when Alain Seguin was testifying. I apologize, Mr.
23 Commissioner, C-90 was made a "C" exhibit and that was a
24 final order as far as I understand. So there is no need to
25 address that today.

1 C-93, which is a Victim Impact Statement,
2 which was filed as part of a bulk document. So Mr. Ruel
3 will be addressing that document for the Commission.

4 The next one is C-94 which is a transcript
5 of the Sentence Hearing and Reasons for Judgement, which
6 was filed when Mr. Lavoie was testifying as well.

7 C-95 and 96 are Elsie Salomon Conference
8 Brief. Mr. Ruel will be addressing that as well.

9 C-98 is the Will Say Statement of Ms. Dawn
10 Raymond, which was filed when Mr. Burgess was testifying by
11 Cornwall Police.

12 C-99 is a document that will be addressed by
13 Mr. Peter Chisholm from the Children's Aid office that
14 deals with somewhat of a different issue, as I understand
15 it, and I'll let him make his submissions for that
16 document. And that's the same with C-108. So they are
17 related documents and, as far as I understand, it's the
18 same argument. And C-105 as well, I'm advised.

19 The remaining two documents that were filed
20 when Mr. Tyo was testifying, C-102 and C-104, are the
21 Interview Report of Jason Tyo and the Victim Impact
22 Statement. Mr. Ruel will be addressing those two
23 documents.

24 Finally, I understand, Commissioner, that
25 there was one last document that was filed yesterday with

1 respect to when Ms. Cindy Burgess Lebrun was testifying and
2 that's the last document to be addressed today.

3 I think that is the complete list. Just in
4 terms of processing, what I am proposing and that obviously
5 is subject to any of my friends' comments on it, I think
6 firstly the proceeding today -- I mean, the way we are
7 doing it is principally because parties indicated that they
8 wanted to make submissions on these matters and we were
9 awaiting the decision that was released on Tuesday of this
10 week and now we are addressing all of these "C" documents
11 that were filed over the last couple of weeks; some out of
12 an abundance of caution. But certainly it is expected now
13 that we do have your directions on these matters that we
14 will address all "C" documents that are proposing to be
15 filed as exhibits and any request for any type of
16 confidentiality measure or order prior to the witness
17 testifying.

18 What we are proposing is that for the
19 documents that the Commission intends to file as an
20 exhibit, we will view those documents and identify those
21 measures, communicate with the parties, explain to them
22 what our position is and try to resolve those issues,
23 albeit even if we have to address them on the record before
24 the witness is called.

25 So what we are expecting the parties to do

1 with the documents that they're identifying as being used
2 and that they will intend to file as exhibits to be used in
3 cross-examination is that they identify any confidentiality
4 orders that may come up and advise us as with the
5 identification of the documents which measure or which
6 issue may come up within the 48 hours.

7 I think it is expected that all documents
8 that may be filed as an exhibit with a particular witness
9 on a particular day will be addressed prior to the calling
10 of the witness, so that if we have to go in camera for any
11 reason, we will do so once at the beginning or before the
12 calling of the witness rather than five or six times during
13 the day.

14 Just as an example, Commissioner, next week
15 we are calling Mr. Albert Roy on Tuesday, I believe it's
16 the 7th, November 7th, at 2:00 p.m. So it is expected that
17 all parties, one, have to identify the documents they want
18 to use in cross-examination and the deadline being tomorrow
19 at 2:00 p.m. We did have that discussion at the All
20 Counsel Meeting on Monday that we view the 48-hour notice
21 period as 48-hour working hours, because obviously there is
22 no one here over the weekend. So they are to identify the
23 documents and potential information which may require some
24 type of confidential order.

25 This is to a certain extent something new

1 and even on our part we have not yet necessarily identified
2 any of the confidentiality measures for the documents that
3 we intend to file next Tuesday, but certainly after these
4 next one or two witnesses, we are expecting that that
5 process will be respected for all witnesses, subject
6 obviously if the notice of a rule is not expected that
7 submissions may be made and then we will be entirely in
8 your hands, Commissioner, as to how we will deal with that
9 matter.

10 I think that is essentially all the
11 housecleaning and the process I'm proposing today. I don't
12 know if any of my friends wish to make submissions or
13 comments.

14 **THE COMMISSIONER:** No one is rushing to the
15 podium, so I think you're safe.

16 **MR. DUMAIS:** All right. So if we can start
17 then ---

18 **THE COMMISSIONER:** Before we start though, I
19 think we should take attendance, I guess, not with the
20 parties but I understand that Mr. Wong was here last time
21 and I don't know -- there may be some communications there,
22 and I don't know if Ms. Saunders has any comments to make.
23 So I think we should see in that regard.

24 **MR. DUMAIS:** As you've pointed out,
25 Commissioner, Mr. Wong is not present. However, he did

1 have a telephone conversation with Mr. Ruel, which I was
2 not privy to, and Mr. Ruel will address you on that matter
3 as well.

4 **THE COMMISSIONER:** Okay, once we hear from
5 Ms. Saunders.

6 **THE COMMISSIONER:** Good morning.

7 **MS. SAUNDERS:** Good morning, Mr.
8 Commissioner. Thank you for this opportunity.

9 The only thing I wanted to raise with you
10 was just the concerns about the opportunity to perhaps make
11 submissions on a document-by-document basis. We have not
12 been able to see them. We don't know what they are. So
13 it's kind of difficult to decide if we want to even make
14 submissions.

15 I have notified our legal counsel, but our
16 counsel is in Toronto and would probably ask that I would
17 seek an adjournment if there was a document that I viewed
18 that I felt or we felt we wanted to make submissions on
19 until such time as we could actually put something
20 together, because we have an idea of what they are because
21 obviously I have been here every day and I've been
22 listening, and I know that there's, you know, what the
23 document has been titled, but I don't know the content. I
24 have no idea what they are.

25 My only suggestion would be, like I said, to

1 be able to see these documents as soon as possible to be
2 able to determine if we do, in fact, want to make
3 submissions. We don't know on one, on all; we have no
4 idea. It is difficult for us, I think, because it is our
5 job to sort of monitor the process.

6 **THE COMMISSIONER:** Absolutely.

7 **MS. SAUNDERS:** Right. But it is hard to
8 monitor a process that we can't be a part of. This is not
9 something I'm familiar with myself. This is the first time
10 I have had to do something like this, so I'm not really 100
11 per cent sure where I'm going either, so that's all I can
12 say right now.

13 **THE COMMISSIONER:** Right. Well, what are
14 you suggesting? That you get the documents before?

15 **MS. SAUNDERS:** The thing is if the documents
16 are put forward and then you call for submissions on them,
17 how is the media supposed to be able to make a submission
18 on whether or not they believe the document should be
19 confidential, if the media can't view that document to see
20 what the content is to make that determination?

21 It is sort of like saying here's a book; you
22 can't open it, but you should decide whether ---

23 **THE COMMISSIONER:** Well, that's not quite
24 true in the sense that once -- I think the procedure that
25 we are doing this morning is we are going to go in camera

1 at some point to identify the documents, so you will
2 eventually get to see that.

3 **MS. SAUNDERS:** Right.

4 **THE COMMISSIONER:** And I guess what you are
5 saying is the timing that you have to make a decision on
6 it.

7 **MS. SAUNDERS:** Correct. If we go in camera,
8 the document is presented. At what point will you be
9 saying okay, now I will hear submissions on whether or not
10 this document gets ruled a "C" or a "P" document and do I
11 then have an opportunity to seek legal counsel ---

12 **THE COMMISSIONER:** Oh, no.

13 **MS. SAUNDERS:** --- or to determine whether
14 we want to make submissions on that?

15 **THE COMMISSIONER:** Well, you know, we are
16 not going to start adjourning things so that you counsel
17 can consider coming.

18 I guess the sad reality is that if you want
19 your counsel here, he should be here. But I can see your
20 point and I will canvass other counsel to see how we can
21 help you out in that regard.

22 **MS. SAUNDERS:** Okay. Thank you.

23 **THE COMMISSIONER:** Mr. Wardle.

24 **MR. WARDLE:** I wonder, Mr. Commissioner, if
25 I could address the last comments made by Mr. Dumais

1 briefly with respect to the 48-hour Rule.

2 **THE COMMISSIONER:** Yes.

3 **MR. WARDLE:** This is the first I had heard
4 this morning of this proposal and I understand everyone
5 else here is in the same position.

6 **THE COMMISSIONER:** Yes.

7 **MR. WARDLE:** It raises a couple of issues
8 for us there. We had had some discussions with Commission
9 counsel about the difficulty of identifying in advance
10 documents that may be used in cross-examination. With some
11 witnesses, it's going to be a very long list.

12 **THE COMMISSIONER:** M'hm.

13 **MR. WARDLE:** And secondly, for example, for
14 my client, we won't ordinarily be the propounder of
15 confidentiality measures. It's more likely that some of my
16 friends will be the ones who will be propounding those
17 measures.

18 **THE COMMISSIONER:** M'hm.

19 **MR. WARDLE:** So I think the most that we
20 would be prepared to do is identify documents that we
21 believe may give rise to confidentiality issues. I think
22 it would then be up to the rest of the parties to deal with
23 those at the appropriate time.

24 **THE COMMISSIONER:** Well, you see -- you're
25 right. I can see both sides. I guess what I'm looking at

1 is, as officers of the court, you have the document and
2 you're looking at it and I guess what we're expecting, what
3 I would think from the suggestion is, you know, if you see
4 something in there -- I mean, obviously if you're going to
5 cross-examine or thinking of using those documents in
6 cross-examination, you will have looked at them, and in
7 looking at them I think the idea is that everybody keep in
8 the back of their minds the issues of confidentiality.

9 So, for example, if you know that a name is
10 recurring and here's a document where that name is
11 recurring again or is the name of an alleged victim, I
12 don't think that there's an undue onus to circle it and to
13 say, "By the way, Commission counsel, you may want to look
14 at this, this, this and that."

15 **MR. WARDLE:** No, and if that's all it's
16 limited to, I think that's perfectly fair and that's
17 something that we can do.

18 **THE COMMISSIONER:** Well, I don't want to put
19 words in Commission counsel's mouth, but from what I can
20 gather I thought that generally that's what we were talking
21 about, because the whole purpose of this exercise is to
22 make things work smoother ---

23 **MR. WARDLE:** No, I agree ---

24 **THE COMMISSIONER:** That's number one.
25 Number two is to protect the names of the innocent.

1 **MR. WARDLE:** I'm in full agreement with
2 that.

3 **THE COMMISSIONER:** M'hm.

4 **MR. WARDLE:** And I don't think it's too
5 difficult a job for us to be expected to flag things that
6 may give rise to confidentiality concerns. I do think it
7 will be impossible, as a practical matter, to deal with all
8 of those in advance of the witness testifying.

9 There may very well be documents, for
10 example, that only become relevant during the course of the
11 witness' evidence in-chief.

12 **THE COMMISSIONER:** And that will stand the
13 test of time, but I guess on the 80/20 rule, is what I used
14 to use when I was trying to make money, I suppose, is that
15 you -- if we can catch the 80 per cent, then it will make
16 the whole day run a lot smoother.

17 **MR. WARDLE:** That's understood. Thank you,
18 Mr. Commissioner.

19 **THE COMMISSIONER:** All right. Thank you.

20 Any other comments in that regard? Okay.
21 Before we go, what about the press?

22 **MR. DUMAIS:** If I can just address Ms.
23 Saunders' comments. And I hear what she's saying and I
24 guess the difficulty is you don't know what you will be
25 deciding, Commissioner, and I guess on one side, we have to

1 weigh the fairness in having her see the documents and be
2 able to make submissions on it and, on the other side, if
3 someone is making a submission that not even the media be
4 entitled to see the name and that the name be edited for
5 the purpose of what they can see as well, I mean, I guess
6 the cat is going to be out of the bag.

7 But I think that we have to keep in mind
8 that the media can be here for all in camera sessions and
9 that they are entitled to see all those names in any event.

10 **THE COMMISSIONER:** M'hm.

11 **MR. DUMAIS:** Commissioner, if you agree with
12 me then, and subject to what any of my friends may have to
13 say, what I'm proposing is that as you've indicated, the
14 next step after we're done with this discussion is going
15 into an in camera session to identify the names with the
16 documents and that will require us to go down for 20 to 30
17 minutes, to shut down the website and that perhaps members
18 of the media can be given a copy of those exhibits to be
19 viewed within the hearings room. I think that would be a
20 fair compromise and keeping in mind that the media will be
21 entitled to know what the name of that person is in any
22 event since they will be in the in camera session.

23 **THE COMMISSIONER:** I know, but I don't know
24 that that addresses all of Ms. Saunders' thing. I mean,
25 it's like saying you've got to be ready to do war but we're

1 not going to tell you what the war is all about until five
2 minutes before and here it is and then decide.

3 **MR. DUMAIS:** But I guess the only thing I
4 have to say with respect to that is the media are not a
5 party to these proceedings. Therefore, we're not
6 disclosing all -- we don't have the same disclosure
7 obligations. Our obligation towards them is to provide a
8 copy of the documents that we're filing as an exhibit and
9 we only know that when we're calling the witness.

10 **THE COMMISSIONER:** All right.

11 Anybody else have any innovative ideas on
12 how to resolve this issue? We're going to keep them
13 private. Okay.

14 Maître Ruel.

15 **MR. LEE:** Can I make a comment,
16 Commissioner?

17 **THE COMMISSIONER:** Monsieur Ruel is getting
18 his exercise today in any event.

19 **MR. LEE:** There are -- it seems to me there
20 are a couple of different issues here. Today is a little
21 bit of a unique situation in that we're dealing with
22 exhibits that, as you said, you've put kind of in a
23 temporary basket.

24 **THE COMMISSIONER:** M'hm.

25 **MR. LEE:** I'm not exactly clear and I didn't

1 know anything about this until Ms. Saunders approached, but
2 I'm not exactly clear why the media wasn't given access to
3 these once they were filed so that they could at least make
4 submissions today.

5 That being said, that doesn't help us down
6 the road. That doesn't help us when a witness comes up
7 because, as Mr. Dumais said, I don't think we can properly
8 give the media a disclosure hard drive and tell them ---

9 **THE COMMISSIONER:** No.

10 **MR. LEE:** --- to go to it. I mean, that's
11 obviously not proper. Until that document is introduced,
12 they don't have any right to access it.

13 It seems to me that -- and just something
14 I'm throwing out there and obviously, as I said, I'm just
15 thinking of it now, but would it not be possible to operate
16 in the usual course as you've set out in your direction and
17 the way we've been intending; once the exhibit is made, if
18 it's made a "C" exhibit or if confidentiality measures
19 after you hear from the party are ordered, the media is
20 then entitled to view that document in its entirety, and if
21 after that time they feel that your order needs to be
22 revisited, it seems to me that they could come back then.

23 I would suspect it's not going to happen all
24 that often. There may be situations where all the parties
25 make their submissions; you make a ruling and the media

1 says, "Well, you know what? Had we be given an opportunity
2 to address this issue, had we seen the document beforehand,
3 we would have made submissions and we think possibly that
4 would have swayed the Commissioner, and that side of the
5 story wasn't told", they can then ask you to revisit the
6 issue. I mean, as I said, it's just something I'm thinking
7 off the top of my head, but I don't really see any other
8 way that it can be -- because there's no real way to give
9 them advance notice on what these documents are.

10 **THE COMMISSIONER:** Thank you.

11 Maître Ruel.

12 **MR. RUEL:** Good morning, Mr. Commissioner.

13 Just to report, I spoke to counsel for
14 Radio-Canada and CBC, Tony Wong, Mr. Tony Wong. I spoke as
15 well with Mrs. Genevieve McSween who is in-house counsel
16 for Radio-Canada in Montreal. They wished to be present
17 here today to make submissions. It was not possible
18 because of other commitments. If you agree, with this
19 proposal we discussed the possibility of providing counsel
20 for Radio-Canada/CBC the transcripts including the in
21 camera transcripts of the discussion today so that they can
22 inform themselves about what happened and if they have
23 further submissions to make with respect to the
24 confidentiality of a particular name, they could make an
25 application before you to vary or revoke your order. So

1 this is what I discussed with counsel for CBC.

2 **THE COMMISSIONER:** Okay. Thank you.

3 Well, with respect to today's proceedings
4 I'm intent on proceeding and getting these documents out.
5 From what I can see, today will be a day where we liberate,
6 free up a lot of documents for the press, for the medias,
7 and I think that's a good place to start.

8 I don't want this to become a revolving door
9 where we get bogged down on the media bringing applications
10 here and there on different matters. I want it to be done
11 in an orderly fashion, I suppose.

12 Mr. Lee's argument or suggestion would seem
13 to be a good one in the sense that we could at least
14 proceed and then if need be, set aside some time, some
15 specific time if there is someone who wants to reconsider -
16 - have me reconsider the matter. I'll take that under
17 advisement and we'll see how the day goes.

18 In any event, Ms. Saunders, for the purposes
19 of today and until such time as we start doing this on a
20 daily basis, I will reserve -- and I understand your rights
21 that if there is something that you or your lawyers
22 strongly object to, you can make an appointment and we can
23 revisit for these matters.

24 What goes on in the future, short of having
25 your lawyers here every day or when there's something, I

1 don't know what the solution will be, but we'll work on
2 that.

3 So, Maître Ruel -- no, Maître Dumais, sorry.

4 **MR. DUMAIS:** Correct, Commissioner.

5 I think then if -- there's one last issue
6 which I missed in my first round. So there's also an
7 exhibit which is Exhibit 87 which was erroneously filed as
8 a "P" exhibit, as far as I understand, and that was when
9 Mr. Scott Burgess was testifying. I've been advised by Mr.
10 Engelmann that this should have been made an interim "C"
11 exhibit and we'll be addressing that exhibit as well today.
12 I think it's the same argument as another matter. As far
13 as I understand, it identifies a potential victim that has
14 not been contacted and it's related to C-102, I believe.

15 **THE COMMISSIONER:** All right.

16 **MR. DUMAIS:** So then if we can start at the
17 beginning, which is Exhibit C-71(a), (b) and (c), which is
18 the transcript of the preliminary inquiry on the Father
19 Deslauriers matter. As I have previously indicated,
20 Commissioner, there's been a Non Publication Order that's
21 been made in the criminal proceeding. Although we have
22 lifted a number of non publication orders, that one has not
23 been lifted and therefore I'm making the same request that
24 I had made initially when Ms. Brisson was first called,
25 that since we're using that document which is subject to a

1 publication ban already, that there should be a publication
2 ban that mirrors the one of Justice Paris.

3 So there was a publication ban on the name
4 of all victims and any identifiers, and I think on an
5 interim basis, Commissioner, you had made that non
6 publication order. I simply request today that it be made
7 a final order.

8 **THE COMMISSIONER:** All right.

9 **MR. DUMAIS:** So that being said, I need,
10 Commissioner, to identify the names of the victims in that
11 transcript and, as well, we need to identify the names of
12 victims or alleged victims in all other exhibits. So
13 consequently we will have to go into an in camera hearing,
14 and certainly having consideration and due regard to the
15 *Mentuck* and *Dagenais* test, it's certainly necessary for the
16 administration of justice in that you're not going to be
17 able to make an order and identify the victims subject to
18 the ban without us identifying those names for each of the
19 exhibits. So it's certainly necessary and I don't see that
20 there's any less intrusive measure than to go into an in
21 camera hearing, because we actually need to say those names
22 in open court.

23 And certainly if we can go into an in-camera
24 hearing simply for the purpose of identification and then
25 go back into the public hearing for the argument once the

1 name has been identified, that, in my view, is the least
2 possible intrusive measure.

3 **THE COMMISSIONER:** All right.

4 If I understand that, Mr. Rose, I thought,
5 talked about having -- that his argument be made in camera
6 as well.

7 **MR. DUMAIS:** Correct, Commissioner.

8 And since we're going in camera to do that
9 process and since Mr. Rose's argument deals with this first
10 and second exhibit in any event, what I propose is that Mr.
11 Rose makes his argument right there and then so we're not
12 going in and out of in camera sessions.

13 **THE COMMISSIONER:** Right.

14 But what we would have to do is apply the
15 *Mentuck* case as well ---

16 **MR. DUMAIS:** Correct.

17 **THE COMMISSIONER:** --- to justify why we
18 should hear Mr. Rose's argument in camera when we're not
19 going to have to do the others in camera.

20 **MR. DUMAIS:** Correct, Commissioner.

21 I did make the general argument as to why we
22 should be going in camera. Perhaps I can invite Mr. Rose
23 as to why he needs to make his submissions in camera.

24 **THE COMMISSIONER:** All right.

25 **MR. ROSE:** Good morning, Mr. Commissioner.

1 **THE COMMISSIONER:** Good morning, sir.

2 **MR. ROSE:** What I propose to do is a
3 procedure which effectively follows what Mr. Dumais has
4 already suggested to you, which is to say I expect to
5 identify within specific documents specific pages
6 containing very specific references to specific individuals
7 and name them, and I expect that, Mr. Commissioner, you may
8 have questions for me about the relations between specific
9 passages and why those passages ought to be either replaced
10 by monikers or redacted from documents made available to
11 the public.

12 **THE COMMISSIONER:** M'hm.

13 **MR. ROSE:** And for that reason, because I
14 expect to identify individuals, I'm asking that this matter
15 -- this portion of the argument be heard in camera.

16 **THE COMMISSIONER:** Okay. And then the rest
17 of your argument?

18 **MR. ROSE:** Well, that is my argument. My
19 argument will be that these are the individuals. It's very
20 tough to separate the specific identifiers in the specific
21 documents and then later go on record and say, "Here's why
22 the second part of the Dagenais test is met by my proposed
23 remedy." It effectively all happens at once.

24 **THE COMMISSIONER:** M'hm.

25 **MR. ROSE:** And frankly, it becomes extremely

1 cumbersome to then go and parcel it out so that part of it
2 is in camera and part of it is not.

3 **THE COMMISSIONER:** Okay. Fair enough.
4 Anybody else have any comments before we
5 proceed?

6 So what we will do is we will go in camera.
7 You will give the media copies of documents. I will
8 consider the request from CBC and Radio-Canada.

9 So how long do we need?

10 **THE REGISTRAR:** Fifteen (15) minutes.

11 **THE COMMISSIONER:** Fifteen (15) minutes,
12 that's what the clerk is saying. To go in camera, we'll
13 have to take a 15-minute break? All right.

14 So why don't we take 15 minutes and we'll
15 come back and we will deal with the in camera hearing.

16 Thank you.

17 **THE REGISTRAR:** Order; all rise. À l'ordre;
18 veuillez vous lever.

19 --- Upon recessing at 10:37 a.m. in public to resume in
20 camera/

21 L'audience est suspendue à 10h37 en public pour
22 reprendre à huis-clos

23 --- Upon resuming in public at 1:33 p.m./

24 L'audience est reprise en public à 13h33

25 **THE REGISTRAR:** Order; all rise. À l'ordre;

1 veuillez vous lever.

2 This hearing of the Cornwall Public Inquiry
3 is now in session. Please be seated. Veuillez vous
4 asseoir.

5 **MR. DUMAIS:** Good afternoon, Commissioner.

6 If I can make a suggestion, if we can start
7 with dealing with Exhibit C-105 and C-99, which I
8 understand does not necessarily require an analysis of the
9 *Mentuck* and *Dagenais* test, and I would invite Mr. Chisholm
10 to address those two exhibits.

11 **MR. CHISHOLM:** Good afternoon, Mr.
12 Commissioner.

13 **THE COMMISSIONER:** Good afternoon.

14 **MR. CHISHOLM:** Mr. Commissioner, have you
15 received a copy of my notice -- my letter of November 1st to
16 Mr. Engelmann?

17 **THE COMMISSIONER:** I don't read other
18 people's correspondence.

19 **MR. CHISHOLM:** Fair enough.

20 That document pretty well ---

21 **THE COMMISSIONER:** But if you have a copy, I
22 will read it.

23 **MR. CHISHOLM:** I will get you a copy.

24 Madam Registrar, there are eight copies in
25 here in case -- if anyone else requires a copy.

1 **THE REGISTRAR:** Is it an exhibit?

2 **THE COMMISSIONER:** No.

3 **MR. CHISHOLM:** No, I don't believe it has to
4 be, but it will help in following my argument.

5 **THE COMMISSIONER:** Okay. Go ahead.

6 **MR. CHISHOLM:** You will see, Mr.
7 Commissioner, that my letter of November the 1st, 2006 makes
8 reference to the two exhibits that Mr. Dumais made
9 reference to being Exhibit C-99 and C-105, and specifically
10 to certain Bates page numbers. It's not the entire -- it's
11 certainly not the entire exhibit that I'm concerned about.

12 **THE COMMISSIONER:** It's a letter to the --
13 -

14 **MR. CHISHOLM:** It's the information relating
15 to the Child Abuse Register, and you will see, Mr.
16 Commissioner, in my letter, the bottom of page 1, I make
17 reference to subsection (6) of section 75 of the *Child and*
18 *Family Services Act*, and that is the concern that my client
19 has with respect to these documents and the relevant
20 portion of that subsection would suggest that no person
21 shall inspect or permit the inspection of information
22 maintained in the Register, except as this section
23 authorizes. Subsection (7) of section 75 sets out some
24 exceptions that I do not believe that the Cornwall Public
25 Inquiry would find itself situated within.

1 **THE COMMISSIONER:** But you're not disclosing
2 information maintained in the Register. Isn't this just
3 what's in the Register?

4 **MR. CHISHOLM:** The documentation that -- the
5 page numbers of concern to us would be information that is
6 in the Child Abuse Register, perhaps information that came
7 from my client that was forwarded to ---

8 **THE COMMISSIONER:** I don't think it matters
9 much, but maybe I'm getting in the mood to read section 75,
10 but despite any other Act, no person shall inspect, remove,
11 alter or permit the inspection of the information in the
12 Register. So it has to be in the Register, or disclose or
13 permit the disclosure of information that the person
14 obtained from the Register.

15 Well, you didn't obtain any information from
16 the Register. You gave information to the Register.

17 **MR. CHISHOLM:** Correct.

18 I would submit, Mr. Commissioner, that in my
19 view, my client's view would be a little broader than what
20 you have just suggested. Yes, we did not obtain the
21 information from the Register, but the information -- that
22 information is with the Register now. That's our concern.

23 **THE COMMISSIONER:** Okay.

24 **MR. CHISHOLM:** The ---

25 **THE COMMISSIONER:** So what do you propose?

1 **MR. CHISHOLM:** Mr. Commissioner, I would be
2 asking that an order from you that would prohibit the
3 disclosure, publication, broadcast or communication of
4 portions of the ---

5 **THE COMMISSIONER:** So you just want a
6 publication ban?

7 **MR. CHISHOLM:** Ideally, Mr. Commissioner, I
8 suppose -- it's too late to close the barn door now that
9 the horses are out, but a strict interpretation of this
10 subsection would suggest that no one should be looking at
11 this information. That obviously can't happen at this
12 point in time, but I would be asking for a publication ban
13 to prevent any type of -- allowing anyone to review this
14 information any further than what's already happened.

15 **THE COMMISSIONER:** Okay.

16 **MR. CHISHOLM:** And the grounds, Mr.
17 Commissioner -- you will see my grounds are set out on page
18 2. The subsection of the *Child and Family Services Act*
19 that I referred to, Clause 4(b) of the *Public Inquiries*
20 *Act*, section 6 of the Order in Council that established the
21 Commission of Inquiry and, finally, sections 26, 30 and 39
22 of this Inquiry's Rules of Practice and Procedure.

23 Those would be my submissions, Mr.
24 Commissioner.

25 One final submission would be that the

1 thrust of my argument is the fact that there's a statutory
2 prohibition here and that it's not necessary to engage the
3 *Dagenais* and *Mentuck* tests, and I have not addressed that
4 test in my notice to your counsel and will not be making a
5 submission on that aspect of the law today.

6 Subject to your questions, Mr. Commissioner,
7 those would be my submissions.

8 **THE COMMISSIONER:** No, that's fine.

9 **MR. CHISHOLM:** Thank you.

10 **THE COMMISSIONER:** Thank you.

11 All right. Any comments on that, ladies and
12 gentlemen?

13 Ms. Saunders, do you have any comments with
14 respect to this matter?

15 **MS. SAUNDERS:** No.

16 **THE COMMISSIONER:** Okay.

17 **MR. DUMAIS:** Commissioner, if I can attempt
18 to summarize what's left, so we've resolved C-90 and ---

19 **THE COMMISSIONER:** Well, we've resolved C-
20 90. Have we really? Yes, we have.

21 **MR. DUMAIS:** So we've resolved C-90.

22 There's a number of exhibits that carry a
23 publication ban that stem from the criminal proceedings,
24 and that's C-71, C-76, C-84 and C-94.

25 We've heard submissions from Mr. Chisholm on

1 Exhibit C-105 and C-99.

2 We've heard submissions in the in-camera
3 hearing regarding the name of the person represented by Mr.
4 David Rose, and that deals with C-71 and C-72. I don't
5 know whether or not Mr. Rose wishes to make further
6 submissions in the public hearing.

7 There is a similar individual, and his name
8 attaches to the documents found at C-71, C-72, C-76 and C-
9 84, and that argument was brought forward sometime in the
10 last week by Mr. David Sherriff-Scott and we did deal with
11 the matter in an in-camera session. Mr. David Sherriff-
12 Scott has provided me with correspondence as to some of the
13 arguments to consider, but I did advise Mr. Sherriff-Scott,
14 as I indicated this morning, that I would be requesting a
15 non publication order on the name of the person he was
16 representing, and he was satisfied with that. So he's not
17 requesting the additional protection that Mr. Rose was
18 seeking.

19 So therefore we are left with the names that
20 were identified in the in-camera hearing this morning at C-
21 93, C-94, C-95, C-98, C-104, C-108 and C-110, and these
22 individuals were identified earlier and they are either
23 victims, alleged victims or potential victims, and I think
24 for the purposes of the argument I wish to make and as I
25 indicated in the in-camera hearing this morning, that it is

1 my position that these individuals' names can be adequately
2 protected by the issuance of a non publication ban simply
3 without any editing.

4 So although I will be making some reference
5 to some of these individuals which I've grouped together,
6 it's essentially the same request that I will be making at
7 the end of the argument.

8 So if I can start, Commissioner, with the
9 letter from Mr. David Sherriff-Scott that indicates:

10 "My understanding of tomorrow's opening
11 session regarding confidentiality
12 orders is as follows:

13 1) that the Commission will be asking
14 for a continued publication ban
15 regarding the transcripts taken from
16 the Deslauriers preliminary inquiry;"

17 And that's the argument I made this morning.
18 That's the same argument for C-71, 76, 84 and 94.

19 "2) The Commission will be asking for a
20 publication ban regarding the names of
21 the victims referred to in the Diocese
22 Ad Hoc Committee Report arising out of
23 the Deslauriers matter;"

24 So he's essentially taking the same position
25 as I am with that.

1 "3) That the victims in the Ad Hoc
2 Committee Report, of course, overlap
3 those referred to in the preliminary
4 inquiry transcript in the Deslauriers
5 case;"

6 And I think the argument that he's alluding
7 to is some of the victims in the Ad Hoc Committee that were
8 called and gave evidence with a promise of confidentiality
9 by Monsignor Guindon also participated in the preliminary
10 inquiry of Gilles Deslauriers. Therefore, the release of
11 those names may identify some of the victims that are
12 protected by the ban in the preliminary inquiry proceeding.

13 "4) That the Diocese attempted to
14 contact all individual victims referred
15 to in the Ad Hoc Committee Report to
16 obtain their consent to the disclosure
17 of that report;"

18 No victims responded other than one
19 individual who did testify in this proceeding, and Mr.
20 David Sherriff-Scott, when he was cross-examining the
21 Brisson witnesses, did state that on the record, that he
22 attempted to obtain the consent of everyone named in there
23 and no one responded to his request.

24 So certainly, to a certain extent, it can be
25 inferred that they did not want to grant him the consent.

1 "5) That C-1 is a victim..."

2 And C-1, we've had an in-camera hearing on
3 that individual.

4 "He testified at the preliminary
5 inquiry and is referred to as a victim
6 in the Ad Hoc Committee Report. I
7 therefore confirm that the Commission
8 will be requesting the maintenance of a
9 publication ban regarding C-1 since the
10 identification of him through the Ad
11 Hoc Committee Report would tend to
12 identify him as a witness at the
13 preliminary inquiry."

14 So somewhat the same argument with respect
15 to the item found at number 3.

16 And then finally, in concluding, he adds:

17 "I understand that in respect to C-1,
18 the transcript will identify him only
19 with monikers..."

20 That has already been done and will be done for today's
21 proceeding as well.

22 "And as the exhibits are not posted on
23 the website, they are otherwise covered
24 by the traditional scope of the
25 publication ban."

1 So essentially Mr. David Sherriff-Scott is
2 content that a simple publication can be issued to cover
3 the name of the individual he represents.

4 So essentially, Commissioner, if we look at
5 the test enunciated by *Mentuck* and *Dagenais*, the first step
6 is if the Order with respect to confidentiality is
7 necessary to conduct the proper administration of justice,
8 and certainly in these proceedings, we are looking at other
9 criminal, civil or administrative proceedings, which
10 identify the number of victims that do not wish to
11 participate or have not been contacted or since moved on or
12 have contacted counsel personally to indicate that they
13 wish their names to remain confidential. It is necessary
14 for the purposes of the Inquiry to examine the
15 institutional response that some of these documents and
16 past proceedings be filed as exhibits, and some questions
17 be put to some of the witnesses that wish to participate in
18 this proceeding. That is necessary to fulfill our mandate
19 in order for -- to permit us to examine the institutional
20 response.

21 Now, the difficulty with some of these past
22 proceedings is that they involve a number of victims in the
23 same proceedings. Therefore, invariably the name does come
24 out in documents and there is a need and a requirement for
25 some of the questions to be put to the victim. Now, we've

1 heard that, through experts that have testified here, that
2 there is a risk of re-victimizing some of the victims.
3 Certainly because we need to look at those documents and
4 ask those questions, it is necessary for the administration
5 of justice of our mandate that these names be subject to a
6 publication ban.

7 Now, as I've indicated this morning, we have
8 to look at the least restrictive measure and, as I've
9 indicated, my suggestion is that a non-publication ban
10 apply to those names. And even in the least restrictive
11 measures, we can look at limits in time to the ban, but
12 certainly I don't think that that would be appropriate
13 here, but it is one type of consideration that is suggested
14 in the case law.

15 Then, if we look at the Part Two or Step Two
16 in the analysis of that case, so then the salutary versus
17 the deleterious effects of rendering such an Order and some
18 of the effects are as follows, the salutary effects.
19 Firstly, because a number of these victims were not
20 contacted or did not participate in criminal proceedings,
21 certainly we can assume that they have moved on. And
22 because we are dealing with a number of cases or charges or
23 proceedings that are historical in nature, there's
24 certainly some time that has gone by since some of these
25 victims have dealt with these matters. Some of these

1 victims did not wish to participate then and do not wish to
2 participate now, and we are certainly unaware whether or
3 not their employers, friends, family, spouses, children are
4 aware that they were victims or not. The Order of Non
5 Publication is, if we look at the possible deleterious
6 effect and the reason for not having a non publication
7 order for a second, certainly it is an entrenched principle
8 in any judicial proceedings that it be made public. But
9 certainly in this proceeding, Commissioner, we are not
10 attempting to determine guilt or innocence. As well,
11 although, Commissioner, you may issue a confidential order,
12 there are 14 parties here that represent different
13 interests, and we have had new parties that have come on
14 board in the last month or so. Certainly, it is my
15 submission that all interests, including the public
16 interest, are well represented in this proceeding.

17 It is to be noted as well that although you
18 would perhaps order a non publication order, it is my
19 submission that medias are present in all court proceedings
20 and that includes, as well, in camera sessions. So
21 certainly they are made aware of all the information that
22 you are hearing. And if we look at whether or not the
23 actual names of the victims are relevant to the mandate, I
24 am suggesting to you that, in most circumstances, it is not
25 since we are looking at the institutional response rather

1 than determining whether or not that individual was abused.

2 For all these reasons, Commissioner, I am
3 suggesting that all victims, alleged victims or potential
4 victims be subject to a non publication order. Some of
5 these victims have come forward, Commissioner, I think in
6 making your decision, you have to consider -- and if we
7 look at the victims that testified in the Ad Hoc Committee,
8 at Mr. Sherriff-Scott's submission, that they were promised
9 confidentiality. So they gave evidence with that promise
10 and since these documents form part of the public record of
11 this Inquiry, there is a risk if an order is not made that
12 their name comes up.

13 As well, Commissioner, just on that issue,
14 there is an exhibit that makes specific reference to that
15 and it's Exhibit -- sorry, it's document number 703440.
16 It's a Will State statement of Constable Herb Lefebvre who
17 was one of the investigators in the Brisson matter and at
18 page 7010462, he does indicate at around line 7 or 8,

19 "Father Guindon told us that he was
20 sworn to secrecy and would not divulge
21 any information."

22 And he's making reference to the transcript
23 of the Ad Hoc Committee Report.

24 **THE COMMISSIONER:** M'hm.

25 **MR. DUMAIS:** The page Bates number is

1 7010462. And a little further down, the second last
2 sentence to the fifth paragraph,

3 "The Bishop stated that the report was
4 confidential and could not show it to
5 us. No statement was taken."

6 Certainly, it does appear that the Bishop
7 and his committee did indicate to the persons testifying
8 that the findings of the report would remain confidential.

9 In addition, Commissioner, and I think Ms.
10 Brisson testified that when she wrote her letter to the
11 Bishop, a letter which was filed in evidence at the Ad Hoc
12 Committee Report, you will remember that she referred to a
13 number of the victims or alleged victims by letters of the
14 alphabet. So certainly it was her contention that she had
15 indicated to these victims that "their name will be kept in
16 confidence". And as well, with these specific victims that
17 testified at the Ad Hoc Committee Report, some of them did
18 specifically indicate in the -- and those intentions are
19 indicated in the report -- that they wanted their names
20 kept as confidential. I am simply going to be referring to
21 the Bates page number, Commissioner, and I ask that it not
22 be put on the screen where those -- two of the victims did
23 make that request or family members did make that request
24 for them and that is found at Bates page number 7167222. I
25 am asking that not be brought up, Madam Clerk, ---

1 **THE COMMISSIONER:** It's not on public ---

2 **MR. DUMAIS:** All right, thank you. Sorry
3 about that.

4 **THE COMMISSIONER:** I will take judicial
5 notice that there's nobody of the public here.

6 **MR. DUMAIS:** Thank you, Commissioner.

7 As well, you can find the reference at Bates
8 page number 7167132 with respect to this other victim.

9 Certainly, these two victims did not
10 participate in the criminal proceeding against Father
11 Deslauriers. Certainly, Commissioner, just an indication
12 that some of the victims didn't make specific requests and
13 some of these requests were granted, but my submission
14 today is that we should not be making a difference between
15 the victims that did make a request in a past proceeding.
16 Victims that were granted some type of confidentiality
17 order in a past proceeding or victims that have retained
18 counsel, making specific requests here in this proceeding,
19 and victims that have not been contacted, have not been
20 found or have not, or do not know that their name appears
21 in different documents.

22 **THE COMMISSIONER:** Are you saying we
23 shouldn't make a difference?

24 **MR. DUMAIS:** We shouldn't be making a
25 difference between them. The victims that have not been

1 contacted should be afforded the same protection and the
2 same rights; it's essentially the same argument.

3 **THE COMMISSIONER:** M'hm.

4 **MR. DUMAIS:** And they should not be re-
5 victimized by outing their names in this proceeding. It is
6 not necessary for the reasons I have indicated.

7 **THE COMMISSIONER:** Okay, I can see that we
8 include the people who have not, into a safe area, but what
9 happens if somebody comes forward and says, "I have a
10 lawyer, and I don't want to be part of this, and I want my
11 name not to show up because I'm such in a fragile state
12 that I've been hospitalized, that I'm suicidal and this
13 might just push me over the brink?"

14 **MR. DUMAIS:** They should be afforded the
15 same protections as the victim that have not been found or
16 have not indicated anything.

17 **THE COMMISSIONER:** Yes, but you are saying a
18 ban on publication is there, but what about the editing so
19 that no one from the public could come around and see it?

20 **MR. DUMAIS:** I have made the argument in the
21 in camera session this morning, Commissioner, and I mean it
22 is my contention that the publication ban is sufficient to
23 protect these persons. As I have indicated, obviously the
24 onus is on the person requesting the protection and
25 certainly the case law does indicate that we must consider

1 the least restrictive measure, and it is my submission that
2 the publication ban is the least restrictive measure; which
3 means that the name does not come out in these live
4 proceedings. No medias can publish the name and the only
5 difference with what Mr. Rose was proposing is that
6 potentially someone could have access to that name through
7 making a request to see the exhibits at our office. And
8 that's essentially the difference between the two and
9 whether or not we should take this extra step and edit the
10 names in our exhibits to prevent public access to this
11 office.

12 I think essentially, Commissioner, these are
13 the submissions I wish to make.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Lee, do you have any further comments?

16 **MR. LEE:** I do.

17 **THE COMMISSIONER:** Thank you.

18 **MR. LEE:** I disagree with Mr. Dumais on this
19 point. I don't think the publication ban is sufficient. I
20 agree with the proposal initially brought forward by Mr.
21 Rose in the sense that the documents available to the
22 public need to be edited as well to remove mention of these
23 names.

24 A question that has just come to mind as I
25 was listening to Mr. Dumais is his contention, and I

1 believe he is quite right that the onus in these cases is
2 on the person requesting the relief.

3 What I have some confusion about is who
4 exactly that is here and who it will be in the future.
5 There are going to be situations where somebody comes to a
6 lawyer, for example, Mr. Rose has had it happen already;
7 Mr. Sherriff-Scott has had it happen already, and makes a
8 specific request. There will be other times where we have
9 a document that lists a victim or three victims who we know
10 will likely not be involved in this process. We know
11 nothing more of them other than the fact that out of a
12 sense of fairness and what is right, everybody here seems
13 to agree that some measures need to be put in place to
14 protect these people.

15 The question arises if I'm reviewing
16 documents for a witness next week and I come across one I'd
17 like to put -- may want to put to him in cross-examination
18 and I provide my notice, you've indicated earlier today
19 that I'll be expected to parse that document and at least
20 I'd flag the names of the people that we could have an
21 issue with.

22 **THE COMMISSIONER:** M'hm.

23 **MR. LEE:** My position is that that's where
24 my obligation ends. I will flag those names. I will say,
25 "There might be an issue here and I'll let Commission

1 counsel know and I'll let the other parties know." And
2 it's not necessarily then up to me to advocate on behalf of
3 those people. I don't think there's an onus put on me to
4 request the relief or anything along those lines and I
5 don't know who is going to do that. Are we leaving that to
6 Commission counsel? I would suggest that given what Mr.
7 Dumais has just had to say that he is content with a
8 publication ban, I am not sure that would necessarily
9 reflect the best interests of the person being represented.

10 I don't need -- I think, Mr. Commissioner,
11 we may need somebody here advocating on behalf of this
12 group of people. I don't know if we need some kind of
13 *amicus curiae* or something akin to that or what the deal
14 is, but if there is going to be an onus placed on somebody
15 seeking a relief, we need somebody who's seeking the
16 relief. And in this case, it seems like it's kind of being
17 done a little bit abstractly.

18 **THE COMMISSIONER:** No, I don't think so. I
19 think it's fair to say that I've instructed counsel to make
20 the pitch for those who haven't claimed. And I think the
21 pitch has been made. Commission counsel is taking a view
22 that a ban on publication is sufficient, and that's for me
23 to decide.

24 But I think, Mr. Lee, while I know that your
25 first duty is to protect and advance your clients' position

1 in this Inquiry, there's always an overwhelming, and I'm
2 sure you will cherish this one of officer of the court,
3 defender of the public that you can always get up and argue
4 it, but unfortunately in this Inquiry, we'll leave it to
5 Commission counsel to do that.

6 If someone from the public whose name was in
7 there and who finds out about it is not happy with the
8 publication ban or whatever else that I may order can come
9 forward and we'll deal with it, but we are left with
10 whatever we have to deal with here. And I think what we've
11 done and the purpose of this exercise is to outline what
12 the test and what the onus is, and we've done that fairly
13 well with Mr. Wong's dissertation and with the other
14 submissions that we've had.

15 So I think that what we have to do is this
16 has to be a collaborative effort in the sense that I don't
17 want this to become a silo, saying, "This isn't my job;
18 this isn't my responsibility." I think collectively we
19 have a responsibility to protect the people so that they
20 are not hurt.

21 **MR. LEE:** I don't disagree with you at all.
22 I'm just a little bit concerned that it's not going to be
23 the number one priority and the overwhelming interest. I
24 am as concerned as anybody, Mr. Commissioner, and obviously
25 I'm counsel for the Victims Group so, believe me, I'm

1 concerned about victims who don't happen to be represented
2 by me. I'm just a little concerned that if somebody were
3 appointed that were in a position to have this interest in
4 mind as its primary focus, that we may have different
5 submissions.

6 That being said, my position on this is that
7 the publication ban is not sufficient; that we need the
8 extra measure for editing. I think when we balance, when
9 we discuss the minimal impairment test and we discuss the
10 salutary effects against the deleterious effects, we're
11 still okay there and what we need is that extra layer of
12 protection, and that still balances those interests. For
13 the purposes of this Inquiry, these names don't need to be
14 known to somebody who shows up at the Inquiry offices.
15 It's just not necessary.

16 **THE COMMISSIONER:** Okay. Thank you.

17 Mr. Chisholm, any further comments?

18 **MR. CHISHOLM:** Just with respect to that
19 issue, Mr. Commissioner, I would echo Mr. Lee's comments
20 with respect to going beyond what Mr. Dumais has suggested
21 along the lines of what Mr. Rose has suggested.

22 Mr. Commissioner, you are well aware of the
23 healing component of this Public Inquiry, and I would
24 submit that it is important that when we are doing the work
25 that we are doing here that we not cause any further harm.

1 There is potential for further harm if a member of the
2 public can go and view a name that would be subject to the
3 publication ban. They could walk down to the Commission
4 office and see a name that was not edited. That could
5 cause a tremendous amount of harm along the lines of the
6 example that you used this afternoon in your discussion
7 with Mr. Dumais.

8 So I would go beyond -- I submit that you
9 ought to go beyond what Mr. Dumais has advocated with
10 respect to just the publication ban.

11 Subject to your questions, Mr. Commissioner,
12 those would be my submissions. Thank you.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Rose?

15 **MR. ROSE:** Good afternoon, Mr. Commissioner.

16 **THE COMMISSIONER:** Yes, sir.

17 **MR. ROSE:** Just so that -- now that we are
18 speaking on the record in a public nature just, I suppose,
19 so that the Ministry of Community and Safety's position is
20 clear, I, as counsel, was approached by an individual who
21 is without question a victim some time ago whose name has
22 been brought up in some of the documentation, which is now
23 before you, sir. In some capacity, they are confidential
24 documents. We are in the process of moving them into the
25 public realm. And going through those documents and that

1 individual was the exercise that I have undertaken while we
2 were in camera.

3 Now that we are back in the public realm, I
4 disagree with your counsel, Mr. Dumais. In my respectful
5 submission, there are any number of very good legal reasons
6 why a publication ban would be inadequate. I'm going to
7 suggest that at the end of the day or at the end of the
8 argument, you can boil this down to a specific situation
9 where I'm going to suggest that the equities very clearly
10 favour an individual past victimized, preventing that name
11 and identifiers from being made public in the form of a
12 document made available to the public.

13 Now, much has been made of the *Dagenais*
14 test, sir. The *Dagenais* test has been framed and applied
15 most consistently in the realm of criminal trials.
16 Criminal trials do not happen on the Internet. They do not
17 happen live being broadcast. The transcripts from criminal
18 trials are not published daily. The arguments are not
19 posted on websites almost in real time.

20 In fact, Mr. Commissioner, you can be
21 commended for steering a Public Inquiry such as this in a
22 manner, from my experience and my research, which is really
23 unparalleled in the sense of its openness to the public.
24 There are other public inquires going on in this country
25 right now that do not enjoy a fraction of the public

1 exposure that this Public Inquiry has, so that the argument
2 that I am making right now is broadcast worldwide. The
3 witnesses who testify past and in the future, their
4 testimony and the questions and the evidence will be
5 broadcast worldwide in real time. That is something which
6 is of a complete different order of magnitude than any
7 criminal trial that has ever gone on in this country.

8 In fact, as an aside, there are only
9 suggested proposals right now for something approaching
10 that in civil cases. We are far in advance in terms of the
11 public nature of this Inquiry than anything I'm going to
12 suggest that would have been brought to bear in the
13 argument of *Dagenais and Mentuck*, which is to say the
14 public nature of this process is extremely enhanced versus
15 any trial.

16 The relevance of the victims, whether it be
17 a specific victim who has approached counsel or victims who
18 had not approached counsel, in my respectful submission, is
19 minimal at best. It may be negligible so much as to be
20 nothing at all.

21 Mr. Commissioner, as you have pointed out
22 many times, generally it is not the mandate of this Inquiry
23 to ascertain the truth of the abuse. You have pointed out
24 correctly time and again and have been upheld by the
25 Divisional Court that it is generally the mandate to use

1 the abuse as a vehicle by which you can examine the
2 institutional response which is first and foremost in your
3 mind, Mr. Commissioner.

4 Specifically, the victims, be they specific
5 victims or general victims who have not approached counsel,
6 have, I'm going to suggest, no role in the narrative of any
7 evidence which has thus far played a part of this Inquiry.
8 In other words, it cannot be said that what is being sought
9 to be edited makes less sensible any evidence that you have
10 heard already. Not at all.

11 So in terms of relevance, which I'm going to
12 suggest has to be a very large factor in this
13 determination, the relevance of what is proposed to be
14 edited is, at best, minimal, and I would respectfully
15 suggest negligible at all. It's just nothing.

16 If we do want to apply the *Dagenais/Mentuck*
17 test, the question is, is this the most minimal intrusion
18 on public rights, given the fact that we are worldwide?
19 All evidence is being broadcast worldwide simultaneously.
20 Transcripts are available. Documents are available.
21 Arguments are available. And now what is proposed is that
22 -- I agree with Mr. Dumais; a publication ban is
23 appropriate.

24 All we are advancing beyond the publication
25 ban, past that line, that legal line in the sand, is to say

1 that documents which are made available to the public will
2 not contain certain names. The narrative will be
3 available, if you agree with my argument made in camera.
4 The type of abuse will be made available, but the names of
5 the victims won't. And I have to ask rhetorically of what
6 moment, of what importance, of what need, is the name of
7 someone who is victimized 20 years ago? And I have to
8 answer that rhetorical question to say, "There is no need.
9 There is no relevance at all."

10 It is a minimal intrusion on any vestige,
11 any remaining public nature, public claim to access these
12 documents to simply edit out the name. What this probably
13 boils down to, sir, is the following situation: the public
14 has access to these inquiries, these days of inquiry, these
15 evidence by the world wide web, by the newspaper reports
16 and it comes down to a situation where the public -- an
17 individual of the public seeks access to a specific
18 document at the inquiry office. That individual presents
19 him or herself to your office and says, "I would like to
20 look at a particular document." They're afforded access to
21 that document. They can review it. They can take notes.
22 They cannot, if you agree with my argument, see the
23 specific names of a victim.

24 Now, that claim, that member of the public
25 who was afforded all of these rights to participate in the

1 Inquiry as a member of the public, has to be balanced out
2 against an individual who was victimized many, many years
3 ago. And ultimately, you have to balance out the claim of
4 an anonymous member of the public who wants to obtain
5 details, intimate, sensitive, embarrassing, potentially
6 humiliating details. You have to balance that claim
7 against the claim of the victim 20 years later. And I'm
8 going to suggest that in any balancing exercise there, I'm
9 just going to suggest that you have to come down on the
10 side of the victim. It's just overwhelming. There's
11 nothing specific. No one has come forward and said, "I
12 need to know the name of the victim. I need to know for a
13 specific articulable cause." Nothing of that nature.

14 So in the end, I'm going to suggest, as it
15 boils down to a balancing between these rights, it is just
16 clearly overwhelming on the side of the victim. It's
17 consistent with everything, Mr. Commissioner that you have
18 set up and conducted here in almost the last 12 months.

19 Now, that's my position with respect to the
20 individual who has approached me that I've spoken to on
21 camera previously today.

22 Mr. Commissioner, you have been inviting
23 submissions on those other individuals, those other victims
24 who have not come forward and there has been -- I take it
25 you can appreciate there has been considerable discussion

1 down here amongst counsel about our role, because as
2 counsel, myself, Mr. Rouleau, Mr. Neuberger, as counsel we
3 represent the Ministry of Community Safety and we very much
4 understand that that is our mandate. We take instructions
5 from the Ministry of Community Safety.

6 I tend to agree with your comments that that
7 may not be the end of it vis-à-vis these other victims. I
8 think it's possible to validly claim that, as counsel
9 participating in this Inquiry, we have something more, in
10 terms of argument, for these other victims.

11 I also share Mr. Lee's concern that were
12 those victims, those victims who have not approached
13 counsel, to have their own counsel here, that argument
14 might be slightly different in their favour.

15 And I do believe that if, Mr. Commissioner,
16 you are to be consistent in your application of the
17 protection and the healing of victims, it's my submission
18 that you should afford the same protection to all victims
19 who have not taken the stand and whose evidence is not
20 relevant in this Inquiry.

21 There can be a slew of perfectly valid
22 reasons why those individuals have not come forward. They
23 might be fearful. They might be humiliated. They may not
24 be aware of this. There could be dozens of reasons which
25 we're not aware of because the shoes of a victim are quite

1 different than the shoes of counsel arguing before a
2 commissioner.

3 And so I'm going to suggest that, though
4 it's beyond my representations of the Ministry of Community
5 Safety, if I can speak as counsel at this Inquiry, Mr.
6 Commissioner, in order to be consistent, I'm going to
7 suggest that you afford other victims the same protection
8 as specific victims who have approached counsel.

9 Those are my submissions.

10 **THE COMMISSIONER:** Thank you.

11 Mr. Scharbach.

12 **MR. SCHARBACH:** I have no submissions.

13 **THE COMMISSIONER:** Thank you.

14 Mr. Kozloff?

15 **MR. KOZLOFF:** Commissioner, I adopt the
16 submissions of Mr. Rose in their entirety, eloquently put.
17 The position of the OPP has been clear from the outset. We
18 favour an open, transparent public inquiry but not at the
19 expense of re-victimizing victims.

20 Thank you, sir.

21 **THE COMMISSIONER:** Thank you.

22 Mr. Carroll.

23 **MR. CARROLL:** I, too, would echo the
24 comments of Mr. Rose in their entirety and, specifically
25 speaking on behalf of my client, I would simply advise that

1 I will be, through your counsel, working on the names of
2 persons who were promised confidentiality by the officers
3 even though they may not be victims in the classical sense
4 but persons who provided information, and, pursuant to your
5 earlier ruling, advising Commission counsel about those
6 persons and we will deal with them on an ad hoc basis.

7 I would also say that, and I get the sense
8 from your comments, Sir, that there's a resistance and
9 understandably so, to an *amicus curiae* or some such lawyer
10 being appointed and, that having been said, I embrace the
11 comments that you have made that all of us, as counsel
12 here, have a duty not only to our specific clients but also
13 a greater duty to make sure, as Mr. Kozloff said, insofar
14 as humanly possible, that the victims are not re-
15 victimized.

16 Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Ms. Saunders, do you wish to add anything?

19 **MS. SAUNDERS:** Thank you.

20 I have spoken with our legal counsel. We
21 just wanted to put on the record that we are in agreement
22 with the CBC position that has been delivered to Commission
23 counsel in respects of the fact that any individuals who
24 have come forward and have suggested that they don't want
25 to be protected in terms of their identity or they don't

1 want any publication bans that were placed on them to be in
2 force, that we would be free to publish information related
3 to those individuals.

4 **THE COMMISSIONER:** No, no, not quite. I
5 think that what would have to happen and that whatever
6 decision I make with respect to publication bans would be
7 subject to someone coming back here and saying, "Here is
8 the consent from that person and he or she wants that
9 publication ban lifted."

10 **MS. SAUNDERS:** Okay.

11 **THE COMMISSIONER:** Then I would certainly
12 consider it and if that's what the person wants, well then
13 -- unless -- there are other considerations that I have to
14 consider and what I want to do is leave it open to the
15 folks to do that. So I will be leaving it open to the
16 CBC/Radio-Canada and to yourselves that, if someone comes
17 forward to you who is covered by this ban on publication
18 and wants it to be released, that we will do it, in the
19 same way that we're doing now as counsel is going to see
20 the Superior Court to deal with publication bans that were
21 imposed in criminal proceedings and getting them lifted.
22 I'm quite open to do that at any time. On the proper
23 application and with the proper basis, that's fine.

24 What I don't know about what I'm going to do
25 is that CBC/Radio-Canada wants to have a copy of the in

1 camera proceedings and I haven't quite -- obviously the
2 media is invited to come and listen to what is going on in
3 camera but I don't know that I want a copy of the
4 transcript floating around indiscriminately.

5 **MS. SAUNDERS:** Like, I know for a fact that
6 there are two individuals who have testified here who were
7 at one point protected under a 46 publication ban that was
8 put in place during a criminal trial and they sought and
9 were successful at having that 46 removed.

10 **THE COMMISSIONER:** Right.

11 **MS. SAUNDERS:** So the documents now that we
12 have viewed that contain information related to those
13 individuals, is that information now free to be published,
14 in relation to those two individuals?

15 **THE COMMISSIONER:** I don't know. I'm not in
16 the business of giving legal advice anymore.

17 **(LAUGHTER/RIRES)**

18 **THE COMMISSIONER:** And that brings a very
19 good point, is that, as far as I'm concerned, the onus is
20 on the people who want to publish and broadcast news of
21 this Inquiry. The onus is on them to make sure that there
22 are no publication bans in effect.

23 **MS. SAUNDERS:** Right.

24 **THE COMMISSIONER:** And I'm going to
25 underline that in my reasons when I do that, because in

1 being able to keep this as open as possible and protecting
2 the people as much as possible, there's going to be a lot
3 of different rules for different documents unfortunately
4 and I'm going to try to keep that as simple as possible but
5 it will mean a bunch of hops, skips and jumps.

6 Now, luckily we are fortunate that you're
7 covering this on a day-by-day basis and you probably know
8 more about the exhibits than any of us around here and so
9 you will have a good handle on that. My concern is, all of
10 the good intentions that we're trying to do and taking the
11 day here to talk about that, what I'm concerned about is
12 someone coming in and getting information and not willingly
13 doing it but breaching the order and hurting someone.
14 That's what my real concern is.

15 So in response to your question, I think
16 what you might want to do is confirm with the staff here.
17 If you're in doubt as to whether or not a ban applies to a
18 particular document, the answer will be in the exhibits,
19 whether it's "C" or whatever.

20 The other concern I have, I suppose, is if
21 we give you the documents after there's just a publication
22 ban, what I'm concerned about is somebody from the media,
23 six months down the road, might forget about it and so, my
24 tendency might be to say, "Well, I'll give you the document
25 and I'm going to edit it." That would be a roadblock to

1 you, I suppose, although you know the names that you
2 received in the in camera and you can do it that way, but
3 that would be a reminder to you that that name has been
4 dealt with in a certain way. So I still have to grapple
5 with that.

6 So the bottom line is I'm not going to give
7 you any legal advice. You can speak to Commission counsel
8 or I'm sure there's lawyers here that ---

9 **MS. SAUNDERS:** There's a roomful.

10 **THE COMMISSIONER:** Yes.

11 **MS. SAUNDERS:** I just wanted to make sure
12 that that we had it on the record that we would not take
13 issue with any individuals' identities that are protected
14 by a publication can or any individuals who come forward
15 and seek to be protected. That's certainly not our intent.
16 We just want to make sure that if there is information that
17 could be public, that we have access to it. That's all.

18 **THE COMMISSIONER:** Absolutely and I think I
19 made it very clear that I'm going to give you as much as we
20 can, as quickly as we can, in due course.

21 **MS. SAUNDERS:** Thank you.

22 **THE COMMISSIONER:** Thank you.

23 Me Dumais -- Me Ruel, sorry.

24 **MR. DUMAIS:** Mr. Ruel was dealing with a
25 number of different exhibits, a different issue that he's

1 going to be addressing.

2 **THE COMMISSIONER:** All right. Thank you.

3 Sorry, Me Ruel.

4 **MR. RUEL:** Mr. Commissioner, Me Dumais
5 covered the ground for most of the exhibits but there's two
6 issues.

7 **THE COMMISSIONER:** Yes.

8 **MR. RUEL:** Exhibit C-95.

9 **THE COMMISSIONER:** C-95.

10 **MR. RUEL:** And I raise these issues because
11 they don't relate to the publication of names. They relate
12 to other type of information that should be protected.

13 **THE COMMISSIONER:** Right.

14 **MR. RUEL:** So this was a document that was
15 filed by Mr. Callaghan for the Cornwall Police Service in
16 the course of the testimony or the cross-examination of
17 André Lavoie.

18 The only information that we think should be
19 protected here, it's starting at page 1113638. Those are
20 medical and psychiatric and psychological reports
21 concerning Mr. Lavoie.

22 **THE COMMISSIONER:** Yes. Let me just -- oh
23 yes, sure.

24 **MR. RUEL:** Yes. The first portion of the
25 document is the plaintiff -- is Mr. Lavoie's Settlement

1 Conference Brief and, attached to that, there are a number
2 of medical reports. So I would ask that those reports or
3 only this portion of the Exhibit which contain the medical
4 report be marked as a "C" exhibit, the rest be marked as
5 "P", so half of it would be "P", the other half "C".

6 **THE COMMISSIONER:** I don't know how we can
7 do that. Fine.

8 I'll work something out; we'll work
9 something out that -- frankly, you know, I don't know any
10 legal argument that would justify having these kinds of
11 documents published. And so, just the question of being
12 able to identify and make it simple for everyone to know
13 that it's not there. So perhaps we might want to detach
14 them, give them another exhibit number with a "C", and that
15 way it would still be part of the record but away from the
16 public.

17 **MR. RUEL:** That's a good solution.

18 **THE COMMISSIONER:** Okay.

19 **MR. RUEL:** And a publication ban should
20 attach to the information contained in those documents as
21 well.

22 I just want to point out that this was, I
23 suppose, a public document because the settlement brief and
24 the medical reports were filed in Court in the case
25 involving Mr. Lavoie, but the context, I would argue, was

1 different. There's much more, I mean there's clearly much
2 more publicity involved with those proceedings, and I think
3 there's nothing precluding you from issuing this
4 Confidentiality Order in the circumstances here.

5 The other document is Exhibit C-110 and this
6 is a videotaped interview of a witness. I believe that
7 this person has testified before the Commission?

8 **THE COMMISSIONER:** Yes, she has.

9 **MR. RUEL:** Yes.

10 **THE COMMISSIONER:** Indeed yes.

11 **MR. RUEL:** So I can name her name Cindy
12 Louise Lebrun. And I'll let Mr. Lee speak to this issue
13 because he is representing this person, but the witness
14 wished to have protection for the graphic, if I may put it
15 like that, the graphic information concerning the abuse. I
16 would say that at the minimum there should be a publication
17 ban on this information. Mr. Lee has additional
18 submissions to make.

19 **THE COMMISSIONER:** M'hm.

20 Mr. Lee, are we talking about a complete "C"
21 here or could we get around that by editing some of the
22 document?

23 **MR. LEE:** I intend to discuss that. To give
24 you some context, Ms. Lebrun is my client. She was in
25 attendance yesterday morning, before she testified, for the

1 evidence of her brother Jody Burgess, sitting in the
2 gallery during Jody's testimony. His Will State, which is
3 not a confidential document, and Jody didn't request
4 confidentiality with respect to that document, so it was
5 put on the counsel's screen as well as the public screen.
6 It contains some details of his own abuse not nearly to the
7 extent that Ms. Lebrun's OPP statement does. She realized
8 at that point that she had some grave concerns about having
9 her own statement available publicly. She did not bring
10 that, because she was -- we had anticipated that she would
11 be called after lunch, she was not. She was called before
12 lunch and, therefore, she was a witness and I was, it
13 obviously wasn't for me to then discuss her evidence with
14 her or anything like that when she'd begun her testimony.
15 So she advised Mr. Engelmann directly that she wished to
16 have this document marked "C". I suspect that there wasn't
17 a great discussion between Mr. Engelmann and Ms. Lebrun at
18 that time. She made her thoughts known and Mr. Englemann
19 came in here and said, "Let's put it in the "C" basket and
20 let's deal with it tomorrow".

21 It is not our position that this needs to be
22 a "C" document. It is our position that the sensitive
23 material within the document should be subject to a
24 publication ban. My understanding in discussions with Mr.
25 Ruel is that he does not disagree with that. I would go

1 one step further and again suggest that the exhibit made
2 available to the public have those sections edited out as
3 well.

4 **THE COMMISSIONER:** M'hm.

5 **MR. LEE:** The document we are dealing with
6 is 26 pages long. I have gone through it, and I have
7 identified the pages, which contain some material that we
8 would seek to have edited out and made subject to the
9 publication ban. I will just read those pages to you
10 quickly. They are pages six (6), seven (7), eight (8), 12,
11 13, 16, 17, 18, 19, 20, 21, 22, 23 and 25. Not all of
12 these pages need to be completely edited or completely
13 subject to a publication ban. It is not difficult when
14 going through this document to identify exactly which areas
15 are sensitive. All of the sensitive areas that Ms. Lebrun
16 had a problem with being made public directly describe the
17 details of her sexual abuse at the hands of Jean-Luc Lebrun
18 or Jean-Luc Leblanc, rather. There are no other concerns
19 in here. She speaks of her family, she speaks of her
20 husband, she speaks --- she has no concern in that. She
21 agrees that this is an important document that's relevant
22 to this Inquiry, and it's just those details that she feels
23 don't have any place in public view.

24 Our position, therefore, is that this would
25 fit under Rule 39 of the *Inquiries Rules* and that these are

1 intimate, personal matters. And my submission is that
2 there's no public interest whatsoever in the details of the
3 abuse itself. It has often been said at this Inquiry that
4 we will rarely require details of the abuse. There will be
5 some cases, I'm sure, but this is definitely not one of
6 those. There is no public interest at stake here, and
7 there is no public interest that needs to be protected in
8 the public knowing the details of the abuse.

9 The major consideration that concerns me
10 obviously is that the effects of these details being made
11 public on Ms. Lebrun herself are potentially horrible.
12 There is a very real potential for re-victimization here.
13 We had the advantage, in this particular case, of having
14 Ms. Lebrun here when she raised the issue, and Mr.
15 Engelmann was able to at least very briefly question her
16 and confirm with her on the stand that she did not want
17 these details brought to public. He specifically asked her
18 if it was because of the sensitive nature of some of it,
19 and she replied that yes, it was. He confirmed with her,
20 "it's because this document goes into the details of your
21 abuse and that's what you don't want public?" And she said,
22 "Yes, that's correct".

23 We, given how recently this issue arose, are
24 not able to provide you with an expert opinion or anything
25 along those lines with respect to the potential

1 difficulties this could cause Ms. Lebrun. I think you can
2 -- based on the expert evidence here and what we've heard
3 from the victims and what common sense would tell us -- I
4 think we can all appreciate the fact that having the lurid
5 details of her sexual abuse as a young woman detailed in
6 public in any way, would severely and negatively impact
7 her. I think that satisfies at the very least the fact
8 that there's some interests we are seeking to protect here,
9 and those are her privacy interests and her interests in
10 not having the details of her victimization made public.

11 This is a serious risk, in my estimation,
12 and if we look at the *Dagenais and Mentuck* test, I
13 understand there is a balancing that needs to take place.
14 There is a balancing between the protection of this woman
15 and the public interest in the open hearing. As I have
16 already stated, I don't give any credence to an argument
17 that there is a public interest in knowing these details.
18 I don't think there is any public interest in these
19 details, not at all.

20 I very frankly don't think that there is any
21 reason whatsoever that the public needs to know what we're
22 trying to have excluded here. The open hearing principle,
23 therefore, cannot trump Ms. Lebrun's very serious and
24 honest interest in keeping these details private.

25 The objectives of this Inquiry are not

1 threatened by not having these details made public and nor
2 are the interests of the public threatened by that.

3 As I said, it is my position that a
4 publication ban is does not suffice, and those are the
5 instructions I have from Ms. Lebrun, and she is very clear
6 on the fact that she does not want this document available
7 for public view in an unedited form, even if it's just for
8 those people that may hypothetically come to the desk. She
9 is not at all comfortable with the idea that somebody could
10 do that, and somebody could learn these details. I can
11 tell you that I spoke with Mr. Wardle before he left, and
12 he advised that I should tell you that he supports my
13 position in that regard, that a publication ban is not
14 enough, and that the details should also be edited.

15 That goes obviously to the question of
16 whether that's the minimal impairment, and I believe it is.
17 I don't think the publication ban is sufficient.

18 Subject to any questions you have, that is
19 really all I have to say about it.

20 **THE COMMISSIONER:** All right, thank you.

21 **MR. LEE:** Thank you.

22 **THE COMMISSIONER:** So does that complete the
23 arguments?

24 **MR. DUMAIS:** It does, Commissioner.

25 **THE COMMISSIONER:** All right. I will render

1 my decision next week sometime, I hope. In the meantime,
2 have a good weekend, and we will see you back here on
3 Tuesday at 2:00 p.m.

4 What will we be doing Tuesday at 2:00?

5 **MR. DUMAIS:** We're calling the next witness,
6 Commissioner, Mr. Albert Roy.

7 **THE COMMISSIONER:** All right, thank you.

8 **MR. DUMAIS:** Thank you.

9 **THE REGISTRAR:** Order; all rise. À l'ordre;
10 veuillez vous lever.

11 This hearing is now adjourned. L'audience
12 est ajournée.

13 --- Upon adjourning at 2:43 p.m./

14 L'audience est ajournée à 14h43

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM