

**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 1**

**Held at :**

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

Monday, November 7, 2005

**Tenue à:**

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

Lundi, le 7 novembre 2005

**Appearances/Comparutions**

M <sup>e</sup> Lise Kosloski	Registrar
Mr. John Spice	Lead Investigator
Mr. Peter Engelmann	Lead Commission Counsel
Me Pierre R. Dumais	Commission Counsel
Me Simon Ruel	Commission Counsel
Me Raija Pulkkinen	Commission Counsel
Me Christine Morris	Commission Counsel
Mr. John E. Callaghan	Cornwall Police Services Board
Mr. Neil Kozloff	Ontario Provincial Police
Me Diane Lahaie	
Me Suzanne Costom	
Ms. Cathy Yeandle-Slater	
Det. Insp. Colleen McQuade	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Rob Talach	Victims Group
Ms. Anne M. Mullins	The Coalition for Action on Child Abuse
Mr. David Bennett	The Men's Project
Mr. Rick Goodwin	
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene Laroque

**Appearances/Comparutions**

Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Marie Henein	M. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association

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1 --- Upon commencing at 10:03 a.m./

2 L'audience débute à 10h03

3 **THE REGISTRAR:** This hearing for standing and funding  
4 in the Cornwall Public Inquiry is now in session. The  
5 Honourable Mr. Justice Normand Glaude, Commissioner, presiding.

6 Please be seated.

7 **LE COMMISSAIRE:** Bien, bonjour. J'aimerais vous  
8 souhaiter à tous la bienvenue à cette première séance de  
9 l'enquête publique sur Cornwall.

10 Avant de m'entretenir avec mes amis anglophones sur le  
11 déroulement de la journée, je tiens à souligner que cette  
12 enquête se déroulera dans les deux langues officielles et ceux  
13 et celles qui auront à se prononcer pourront le faire en  
14 français ou en anglais.

15 En plus, une traduction simultanée sera disponible aux  
16 prochaines séances de l'enquête.

17 Finalement, la transcription de nos discussions  
18 aujourd'hui sera disponible sur notre site web,  
19 cornwallinquiry.ca. Voilà.

20 Good morning, all. I bid you all welcome to the first  
21 public session of the Cornwall Public Inquiry. My name is  
22 Normand Glaude and I'm a judge of the Ontario Court of Justice.

23 In April of this year, by Order in Council, I was  
24 appointed Commissioner to conduct this inquiry.

25 The purpose of this session is to hear submissions in



1 order to determine who should be granted standing and funding,  
2 if necessary, a process I will explain further in a few minutes.

3           But before I begin, I would like to make some  
4 preliminary observations. Public inquiries, especially one of  
5 this nature, are few and far between. We have, in the last few  
6 years, had the benefit of hearings from a few inquiries such as  
7 the Ipperwash, the Walkerton, the Arar and the Toronto Computer  
8 Leasing inquiries. In all of these inquiries, the Commissioners  
9 have set the tone as to what a public inquiry is and, more  
10 important, what it is not.

11           A public inquiry is not a trial. No one is charged  
12 with a criminal offence, nor is anyone being sued in this  
13 process. In fact, in paragraph 7 of my mandate in the Order in  
14 Council it clearly states that:

15                   "The Commission shall perform its duties without  
16                   expressing any conclusion or recommendation  
17                   regarding the civil or criminal liability of any  
18                   person or organization. The Commission, in the  
19                   conduct of its inquiry, shall ensure that it does  
20                   not interfere with any ongoing legal proceedings  
21                   related to the matters."

22           And so what is the function of this inquiry? Well,  
23 Justice Linden, in his opening remarks at the Ipperwash Inquiry,  
24 spoke of the importance of public inquiries in a democracy. I  
25 agree with Justice Linden and stress that, as he did, public

1 inquiries are usually called in response to a matter of public  
2 interest. Very often, there is also some element of public  
3 controversy involved.

4           The purpose of an inquiry is generally to find out  
5 what happened, what went wrong, and to look at what can be done  
6 to avoid similar occurrences.

7           As a result, inquiries look backwards and forwards at  
8 the same time. This dual mandate is what makes public inquiries  
9 both unique and perhaps unusual to some observers. This dual  
10 mandate, however, is also what makes public inquiries useful in  
11 our democracy and why they provide a valuable public service.  
12 Public inquiries can also serve the policy development process  
13 by considering public opinion, proposing and exploring policy  
14 options and making recommendations.

15           Some of the advantages of the public inquiry process  
16 are its openness, its investigative capabilities and its  
17 independence.

18           It is this openness and transparency of the inquiry  
19 system that distinguishes it from a policy development process  
20 carried on in house by government agencies. These factors,  
21 coupled with the inquiry's independence, means that the inquiry  
22 should be free from personal, political, partisan or  
23 organizational influences that often accompany public  
24 controversies.

25           The investigative capability of an inquiry

1 distinguishes it from a court of law, where a judge or jury is  
2 confined to determining questions of guilt or innocence and  
3 fault or no fault. In fact, finding is necessary, necessarily  
4 limited to the particular dispute in question. A public  
5 inquiry, as I have said before, is not a trial and the  
6 Commission has not been established to revisit judgments already  
7 passed, not to investigate criminal offences or to assign civil  
8 liability.

9           While the Commission may determine wrongdoing, it does  
10 not find anyone guilty of a crime nor does it establish civil  
11 responsibility for monetary damages.

12           However, an inquiry is expected to go beneath the  
13 surface of the controversy and to explore the factors and  
14 conditions that give rise to these incidents.

15           A public inquiry can and should consider the broader  
16 context in which the events occurred.

17           The key aspects of public inquiries. Fact finding in  
18 public makes it possible for individual and organizational  
19 reputations to be at risk. Accordingly, principles of natural  
20 justice and procedural fairness require that the due process  
21 safeguards are in place and these will be rigorously observed by  
22 this Commission.

23           As you can see, this won't be an easy job. The Terms  
24 of Reference involve reviewing actions taken by public  
25 institutions on the allegations of abuse spanning a great many

1 years and involving a great number of people. Simply put, there  
2 were allegations of sexual abuse made and my job is to determine  
3 just how our public institutions responded to those allegations.  
4 That is the fact-finding portion of the inquiry.

5           The other aspect of the mandate is to make  
6 recommendations, where appropriate, to ensure improvement of the  
7 response in similar circumstances and to assist the community in  
8 continuing its process of healing and reconciliation.

9           The inquiry shall be divided in two parts. Part I of  
10 the inquiry will inquire and report in the manner in which the  
11 public institutions such as the police, probation services,  
12 Crown attorneys, et cetera, responded to the allegations of  
13 sexual abuse as reported to them by the citizens of this  
14 community.

15           Accordingly, Part I of this inquiry shall be held in a  
16 hearing setting where witnesses will be called by Commission  
17 counsel with an opportunity for cross-examination by those  
18 parties having standing.

19           Part II will use a different approach, one more  
20 closely mirrored by the Ipperwash and Walkerton inquiries. In  
21 this part we shall use a variety of additional approaches to  
22 collect information on key issues identified in the hearings. I  
23 intend to rely on research papers, expert panels, round-table  
24 community dialogues and advisory committees to assist me during  
25 this part of the inquiry.

1           Part II will take on a more remedial approach, one  
2 where we can explore the healing and reconciliation of this  
3 community, all the while ensuring that this situation does not  
4 repeat itself.

5           As I've said at the outset, this is not an easy task.  
6 In order to achieve these goals I need your help. Now is the  
7 time to come forward and tell your story. I encourage anyone  
8 who has any information they may think useful to the inquiry, no  
9 matter whether it's direct or indirect information, documented  
10 or oral, to provide my counsel, Peter Engelmann, with this  
11 information as soon as possible. The law offers protection to  
12 witnesses in order to encourage them to come forward in public  
13 inquiries.

14           What is most important is that this inquiry be public  
15 in every sense of the word. It is for that reason that I have  
16 decided that the hearings would be held in Cornwall and that our  
17 offices would be here as well. The public is welcome to attend  
18 any and all of our hearings.

19           The media is welcome to attend as well. In that  
20 regard, a media room has been constructed to assist the media in  
21 its tasks. As well, the medias shall have access to as much  
22 material as possible. In that way, I am confident that the  
23 media shall be fully informed and thus better equipped to report  
24 on these proceedings.

25           As well, we have joined the computer age and we have a

1 website up and running which will not only keep you advised of  
2 hearing dates but also provide you with details regarding the  
3 Commission's progress. The website will also provide you word  
4 for word what is being said in the hearings. The transcripts of  
5 all hearings will be posted to the website on a daily basis. As  
6 well, my notes have indicated we're exploring the possibility of  
7 having a web cam. Well, the web cam is here and is up and  
8 running. For those who are not able to attend in person, it  
9 will give them the opportunity to see the hearings unfold live.  
10 Our website is the [cornwallinquiry.ca](http://cornwallinquiry.ca).

11 Now, since my appointment, I have recruited a team of  
12 lawyers headed by Mr. Peter Engelmann, lead counsel, and joining  
13 him, Pierre Dumais. Rounding out the team is Mr. Simon Ruel,  
14 Mrs. Christine Norris and Mrs. Raija Pulkkinen. You can learn  
15 more about their background by visiting our website.

16 Their function is to represent the public interest in  
17 this inquiry. It is important to note that they are not  
18 prosecutors. They simply do not take sides. I have instructed  
19 them to leave no stone unturned and to bring all relevant  
20 evidence on issues of public interest to my attention.

21 Finally, a word on rules. Having had the benefit of  
22 reviewing the rules of other commissions, we have adapted the  
23 rules of other commissions to fit our needs and to ensure that  
24 the inquiry will be thorough, effective and fair to all parties  
25 involved. These rules are posted on the website. As in other

1 commissions, they are deemed to be draft rules. Once I have  
2 made my decision on who will have standing, those parties will  
3 be invited to comment on the rules and any changes will be noted  
4 on the website.

5 That having been said, we are here, as most of you may  
6 know, parties seeking standing were -- it was publicized and  
7 written submissions were to be given by a certain date, and  
8 today we are here to give an opportunity to those who have  
9 sought standing to address the Commission with any further  
10 submissions they may have.

11 Accordingly, on that note, I am prepared to hear from  
12 those of you who wish to make submissions. I believe we have a  
13 draft hearing schedule, and subject to any comments anyone may  
14 have, I would propose that we begin by hearing from Mr.  
15 Callaghan representing the Cornwall Police Services Board.

16 Thank you.

17 **SUBMISSION BY THE CORNWALL POLICE SERVICES BOARD:**

18 **MR. CALLAGHAN:** Good morning, Mr. Commissioner.

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

20 **MR. CALLAGHAN:** My name is John Callaghan and I  
21 represent the Cornwall Police Services, its Board and the  
22 members of the Cornwall Police Services.

23 The Cornwall Police Services seeks standing for both  
24 Parts I and II of your inquiry. As you are aware, the Police  
25 Services in Cornwall investigates sexual assaults in the

1 community and was involved in some of the earlier investigations  
2 that led to this inquiry.

3 Most importantly, to the extent that they have further  
4 and better recommendations to improve in response of allegations  
5 of abuse in the community, the Cornwall Police Services wishes  
6 to participate.

7 Aside from that, Mr. Commissioner, if you have any  
8 questions, that's all I have to say at this time.

9 **THE COMMISSIONER:** All right. Yes, I do.

10 You have indicated in your application that you will  
11 be acting for all commissioned and non-commissioned officers.

12 **MR. CALLAGHAN:** At this time, yes.

13 **THE COMMISSIONER:** All right.

14 Well, will you be representing all individual  
15 officers?

16 **MR. CALLAGHAN:** Well, I mean, obviously subject to  
17 issues that might arise, at this stage we see no reason why we  
18 ought not to. The Police Association has not sought standing,  
19 so we are here on behalf of the Cornwall Police Services and its  
20 members, including its officers.

21 **THE COMMISSIONER:** Including past members?

22 **MR. CALLAGHAN:** Including past members. If there is a  
23 conflict, obviously that's another issue.

24 **THE COMMISSIONER:** All right.

25 **MR. CALLAGHAN:** Yes, past members, as directed by the



1 Cornwall Police Services.

2 **THE COMMISSIONER:** All right.

3 Well, then the question, I suppose, is will you be  
4 representing the interests of former Provincial Constable Perry  
5 Dunlop?

6 **MR. CALLAGHAN:** I don't believe we can. We've had  
7 adverse relationships with Mr. Dunlop and I don't believe that  
8 would be appropriate. No, so we're not here seeking standing on  
9 behalf of Mr. Dunlop.

10 **THE COMMISSIONER:** Okay.

11 **MR. CALLAGHAN:** As I say, I'm happy to work with  
12 Commission counsel on some of these issues as they arise.

13 **THE COMMISSIONER:** Yes.

14 **MR. CALLAGHAN:** We have no interest in delaying the  
15 inquiry.

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

17 **MR. CALLAGHAN:** However, we don't know quite how the  
18 inquiry will unfold, and to the extent there are conflicts, then  
19 obviously we will have to deal with Mr. Engelmann in ensuring  
20 that we resolve them in everybody's interest.

21 **THE COMMISSIONER:** All right.

22 So as I understand it, the Municipality of Cornwall  
23 has entered into a service agreement with the Cornwall Community  
24 Public Service. Now, do you represent the interests of the  
25 Municipality of Cornwall as well?

1           **MR. CALLAGHAN:** My instructions at the moment are to  
2 represent the Cornwall Police Services, its Board and its  
3 members.

4           **THE COMMISSIONER:** All right.

5           And you are seeking standing for both Part I and Part  
6 II?

7           **MR. CALLAGHAN:** Yes. We feel it is in the interest of  
8 the community that we be involved, particularly since this  
9 Commission has indicated that they wish to improve the response  
10 to allegations ---

11           **THE COMMISSIONER:** Yes.

12           **MR. CALLAGHAN:** --- and I think Part II may be very  
13 helpful and fruitful in that regard.

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

15           Now, the Ontario Provincial Police, Mr. Kozloff.

16 **SUBMISSION BY THE ONTARIO PROVINCIAL POLICE:**

17           **MR. KOZLOFF:** Good morning, sir.

18           **THE COMMISSIONER:** Good morning.

19           **MR. KOZLOFF:** Mr. Commissioner, first of all, I would  
20 like to introduce Diane Lahaie of Cornwall and Suzanne Costom of  
21 Montreal who will be acting as co-counsel.

22           **THE COMMISSIONER:** Good morning.

23           **MR. KOZLOFF:** Mr. Commissioner, I represent the  
24 Ontario Provincial Police Commissioner Gwen Boniface and the  
25 present and former commissioned officers of that organization.

1           Just by way of explanation, commissioned officers are  
2 senior officers of ranks including Inspector, Superintendent,  
3 Chief Superintendent, Deputy Commissioner and Commissioner,  
4 those who have had the Queen's commission conferred upon them by  
5 the Lieutenant Governor.

6           We will be assisted during these proceedings, Mr.  
7 Commissioner, by Deputy Inspector Colleen McQuade and Sergeant  
8 Cathy Yeandle-Slater.

9           **THE COMMISSIONER:** Good morning.

10          **MR. KOZLOFF:** Detective Inspector McQuade in  
11 particular has been engaged full time for the past year  
12 supervising the gathering and organizing of materials from the  
13 Ontario Provincial Police Project Truth Files, much of which  
14 have already been given over to the Commission.

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

16          **MR. KOZLOFF:** I am applying on behalf of my clients  
17 for full standing at Part I and Part II of the inquiry. My  
18 respectful submission is that they have a direct and substantial  
19 interest in all of the factual and systemic issues which will be  
20 addressed by you.

21                 Specifically, sir, beginning in the latter half of the  
22 1990s the Ontario Provincial Police took on the investigation of  
23 numerous allegations of historic or sexual abuse of young people  
24 in the Cornwall area. A great many charges were laid and a  
25 great number of prosecutions took place. We believe that we can

1 be of assistance to you in your task of inquiring into and  
2 reporting on the response of the judicial system to those  
3 allegations with regard to the policies and practices which were  
4 in force and in place at the time and to the creation and the  
5 development of policies and practices designed to improve a  
6 response in the future.

7           We're also very interested in participating and  
8 assisting in any way that we can with your inquiry into the  
9 processes, services and programs that would promote community  
10 healing and reconciliation in Cornwall and the surrounding area,  
11 inasmuch as the Ontario Provincial Police does in fact police  
12 the areas immediately adjacent to the city proper.

13           It is our hope that your work will ultimately enhance  
14 relations between the citizens of Cornwall and its environments  
15 and the men and women who police this area and who deal day-to-  
16 day with the difficult and complex policing issues that will be  
17 explored in the context of this inquiry.

18           Finally, Commissioner, to deal with some practical  
19 issues, you will also be hearing from I believe Mr. Wallace on  
20 behalf of the Ontario Provincial Police Association. He and Mr.  
21 Carroll will be acting on behalf of the non-commissioned  
22 officers. We are mindful that there is some commonality of  
23 interest between our groups and we will endeavour not to  
24 duplicate efforts in the work done before you.

25           Also, as much as relevant events took place over the

1 period from 1993 to 2004, some officers who were non-  
2 commissioned at some point in time later became commissioned and  
3 I would ask for some discretion to be exercised by Mr. Carroll  
4 and Mr. Wallace and by my team as to which category these  
5 officers fall within. We will try and position the officers in  
6 a way that makes sense and that is most helpful to the  
7 presentation of the evidence before you.

8 Those are my respectful submissions, sir.

9 **THE COMMISSIONER:** Will you be providing us with the  
10 list of those cross-over, I suppose, officers ---

11 **MR. KOZLOFF:** Yes.

12 **THE COMMISSIONER:** --- so that we can ---

13 **MR. KOZLOFF:** Once I get through the 60 boxes and I  
14 know who they are.

15 **THE COMMISSIONER:** All right.

16 **MR. KOZLOFF:** Thank you, sir.

17 **THE COMMISSIONER:** Thank you.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Now, Mr. Carroll, I believe, is  
20 here for the Ontario Provincial Police Association.

21 Am I correct? Anyone here? Mr. Carroll? Anyone here  
22 for the Ontario Police Association?

23 **MR. ENGELMANN:** Commissioner, we were advised that Mr.  
24 Carroll might be late.

25 **THE COMMISSIONER:** All right.

1           **MR. ENGELMANN:** So he may not yet be here.

2           **THE COMMISSIONER:** All right. So why don't we hear  
3 from the Ontario Ministry of Community and Correctional Services  
4 and Adult Community Corrections, Mr. David Rose.

5 **SUBMISSION BY THE ONTARIO MINISTRY OF COMMUNITY SAFETY AND**  
6 **CORRECTIONAL SERVICES AND ADULT COMMUNITY CORRECTIONS:**

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

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

9           **MR. ROSE:** Myself and my partner, Joseph Neuberger,  
10 act for the Ontario Ministry of Community Safety and  
11 Correctional Services which is Adult Community Corrections and  
12 Correction Services. My client is the provider of probation and  
13 parole services in this area and for that reason we take the  
14 position that we have a direct and substantial interest, both in  
15 Part I and Part II of the inquiry.

16           For that reason, we're asking for full standing. The  
17 Ministry is a key participant in the criminal justice system,  
18 certainly province-wide and certainly here in Cornwall. So on  
19 that basis, we'll be asking for standing on both Part I and Part  
20 II.

21           **THE COMMISSIONER:** Do you represent the interests of  
22 the probation officers or employees no longer employed by the  
23 Ministry?

24           **MR. ROSE:** Yes, sir.

25           **THE COMMISSIONER:** All right. So would that include

1 former members as well as those who are deceased such as Mr.  
2 Séguin?

3 **MR. ROSE:** Well, I see that Mr. Séguin's estate has  
4 applied for standing.

5 **THE COMMISSIONER:** All right.

6 **MR. ROSE:** Our position is that we do act for past  
7 members, including Mr. Séguin and to the extent that the estate  
8 of Ken Séguin receives standing, we will have to work  
9 cooperatively with him in that regard.

10 **THE COMMISSIONER:** Well, I suppose there's no issue  
11 with respect to your Ministry with respect to funding, but for  
12 Mr. Séguin and his estate, it would be important to know if  
13 there's any duplication, and if so, where would we go with that?

14 **MR. ROSE:** I can't speak for them.

15 **THE COMMISSIONER:** No.

16 **MR. ROSE:** But certainly on behalf of the Ministry,  
17 Mr. Séguin is a past employee and we're here on that basis.

18 **THE COMMISSIONER:** Okay. Let me see here ---

19 **MR. ROSE:** Thank you.

20 **THE COMMISSIONER:** No, just a second, just a second.  
21 Let me just -- you're not off the hook quite yet. All right.

22 Do you anticipate any conflicts of interest in  
23 representing all employees in your Ministry?

24 **MR. ROSE:** It may. It's something that we're  
25 exploring right now and it may very well be that certain

1 employees seek their own independent counsel and we'll simply  
2 have to work with Commission counsel to advise them as soon as  
3 we are aware of that.

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

5 **MR. ROSE:** Thank you.

6 **THE COMMISSIONER:** All right.

7 The Attorney General for Ontario, Leslie McIntosh?  
8 No? Mister ---

9 **APPLICATION FOR STANDING BY THE ATTORNEY GENERAL OF ONTARIO:**

10 **MR. KLOEZE:** Good morning, Mr. Commissioner. My name  
11 is Darryl Kloeze.

12 **THE COMMISSIONER:** There we go.

13 **MR. KLOEZE:** I'm appearing on -- my colleague, Leslie  
14 McIntosh, is not able to appear today. So I am appearing on  
15 both our behalves. We're seeking standing on behalf of the  
16 Ministry or the Attorney General for Ontario.

17 It is our submission that the Attorney General for  
18 Ontario's interest in this that there is direct and  
19 substantially -- direct and substantial interest in Part I of  
20 the inquiry and we're seeking standing in Part I of the inquiry  
21 only. We can give submissions as to Part II of the inquiry at  
22 the end of -- after I deal with Part I.

23 Part I of the inquiry is to look into the  
24 institutional response of the justice system. Under the



1 *Ministry of the Attorney General Act*, the Attorney General is  
2 responsible for superintending all matters connected with the  
3 administration of justice in Ontario. It's our submission that  
4 the mandate of the inquiry directly affects the duties and the  
5 responsibilities of the Attorney General in that aspect.

6           Furthermore, under the *Crown Attorneys Act*, the Crown  
7 Attorneys and the Assistant Crown Attorneys appointed by the  
8 Attorney General aid in the local administration of justice and  
9 they perform all duties assigned to Crown Attorneys under that  
10 Act.

11           Also, the Crown Attorneys act as agent of the Attorney  
12 General for Ontario for the purposes of the *Criminal Code* and  
13 for the purposes of prosecuting allegations of offences under  
14 the *Criminal Code*. So we are seeking standing for Part I of the  
15 inquiry.

16           For Part II of the inquiry, we understand that it's to  
17 look into processes, services or programs to encourage community  
18 healing and reconciliation. At this point, we don't foresee  
19 that this will raise issues related to the duties and  
20 responsibilities of the Attorney General for Ontario.

21           I do note that under the Rules of Practice and  
22 Procedure, that any party or any public person may make written  
23 submissions with respect to Part II of the inquiry and certainly  
24 we may intend to do that.

25           If it comes up during Part II of the inquiry that

1 there are issues related to the duties and the responsibilities  
2 of the Attorney General, we may wish to reserve our right to  
3 seek standing at that point.

4 **THE COMMISSIONER:** On that point, I suppose you  
5 understand that I hope to run Part II or Phase II concurrently.  
6 So you may be joining the salmon as they're halfway up the  
7 river.

8 How do you foresee being able to do that?

9 **MR. KLOEZE:** Well, we understand that at Part II of  
10 the inquiry, the processes are going to be public as well.

11 **THE COMMISSIONER:** Yes.

12 **MR. KLOEZE:** All the hearings -- the position papers  
13 will be available to all parties. I suppose we will obviously  
14 review all the papers and the hearings as they go on, and as I  
15 said, if it appears that there are issues related to the duties  
16 and the responsibilities of the Attorney General that are raised  
17 in Part II, I wish to seek standing at that point.

18 I am in the Commissioner's hands. If the Commissioner  
19 believes that it would be useful to the Commission to have the  
20 Attorney General present at all times in Part II then certainly  
21 we would like to oblige and assist the Commission in that.

22 **THE COMMISSIONER:** Well, we can wait and see for now  
23 in the sense that I think we would have to readdress this issue  
24 or revisit it once the Phase I hearings begin and we see how  
25 Phase II will work into that. One of the comments I may have is

1 that part of the evidence that we will hear at the beginning of  
2 Phase I may well be evidence that really deals with Phase II but  
3 is used to lay some ground rules and some background information  
4 with respect to the issues that we have here.

5 **MR. KLOEZE:** So you are saying that some of the  
6 evidence that we are going to be hearing for Phase I will frame  
7 the issues for Phase II?

8 **THE COMMISSIONER:** Yes, yes.

9 **MR. KLOEZE:** Okay. If that is the case and there are  
10 -- I guess in terms of the issues that we don't know what they  
11 are going to be for Phase II and they are going to be framed by  
12 the participation of the parties in Phase I then I see that it  
13 would be helpful to have people who have standing in Phase I  
14 also has standing in Part II.

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

16 **MR. KLOEZE:** I don't have direct instructions on this  
17 but if I could communicate with Commission Counsel at some point  
18 later this week and perhaps revise our position as to our  
19 standing in Part II?

20 **THE COMMISSIONER:** Sure, I think the purpose of the  
21 oral submissions I suppose is first to get to know each other  
22 and to outline some of those issues and deal with them before we  
23 go so much further along.

24 **MR. KLOEZE:** Yes. Mr. Commissioner, I appreciate that  
25 and I appreciate your assistance on that.

1           **THE COMMISSIONER:** Right. Now, I have a few other  
2 questions for you.

3           **MR. KLOEZE:** Yes, sir.

4           **THE COMMISSIONER:** With respect to the prosecutors,  
5 will you be representing agents? I don't know if they will be  
6 part of this inquiry but lawyers who were hired to do this or to  
7 take certain trials may not be full-time prosecutors.

8           **MR. KLOEZE:** It is not our understanding right now  
9 that there are any agents that are involved in the particular  
10 prosecutions that are at issue here. If such agents do arise --  
11 if it comes to our attention that agents do arise, we will have  
12 to deal with that issue at that point. I am not entirely -- I  
13 don't have instructions as to whether or not we would represent  
14 agents as well as Assistant Crown Attorneys.

15           **THE COMMISSIONER:** Well, then on your to-do list then  
16 you can add that one as well.

17           **MR. KLOEZE:** Yes. As I said, our information right  
18 now is that there aren't agents involved in prosecutions of the  
19 offences that are at issue for this inquiry.

20           **THE COMMISSIONER:** So as far as you know now, you  
21 won't be representing all of the full-time prosecutors that were  
22 involved in this matter?

23           **MR. KLOEZE:** Exactly, all Crown Attorneys and  
24 Assistant Crown Attorneys that were involved in this matter.

25           **THE COMMISSIONER:** All right. Great.

1           **MR. KLOEZE:** Thank you.

2           **THE COMMISSIONER:** Thank you.

3           Now, could I hear from the Children's Aid Society of  
4 the United Counties and I believe Mr. Peter Chisholm is  
5 representing them?

6           **SUBMISSION BY THE CHILDREN'S AID SOCIETY OF THE UNITED COUNTIES  
7 OF STORMONT, DUNDAS AND GLENGARRY:**

8           **MR. CHISHOLM:** Good morning, Mr. Commissioner. My  
9 name is Peter Chisholm. I do act for the Children's Aid Society  
10 of the United Counties of Stormont, Dundas and Glengarry. The  
11 application is filed by the CAS to seek standing with respect to  
12 both Part I and Part II of the inquiry.

13           As the Commissioner will note from the written  
14 material, the Children's Aid Society has been involved in the  
15 Cornwall area since at least as far back as 1908. It does have  
16 a statutory mandate to investigate issues dealing with  
17 allegations of sexual abuse. It was, as you will see from the  
18 written material that was filed, involved back in 1993 when then  
19 Constable Dunlop carried out his statutory duty and notified the  
20 Children's Aid Society of the allegation made by an individual.

21           I would submit, Mr. Commissioner, that the Society  
22 fulfills and satisfies the test set out in the Rules and  
23 Subsection 1 and Section 5 of the *Public Inquiries Act* and that  
24 it ought to be granted full standing with respect to both Part I  
25 and Part II.

1           Subject to your questions, Mr. Commissioner, those  
2 would be my oral submissions.

3           **THE COMMISSIONER:** All right.

4           Will you be working or representing the workers, the  
5 management staff and the Society?

6           **MR. CHISHOLM:** At this point, Mr. Commissioner, my  
7 retainer is to represent all unless I suppose a conflict does  
8 arise. At this point, I have not identified any conflicts but  
9 if a conflict does arise, we will certainly have to address that  
10 issue at that time.

11           **THE COMMISSIONER:** I suppose we will. I guess it is a  
12 concern for me when I see that certain institutions are  
13 representing both management and staff and as well, I suppose in  
14 your case the third group which is the Society itself with its  
15 provincial mandate. So I guess we will have to be very careful  
16 on how we proceed in those matters. So maybe we should put it  
17 out to everyone to be very careful about that and to hopefully  
18 foresee as opposed to having to dig ourselves out of it once we  
19 get there. So thank you very much.

20           **MR. CHISHOLM:** Thank you, Mr. Commissioner.

21           **THE COMMISSIONER:** All right. So I take it Mr.  
22 Carroll isn't here yet, is he? All right.

23           Well, then we will deal with some citizens groups then  
24 that have come forward.

25           Is Mr. Wardle here for the Citizens for Community

1 Renewal?

2 **SUBMISSION BY THE CITIZENS FOR COMMUNITY RENEWAL:**

3 **MR. WARDLE:** I am, Mr. Commissioner.

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

5 **MR. WARDLE:** Good morning.

6 **THE COMMISSIONER:** Let me begin, sir, by saying that I  
7 reviewed your application and I wish to commend you on its  
8 thoroughness.

9 **MR. WARDLE:** Thank you, sir. I don't propose to go  
10 through the application in detail. I am going to highlight five  
11 points if I may.

12 **THE COMMISSIONER:** Please do.

13 **MR. WARDLE:** I am going to give you a brief overview  
14 of the group but it's going to be brief.

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

16 **MR. WARDLE:** I am going to outline why in our  
17 submission it represents a distinct ascertainable interest in  
18 perspective which is essential to your mandate. I am going to  
19 briefly explore the extent of our interests. I am going to deal  
20 with the issue which I am sure is of concern to you which is  
21 coalition building and finally, I am going to deal very briefly  
22 with funding.

23 So let me start by -- and if I may, Mr. Commissioner,  
24 I am just going to hand up -- this is an extract from the ruling  
25 of Justice O'Connor in *Walkerton* and I am going to refer to it

1 briefly.

2           **THE COMMISSIONER:** Thank you.

3           Yes, sir.

4           **MR. CHISHOLM:** So I am going to start by just giving  
5 you an overview and noting that in Walkerton, Justice O'Connor  
6 considered it important whether the applicant had established a  
7 record of concern for and demonstrated commitment to the  
8 interest it sought to represent.

9           This group Citizens for Community Renewal was  
10 established in 2000 after the initial petition drive. It was  
11 very active in lobbying the provincial government. It appeared  
12 before the Ontario Legislature and it was one of the groups that  
13 was allowed to make submissions on the Terms of Reference for  
14 this Commission.

15           Once the Commission was established, the group got  
16 formally organized. It incorporated itself as a non-profit  
17 organization. It elected a Board of Directors. It has since  
18 recruited more members and as you see from the material, it now  
19 has about 200 members. It has had a number of Board meetings  
20 and it had recently a meeting of the full membership. You will  
21 see from the material that it is intended that it would have a  
22 life beyond that of the Commission which I think is important.

23           Turning to distinct perspective, the essence of our  
24 position is that this Commission involves a failure of local  
25 institutions to respond appropriately to allegations of



1 historical abuse of young people. That is sort of the essence  
2 of the Commission's work and we say that there were two effects  
3 on the community of Cornwall: one, a loss of confidence in  
4 local institutions, and secondly, the fact that what has taken  
5 place over the last 10 years has left a cloud over the community  
6 which will impede efforts to move the community forward.

7 Our position is it is only members of the local  
8 Cornwall community who can represent that perspective before  
9 you. Most of the other parties who are here today represent  
10 different interests.

11 They represent interests that may be criticized for  
12 the work that's been done in the past. They may have a position  
13 to protect in some other process, some other legal process going  
14 on, and they don't have what we suggest is a unique perspective  
15 that can be brought forward by community members.

16 Even Mr. Engelmann, with respect, represents the  
17 public interest generally, not the interests of the local  
18 community.

19 So we suggested in our materials that our primary  
20 interest is to examine not so much what took place but what the  
21 community was told over a very lengthy period of time, what it  
22 wasn't told, what it had a right to know and how these various  
23 institutions, which are going to be involved in this inquiry, in  
24 our submission, failed them and how that could be rectified in  
25 the future. And I'm not going to go through this, but you will

1 see in our materials we have suggested a list of topics which we  
2 believe the Commission should consider.

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

4           **MR. WARDLE:** Now, we say that there are some parallels  
5 to Walkerton in the sense this is not a tragedy where, you know,  
6 all the residents drank the water and were affected directly,  
7 but in a very real sense, anybody who lived here through this  
8 time period was affected by what took place and continues to be  
9 affected.

10           So in my submission it's important that the voice of  
11 community residents be heard directly before you. That's  
12 particularly important because I note that the local  
13 municipality has not sought standing before you for this  
14 inquiry. So the elected representatives are not really here  
15 directly.

16           Let me turn then to the extent of our group's  
17 interest. It's extremely difficult -- and I have discussed this  
18 at some length with Mr. Engelmann and with others -- it's  
19 extremely difficult for us and for others at this point to  
20 narrow our focus simply because of the broad mandate the Terms  
21 of Reference give you and the fact that you will be exploring  
22 conduct that took place over a long period of time that involved  
23 a number of institutions.

24           So our position is that as a community group, we have  
25 a right -- we should have a right to participate fully because

1 our interest is in failure of local institutions, how that can  
2 change in the future, and we need to be present for all of that  
3 evidence.

4 And again, I draw the parallels with Walkerton where  
5 there were two citizens' groups that were held to be entitled to  
6 full standing in Part I.

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

8 **MR. WARDLE:** And I'm sure you're familiar with the  
9 Walkerton decision on standing, but you will see that  
10 Commissioner O'Connor felt that they represented different  
11 interests that should both be before him.

12 Now, that doesn't mean that there may not be distinct  
13 aspects of the inquiry, Part I, that our group decides not to  
14 participate in. It's just very difficult to anticipate that  
15 right now.

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

17 **MR. WARDLE:** Let me turn now to coalition building,  
18 and I would like to turn you briefly to Commissioner O'Connor's  
19 decision in Walkerton. You will see at page 66 and 67 of the  
20 extract I have handed up, there is a discussion about the  
21 Principles of Standing, and you will see on page 66 towards the  
22 bottom, Commissioner O'Connor says as follows:

23 "In order to avoid repetition and unnecessary  
24 delay, I have grouped certain applicants into  
25 coalitions as discussed below. I have done this

1           in situations where the applicants have a similar  
2           interest or perspective, where there is no  
3           apparent conflict of interest and where I am  
4           satisfied that the relevant interest or  
5           perspective will be fully and fairly represented  
6           by a single grant of standing to the parties as a  
7           group."

8           And then over the page you will see he reiterates this  
9           again. The first full paragraph starting with "I mentioned,"  
10          you will see in the last sentence:

11                 "In order to make Part I manageable, I have  
12                 formed coalitions comprised of applicants whose  
13                 interests and perspective coincide and who do not  
14                 have a conflict of interest that would render a  
15                 coalition unworkable."

16          Now, we have, over the past six to eight months, made  
17          a number of attempts to reach out to other groups in the  
18          community. In our materials you will see a number of letters we  
19          wrote to a number of local organizations such as the Chamber of  
20          Commerce. You can see we really haven't had any significant  
21          response. There are two or three other groups that we have also  
22          tried to reach out to. One is the Coalition for Action on Child  
23          Abuse, which we understand was formerly the Coalition for Action  
24          Cornwall. We have communicated with them and asked whether we  
25          could work together with them and the response we got was they

1 would not.

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

3           **MR. WARDLE:** I should note that -- and this is a  
4 delicate matter, but there have been a number of media reports  
5 indicating that certain members of that group have an approach  
6 towards the work of this Commission which is different from  
7 ours, and that's one of the sensitivities from our side in being  
8 forced into a coalition with a group of people who a) do not  
9 appear to want to work with us and; b) have said publicly that  
10 they do not support the work of the present Commissioner, if I  
11 can put it that way.

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

13           **MR. WARDLE:** So that's our hesitation.

14           Otherwise, in my submission, we have explored any  
15 other coalitions that make sense. For the reasons set out in  
16 our material, we do not believe that we have the same interests  
17 as the Victims Group, which is also seeking standing. We  
18 believe we have a different perspective that should be  
19 represented separately before you.

20           And then finally with respect to funding, I'm not sure  
21 there's much I can add to what's in the written materials except  
22 to say that although there are two of us working as a team,  
23 Professor Manson and myself, the expectation is that only one of  
24 us would be here at a time. Professor Manson, as you may know,  
25 is a little closer to Cornwall than I am and he brings something

1 to the table that I do not. He's a well-known expert in  
2 criminal law and he has all sorts of links to the criminology  
3 field and we believe that his expertise can be quite useful to  
4 you.

5 Those are all the submissions I want to make.

6 **THE COMMISSIONER:** All right.

7 Well, can I ask you this? On page 3 of your  
8 application you state that some of your members were part of the  
9 Citizens for Bill 103.

10 **MR. WARDLE:** Correct.

11 **THE COMMISSIONER:** And there's a reference to a  
12 petition signed by thousands of Cornwall citizens.

13 Well, the Coalition for Action on Child Abuse also  
14 makes reference to that petition. So if it's the same one, how  
15 do -- if you're both claiming credit, I suppose, for all of  
16 that, is that a joint venture or is this ---

17 **MR. WARDLE:** Well, I think, Mr. Commissioner, the  
18 simple answer is that petition drive involved a number of people  
19 who at one stage were all working together.

20 **THE COMMISSIONER:** Right.

21 **MR. WARDLE:** In 2000 the groups fractured in half  
22 after the petition drive and they have proceeded independently  
23 since then.

24 **THE COMMISSIONER:** Right.

25 **MR. WARDLE:** We have done what I think we can to see

1 if the two groups can be brought back together and with no  
2 success.

3           **THE COMMISSIONER:** So can you, without breaching any  
4 confidentiality order -- what attempts did your group make? Was  
5 this in writing or a phone call, or is it documented?

6           **MR. WARDLE:** It's in phone calls and attempts to  
7 organize meetings and things like that over the past year ---

8           **THE COMMISSIONER:** Right.

9           **MR. WARDLE:** --- on more than one occasion.

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

11          **MR. WARDLE:** And I should be candid in saying that  
12 today, given some of the public pronouncements of the other  
13 group, there are people within my group who are now very  
14 reluctant to reach out yet again, and that's one of the concerns  
15 that we have in being forced into a coalition.

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

17          **MR. WARDLE:** I appreciate this puts you in a little  
18 bit of a dilemma, and that's why I made reference to  
19 Commissioner O'Connor's words in Walkerton.

20          **THE COMMISSIONER:** Yes.

21          **MR. WARDLE:** Because to some extent, you can't force  
22 people who don't want to be together and have different points  
23 of view into the same group. It just won't work.

24          **THE COMMISSIONER:** It's something I will have to  
25 ponder.

1           **MR. WARDLE:** I understand that, sir. Thank you very  
2 much.

3           **THE COMMISSIONER:** Thank you, sir.

4           All right. Monsieur Ledroit, I believe. Is Monsieur  
5 Ledroit here for the Victims Groups?

6           **MR. TALACH:** His better looking and younger colleague  
7 is here, Mr. Commissioner.

8           **THE COMMISSIONER:** Well there you go.

9           **SUBMISSION BY VICTIMS GROUP:**

10           **MR. TALACH:** Sorry, my name is Rob Talach, T-A-L-A-C-  
11 H. I'm from the firm of Ledroit Beckett. Mr. Ledroit was not  
12 able to attend today due to a matter that was previously  
13 scheduled well in advance.

14           We represent, as you know from our materials, a group  
15 of 48, if I can use the term, victims whose experiences are what  
16 this inquiry is essentially based on, their experiences of abuse  
17 and later the institutional failings that led to the foundation  
18 of this inquiry.

19           With your permission, Mr. Commissioner, I have a few  
20 of them here today and I would like them to stand so they can be  
21 acknowledged.

22           **THE COMMISSIONER:** All right. Good morning, all.  
23 Thank you.

24           **MR. TALACH:** I thought this would allow you an  
25 opportunity, and everyone else, to put a face to some of the



1 individuals that were affected by what we are going to review in  
2 this inquiry.

3           We have submitted a variety of materials and you  
4 should have -- or at least accessed or have reviewed three  
5 documents, primarily a standing and funding submission, a large  
6 exhibit book and a Brief of Authorities. We have made some  
7 reference to the law.

8           I don't intend to review those in depth, but I do want  
9 to review some of the areas because I appreciate you have  
10 reviewed 13 of these applications.

11           **THE COMMISSIONER:** Let me say that I -- other than for  
12 a few unsworn affidavits, which I think were unfortunate and I  
13 wouldn't want to see again, but your presentation is quite good.

14           **MR. TALACH:** Thank you, Mr. Commissioner.

15           I was going to address that issue right off the outset  
16 here. There are a number of clients that we were unable to  
17 obtain sworn copies of their affidavits in time for the  
18 submissions on the 25<sup>th</sup>. Part of that is a product of our  
19 location out of London. Another product is that as this inquiry  
20 proceeds, you will learn that some of these victims are, as a  
21 result of their abuse, living somewhat on the fringes of society  
22 and are difficult to locate at the best of times.

23           We have provided some updates to your counsel, and I  
24 can inform you that of the nine that were unsworn or were  
25 photocopies, six have now been provided to your counsel in sworn

1 original form and three are still outstanding, and they have  
2 those names as it presently stands.

3           **THE COMMISSIONER:** I suppose all I want to do is lay  
4 the groundwork for future things in the sense that if they are  
5 un-sworn, then put it in an affidavit that these are un-sworn  
6 and it doesn't look as if we are trying to slide things in --  
7 and I'm sure you weren't -- but it will give me a better  
8 assessment of what I should be considering as a sworn document  
9 as opposed to something that is there. I suppose in the same  
10 context of your affidavit where you only put in some initials --  
11 -

12           **MR. TALACH:** Yes.

13           **THE COMMISSIONER:** --- if there is an explanation for  
14 it -- and I am sure there always is -- if I'm armed with that or  
15 provided that, I don't have to ponder about why all of this is  
16 going on.

17           So those are just little points and I don't -- having  
18 said that, I appreciated the quality of your submissions. It's  
19 like when my kids come home and they had 80 and I ask them where  
20 is the other 20 per cent. It's only to make things a little  
21 easier.

22           **MR. TALACH:** And with regards to the initials, this is  
23 a subject that we will have to address when it comes to  
24 finalizing the Rules of Procedure, but there are some clients  
25 that have concerns about their identity and there is other

1 clients that have entered into confidentiality agreements with  
2 some of the defendants in their civil actions, which are unsure  
3 of their legal position on representing themselves by name at  
4 this time.

5 **THE COMMISSIONER:** Sure. Okay.

6 **MR. TALACH:** Like most submissions here today, I will  
7 address the issues of standing in separate parts and then  
8 address funding.

9 **THE COMMISSIONER:** Yes.

10 **MR. TALACH:** Standing -- we are the only group here  
11 today that distinctly represents the victims, and I understand  
12 that a major aspect of the fact-finding portion of this will be  
13 the individual experiences or the collective experiences within  
14 the institutions, not particularly to the abuse but particularly  
15 to the justice system, the CAS and other institutions that  
16 reacted to the allegations.

17 We submit that these individuals, the 48 victims that  
18 we represent, are crucial to your mandate in Part I because you  
19 will require their participation, evidence, testimony, et  
20 cetera, to be able to put together the facts upon which you will  
21 build your conclusions in Part I.

22 Now, we have provided an outline of some of the law  
23 that lays down the test for substantial and direct interest, and  
24 as you can see, as an alternative we have also laid out the  
25 intervenor test, which you have argued by analogy.

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

2           **MR. TALACH:** But I think the best decision or law to  
3 go to is properly by analogy of the Ipperwash Inquiry, which is  
4 in recent memory still running in which there is much literature  
5 produced, including their transcripts.

6           In the Ipperwash Inquiry the groups that are best akin  
7 to victims are the groups that represent the estate of Mr.  
8 Dudley George and the variety of aboriginal groups.

9           There was quite a few of those groups for actually --  
10 and as I have provided in my materials -- that were provided  
11 standing in both parts of the inquiry and we make the argument  
12 here that as akin to victims groups, that same rationale should  
13 be applied here.

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

15          **MR. TALACH:** Now, we have provided in our materials,  
16 as you have noted, a variety of affidavits, the majority of  
17 which are sworn, which provide you some of the factual  
18 foundation for your conclusions here in this standing  
19 application.

20          We have provided in detail some of the preliminary  
21 failings that these people feel they experienced, their  
22 situation with regards to counseling and ongoing psychological  
23 support, their condition with regards to funding, which I will  
24 address specifically at the end.

25          But I hope that time is taken to review those in

1 depth, which it sounds like you have already caught us in, given  
2 that some of them were not sworn, but that really provides sort  
3 of a straightforward rationale as to standing in Part I.

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

5 **MR. TALACH:** Now, one of my friends here today has  
6 highlighted the Walkerton case, which we also made reference to,  
7 and in Walkerton, as you are aware, there was two groups for the  
8 citizens that were granted funding and standing throughout.

9 **THE COMMISSIONER:** Yes.

10 **MR. TALACH:** We want to emphasize that the victims  
11 group is very distinguishable and different from any of the  
12 citizens groups that are presented here today. The victims  
13 groups are the actual individuals that experienced, that  
14 personally experienced the failings or the alleged failings on  
15 which this inquiry is based. They are the people that have  
16 ongoing effects from those experiences and they are also the  
17 people who will be best in Part II to assist you with mechanisms  
18 or future policies to assist victims of sexual abuse and the  
19 appropriate institutional response. We make the argument akin  
20 to AA or NA, that sometimes it is those who have experienced the  
21 depths of those problems that are in the best position to help  
22 those in the future avoid or deal with such.

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

24 **MR. TALACH:** Now, specifically with regards to Part  
25 II, as I have touched on now, the victims group is very anxious

1 to assist in developing future systems that will assist people  
2 that find themselves in a similar situation.

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

4 **MR. TALACH:** I must emphasize to the inquiry that in  
5 our opinion the victims group are the most vigorous advocates of  
6 future change in systems that will prevent others from enduring  
7 what they have endured.

8 Therefore, they are very keen to assist you in Part  
9 II. They have the personal experience which will assist you in  
10 developing that, and they would very much have a hope, which I  
11 cannot express fully to you, that this inquiry will lead to  
12 positive change in the future. They are not here to rehash the  
13 past but to build new bridges in the future.

14 **THE COMMISSIONER:** Okay.

15 **MR. TALACH:** Now, an obligation under the Rules of  
16 Procedure that you have highlighted or that has been addressed  
17 already is some effort on consolidation.

18 **THE COMMISSIONER:** Right.

19 **MR. TALACH:** And we have taken some steps, as outlined  
20 in our materials, to consolidate those interests which are  
21 specific to the victims group.

22 First of all, we have ran an ad in the paper which  
23 highlighted all local Cornwall residents of a meeting which was  
24 then held on this issue to try and consolidate as many people  
25 under this interest group as possible.

1           We have also sent correspondence to other parties that  
2 are here today, such as the Men's Project, both the citizens  
3 groups, highlighted to them to the fact that if they had victims  
4 or those interests within their groups, we would be willing to  
5 represent them.

6           Now, we have highlighted some of the particulars of  
7 standing in Part H of our materials and we would hope that we  
8 would be authorized or granted those full particulars.

9           **THE COMMISSIONER:** Just a second now.

10          **MR. TALACH:** Those are on page 17 of our submissions.

11          Now, this may be premature with respect to your  
12 comments that we will finalize the Rules of Procedure, but  
13 drawing from both the Ipperwash and Walkerton Inquiry we have  
14 particularized the different aspects of what standing in Part I  
15 and II would mean to us ---

16          **THE COMMISSIONER:** Exactly.

17          **MR. TALACH:** --- and we hope that we would be granted  
18 those.

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

20          **MR. TALACH:** Now, before I move on to issues of  
21 funding, I will ask the Commissioner if there are any issues or  
22 questions you have with regards to standing in Part I or II?

23          **THE COMMISSIONER:** Well, I suppose you have made  
24 attempts to gather under your umbrella the victims. I suppose  
25 the question is what attempts have you made to maybe join the

1 Citizens for Community Renewal or join the Coalition for Action  
2 on Child Abuse?

3 **MR. TALACH:** We've made no attempts to join them based  
4 on our position that it's a very distinct interest that the  
5 victims group has.

6 One of those distinct interests that we have  
7 highlighted is the issue that there are other legal processes in  
8 action now or pending or available to them, and I think it's  
9 important that they have individual counsel to advise them on  
10 how that may affect their civil action or their CICB  
11 application, or even pending criminal matters. So that interest  
12 is not found within the citizens' groups and they don't have  
13 those legal remedies as readily available to them. The Victims  
14 Group therefore has a distinct interest to have their own  
15 counsel that is able to advise them on those issues as well as  
16 others.

17 The other matter which addresses specifically our law  
18 firm's involvement is that we have, as I'm sure you've become  
19 aware by our materials, been active in a number of lawsuits out  
20 of the Cornwall area.

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

22 **MR. TALACH:** And we have amassed a number or a  
23 considerable amount of information on issues that will be  
24 pertinent to the inquiry. Again, those are materials that have  
25 been collected and formed by the various victims that form our



1 group ---

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

3 **MR. TALACH:** --- which makes them distinct.

4 And the final issue which makes us distinct which is  
5 very intangible but must be very important to this inquiry is  
6 the issue of trust, faith in the system. We're talking about 48  
7 people that feel in their heart and in their belly that they've  
8 been let down by the institutions of Cornwall and the Province  
9 of Ontario.

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

11 **MR. TALACH:** Many of them feel that they've been let  
12 down by previous legal counsel. They have very little faith in  
13 suit and ties, in people who are there to represent their  
14 interests because in many cases, these were their abusers and  
15 also the people that ran the institutions or operated within the  
16 institutions that failed them. They have a trust, as a  
17 collective group, with themselves and with our law firm, and  
18 that is a very important fact for them being open and to  
19 participate fully.

20 There is a split between the citizens groups which  
21 everyone is more than aware of, and I think there would be  
22 further splits or fractionings in those groups if the victims  
23 were required to then self-divide and absorb into those citizens  
24 groups.

25 **THE COMMISSIONER:** Well, how do you know if you

1 haven't tried?

2           **MR. TALACH:** Well, many of them did draw from those  
3 groups who were originally members of the various groups and  
4 they've drawn in. The fact that there is a strictly victims  
5 group has also drawn out other people that had no desire to  
6 participate at all because they feel that with that specific  
7 mandate of a victims group their interests will be protected,  
8 whereas within a citizens group they feel their interests may be  
9 secondary or mingled with other interests and it doesn't give  
10 them the confidence to participate.

11           I mean, as a victims group we have a very difficult  
12 time to gather participants because many people are hesitant due  
13 to the track record. I think that hesitancy would multiply if  
14 there was a requirement for them to melt into the citizens  
15 groups.

16           **THE COMMISSIONER:** Well, you have indicated previously  
17 that you had a duty to try to -- and you did that -- with the  
18 alleged victims and things, and that's great, but you haven't  
19 done that with respect to the other parties that are known to be  
20 here.

21           I suppose I have a duty to ensure that the public  
22 inquiry runs well and that different parties are dealt with, but  
23 I also have a duty to the citizens of Ontario to not duplicate  
24 legal costs, for example, and not to draw out the proceedings by  
25 having multiple parties.

1           **MR. TALACH:** I think reference to the Walkerton  
2 Inquiry is valuable because there was decided in that case that  
3 there would be two distinct citizens groups because of their  
4 interests.

5           You have to note that in Walkerton most, if not all  
6 the citizens, are akin to victims because they consumed the  
7 water or were injured by it.

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

9           **MR. TALACH:** So it was clear there was a group there  
10 distinctly for those that were injured or victimized.

11           In this case, we're the only group coming forward for  
12 the issues of the victims which almost, in our submissions, are  
13 clearly distinct and essential to you fulfilling your mandate.  
14 I really feel that if consideration wasn't given for a distinct  
15 group, you would find a drop in the participation rate or a  
16 hesitancy amongst the victims to be members of another group or  
17 groups which already have their own housekeeping issues between  
18 themselves. And I know that's the fundamental reason why the  
19 victims have really come together.

20           **THE COMMISSIONER:** Okay.

21           **MR. TALACH:** Now, on the duplication of legal costs,  
22 now I'm going to head into funding. We have mandated or we've  
23 laid out here the funding that we're seeking, and a couple of  
24 issues I would ask that you take notice of is, first of all,  
25 we're a law firm out of London, Ontario. Why is a law firm out

1 of London, Ontario in Cornwall, an inquiry that deals with this  
2 end of the province? It's because of the subject matter. I  
3 think that in Mr. Ledroit's affidavit at Tab G of our materials  
4 he outlines our historical involvement, and I would almost use  
5 the word expertise in this area due to our civil litigation  
6 experience, not necessarily an expertise in the inquiry issues,  
7 but working with victims, documenting or presenting the effects.  
8 So we're in London. We have many clients that are out of the  
9 Cornwall area and they, as a result, have asked us to come  
10 forward and represent them in this inquiry.

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

12 **MR. TALACH:** With respect to funding, I would ask that  
13 some concession be made to the fact that we will have  
14 potentially some additional travel costs and other costs related  
15 to our absence from the local area. We are trying our best to  
16 accommodate those and reduce the costs as much as possible. My  
17 eight-hour train ride yesterday is an example of that.

18 **THE COMMISSIONER:** An opportunity to see the falling  
19 leaves and the beauty of the Eastern Townships.

20 **MR. TALACH:** It was a lovely ride.

21 **THE COMMISSIONER:** There you go.

22 **MR. TALACH:** Now, we have also been on or been  
23 involved with assembling the victims groups and, as you know  
24 from our materials, putting together quite a bit of information  
25 to help to assist you and the Commission with its task, and we

1 would therefore ask that -- which I understand is the case --  
2 that there be some retroactive application to funding when it's  
3 allowed. I believe it commences from the date of April 14<sup>th</sup>.  
4 But if I'm incorrect ---

5 **THE COMMISSIONER:** Did you make mention of that in  
6 here, a retroactive application?

7 **MR. TALACH:** We did, yes.

8 **THE COMMISSIONER:** Oh, I missed that.

9 **MR. TALACH:** Okay.

10 **THE COMMISSIONER:** Where is it?

11 **MR. TALACH:** Paragraph 74. As you can imagine, the  
12 assembly of the 48 affidavits and the efforts to get the  
13 majority of them sworn and review them with the individuals was  
14 considerable.

15 **THE COMMISSIONER:** Well, you understand that with  
16 respect to funding my role here is to make recommendations to  
17 the Attorney General and, in fact, they have their own schedule  
18 of fees for you folks and that kind of thing. I don't know. Do  
19 I have jurisdiction to give you a budget of \$640,000?

20 **MR. TALACH:** Well, I would think that you would have -  
21 - your recommendations would weigh heavily in their  
22 consideration and what they will grant to us.

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

24 **MR. TALACH:** I do understand there is a set schedule  
25 of fees.

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

2           **MR. TALACH:** In conversations with the Ipperwash  
3 Inquiry staff, they have indicated that there is some  
4 flexibility if the Commissioner is adamant about certain issues.

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

6           **MR. TALACH:** And I believe that arises from the issue  
7 in the Ipperwash Inquiry that many of their counsel are Toronto  
8 counsel.

9           **THE COMMISSIONER:** Yes.

10          **MR. TALACH:** But ---

11          **THE COMMISSIONER:** That dealt mostly with travel  
12 expenses.

13          **MR. TALACH:** Right. I mean, that's our first big  
14 issue is that we're going to be at a disadvantage financially  
15 because of the travel expenses.

16          **THE COMMISSIONER:** You understand that with respect to  
17 experts, the Commission normally hires experts and I don't know  
18 that \$112,000 for your experts -- did you want to comment on  
19 that?

20          **MR. TALACH:** We're happy to work with the Commission  
21 on assembling experts. It was just to make sure that there is  
22 that expertise brought to bear. Some of the psychological  
23 impact and that evidence is essential.

24          **THE COMMISSIONER:** Of course.

25          **MR. TALACH:** And we've worked with parties that are

1 experienced in that. So that's simply to make sure it's here.  
2 Whether it's brought in by us or the Commission funds it  
3 directly, that has no bearing.

4 **THE COMMISSIONER:** All right.

5 **MR. TALACH:** Now, I do want to emphasize though at the  
6 Ipperwash Inquiry, which I made earlier reference to, the  
7 victims groups or the four -- what I call akin to victims groups  
8 -- were granted a total of eight counsel, one articling student  
9 and one law clerk.

10 We're not looking for eight counsel, one articling  
11 student and a law clerk, but we have proposed, as you've seen in  
12 our materials, a team of three lawyers of varying experience  
13 with Mr. Ledroit in a supervisory capacity to keep the cost  
14 down, an intermediate counsel who has experience in provincial  
15 review who unfortunately is still on maternity leave right now,  
16 hence my presence, and a junior member who would be able to  
17 again assist with a lot of the time -- the costs that are really  
18 a result of just time reviewing documents and other things.

19 So we think we've put together a package of sort of a  
20 minimum but fair group of counsel for the victims group. The  
21 victims group is a very impecunious group. I think we've put  
22 materials to you in the affidavit as to their ---

23 **THE COMMISSIONER:** Yes.

24 **MR. TALACH:** --- financial capability and I know that  
25 number at the bottom of that budget looks good and we're not

1 necessarily looking for a cheque for that amount, but we do want  
2 you to appreciate the fact that these people are not in a  
3 position to assist with their funding in this inquiry.

4           **THE COMMISSIONER:** I know. I don't need to hear  
5 further on that.

6           **MR. TALACH:** Okay.

7           **THE COMMISSIONER:** I do know there are some expenses  
8 in there, like you've got \$10,000 for meetings and things like  
9 that. I don't know if you want to comment on that.

10           **MR. TALACH:** What we did to assemble that budget is we  
11 reviewed all the draft budgets from the Ipperwash Inquiry.

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

13           **MR. TALACH:** And we assembled different heads of  
14 expense that we saw commonly requested in that. Some of the  
15 meeting expenses are use of facilities here to hold group  
16 meetings since we don't have an offence local to us, and we have  
17 done that in the past and bore those costs on our own.

18           The \$10,000, I mean, it's like an non-pecuniary  
19 damage. We've just eyeballed that as best we could.

20           Again, I understand that the funding situation would  
21 be we submit our expenses as they're actually incurred akin to  
22 special damages. So ---

23           **THE COMMISSIONER:** I don't know if I like this analogy  
24 about special damages. I'm not being sued and the Commission  
25 doesn't pay damages or anything like that.



1           **MR. TALACH:** I appreciate that, but what I'm saying is  
2 they wouldn't be given in advance in a gross figure. It would  
3 be actually what it costs us to do these tasks, we would then  
4 submit for your staff's scrutiny.

5           **THE COMMISSIONER:** No, no. No, no, no. I think you  
6 better have a look at the -- I don't know if we gave you a draft  
7 document, but with respect to funding, I'm not going to be  
8 seeing your accounts. Once I've made my recommendations to the  
9 Attorney General and if the funding is there, what we're going  
10 to be doing is naming a separate assessor. And so those things  
11 will be taxed, I suppose, by one of your colleagues from the Law  
12 Society.

13           **MR. TALACH:** Sorry, not someone from your staff  
14 specifically then, but someone will review the accounts.

15           **THE COMMISSIONER:** Well, let's be very clear here  
16 because my staff is here. I have nothing to do with the  
17 Attorney General. All right?

18           **MR. TALACH:** Okay. So those figures are provided as  
19 an estimate, really, to assist with some of the different heads  
20 of expense.

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

22           **MR. TALACH:** The travel expenses we have specifically  
23 -- and I'm looking to the proposed budget at Tab H of our  
24 materials.

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

1           **MR. TALACH:** We have laid out really two options there  
2 for travel, one being 20 return trips home over the course of  
3 the inquiry at the mileage rate of 50 cents per kilometre.

4           **THE COMMISSIONER:** You understand you would have to  
5 comply with the provincial guidelines and they don't pay 50  
6 cents a kilometre.

7           **MR. TALACH:** Okay.

8           **THE COMMISSIONER:** You know, so those are the kinds of  
9 things we're looking at. So I think you better have a peek at  
10 those guidelines. The other guideline is you can't charge your  
11 clients a top-up, I suppose, over the provincial rates. You  
12 understand that as well?

13           **MR. TALACH:** We do, and the issue that we wanted to  
14 put to you is that it seems that justice in the inquiries of the  
15 Province of Ontario are at a reduced quality of justice, at  
16 least financially, and we hope that there would be some ability  
17 for you to encourage at least some compensation beyond the  
18 provincial mandate.

19           In that, I already know that Toronto counsel, in  
20 droves, have not wanted to approach this inquiry because of the  
21 issue that the provincial rates are a loss for them.

22           Now, we as a law firm aren't down here specifically to  
23 make money. We have other interests and we are very pro-victim  
24 in our practice, but I would hope that the Legal Aid rates, the  
25 provincial mandated rates can in some way be -- at least your

1 recommendation can suggest some accommodation for them, because  
2 for a law firm from London to engage in the provincial rates,  
3 it's ---

4 **THE COMMISSIONER:** Well, provincial rates -- you're  
5 not going to get paid any more than I'm going to get paid ---

6 **MR. TALACH:** Okay.

7 **THE COMMISSIONER:** --- for driving down here.

8 **MR. TALACH:** No, no, but with regards to the hourly  
9 rates.

10 **THE COMMISSIONER:** Hourly rates, I am bound by  
11 statute. Unless you can come up with something else to show me,  
12 I think what we can do is make accommodations for travel  
13 expenses ---

14 **MR. TALACH:** Yes.

15 **THE COMMISSIONER:** --- because the reality is we're  
16 here in Cornwall as opposed to downtown Ottawa or Toronto, or  
17 London.

18 **MR. TALACH:** The other suggestion we've made to assist  
19 in keeping the costs down and accommodate the remote location is  
20 one of the counsel on our team is willing to reside in Cornwall  
21 for the duration of the inquiry, which is actually likely  
22 cheaper than his travel and hotel accommodations as related to  
23 the duration of the inquiry. And we've provided that based on a  
24 quote he provided -- he obtained from a local real estate office  
25 and that's the rental accommodation for 50 weeks at \$1,000 per

1 month. You can see it's about half of what the quote for hotel  
2 accommodations would be for the same time period.

3 So I don't know if the system is going to allow us  
4 that flexibility, but it's obvious it's cheaper for the province  
5 to do it that way than to have someone stay in a hotel every  
6 night and driving back and forth on the weekends.

7 **THE COMMISSIONER:** Well, let's put it to you this way.  
8 If there's one thing about the Cornwall Public Inquiry is the  
9 fact that a lot of people are travelling great distances and I  
10 think I will be looking at that very carefully, but I don't plan  
11 on reinventing the wheel with respect to things that are not  
12 within my power.

13 **MR. TALACH:** Okay.

14 **THE COMMISSIONER:** All right?

15 **MR. TALACH:** I mean, our focus on the funding aspect  
16 is that we have very impecunious clients. We are working on  
17 this remotely from London and compared to a lot of the other  
18 groups seeking standing or some degree of funding, we don't have  
19 any institutional support or alternative means of funding.  
20 They're out on their own here and they're just putting the issue  
21 to you and making you very aware of their financial situation.

22 **THE COMMISSIONER:** Sure. And I understand that  
23 perfectly, except I'm not here to subsidize anybody. I think  
24 that a lot of this has to be a little bit of give and take in  
25 that -- I suppose all of us are giving -- personal sacrifices is

1 the word I'm trying to look at.

2 That doesn't mean that for the professionals that they  
3 have to go out and subsidize or dig themselves into a hole. I  
4 think we're going to try to do the best we can with what we  
5 have.

6 **MR. TALACH:** Just two final considerations on funding.

7 **THE COMMISSIONER:** Yes.

8 **MR. TALACH:** The first one is with regards to the  
9 organization coordinating and investigating, we do have an on-  
10 staff member who fulfills the role of client support worker who  
11 has been very instrumental in helping us gain that trust with  
12 the victims and coordinating with them. He is not a trained law  
13 clerk. He's obviously not an articling student and I'm at a  
14 loss of where he's going to fit into the funding schedule, but I  
15 expect we would use his services, which are much cheaper than  
16 all of the three categories I've just covered, in assisting us  
17 in this inquiry.

18 And I guess I put it to the Commission to assist us in  
19 finding a way to receive some funding for his activities. Maybe  
20 at a low rate as a law clerk or something like that would be the  
21 answer. He's a very capable individual and I think he's  
22 fundamental to our participation and I know the victims have  
23 deep trust with Mr. Swales.

24 The final issue is I realize that the Men's Project is  
25 one of the groups seeking standing here today.

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

2           **MR. TALACH:** And I'm sure that one of their proposals  
3 for funding will be with regards to counselling services for the  
4 victims due to the fact that there will be some re-  
5 traumatization or some psychological off-spin from them coming  
6 here before the inquiry and recounting to you the events of not  
7 only the abuse but of the allegations and the institutional  
8 failings.

9           Our position as the victims group is that when you  
10 consider funding there should be some availability of  
11 independent funding of the victim's choice. The reason for that  
12 is twofold. First of all, not all of the victims group reside  
13 in the Cornwall area.

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

15           **MR. TALACH:** So an account with the Men's Project in  
16 Cornwall would not assist those victims.

17           Secondly, some of the victims may already have  
18 established counselling protocols with counsellors and others  
19 that they feel more comfortable with, and if they have an  
20 increased frequency of need for that due to their participation  
21 here, we would hope that they be able to remain with the  
22 counsellors of their choice.

23           So again, I put that issue to you when you're  
24 considering funding specific to the issue of counselling for  
25 their participation.

1           **THE COMMISSIONER:** Okay. What about the Men's Group?  
2 I'll go back to the issue, and I've forgotten a little bit about  
3 that. Why would their group be incompatible with yours?

4           **MR. TALACH:** Well, they're really not. I mean, I  
5 think and I am -- Mr. Goodwin, I may be guessing what your  
6 submissions are going to be but I think that his submissions  
7 really are looking out for the victims' interests and their  
8 ongoing counselling needs and likely an application specifically  
9 for the counselling funding.

10           I mean, they are consistent with us to the extent that  
11 all our victims want to go to the Men's Project or it's best for  
12 them medically to go to the Men's Project. That's not always  
13 possible because of location and previous counselling.

14           **THE COMMISSIONER:** No, but for standing, why won't  
15 both your groups merge?

16           **MR. TALACH:** I guess because we each think we have a  
17 distinct issue.

18           **THE COMMISSIONER:** Okay. Well, help me out then. How  
19 is yours distinct from the Men's Group?

20           **MR. TALACH:** Well, the Men's Group has a group of  
21 victims which do not represent the full 48 that we represent.

22           **THE COMMISSIONER:** True, true, but they represent most  
23 -- the Men's Group has, as clients, many of your clients.

24           **MR. TALACH:** Correct.

25           **THE COMMISSIONER:** Okay. So how would they be

1 adverse? Let's do it that way.

2           **MR. TALACH:** Well, the Men's Group's focus, I would  
3 think, as a counselling centre would be on aspects specifically  
4 relating to that and not the full spectrum of the victims'  
5 concerns in this inquiry.

6           **THE COMMISSIONER:** True.

7           **MR. TALACH:** We have not restricted our representation  
8 or our direction or focus to strictly the counselling issue. So  
9 I think we're broader than the Men's Group. I would agree that  
10 the Men's Group could potentially come in or work in  
11 collaboration with us on some aspects of -- some aspects of the  
12 inquiry such as either examination or cross-examination on  
13 issues particular to counselling and in those circumstances, we  
14 may -- I think we'd likely be able to collaborate on those  
15 issues but I think the Victims Group needs its own distinct  
16 standing for the reasons articulated and not just that but  
17 public perception is very essential and I think it would be  
18 shocking to most of the public if the Victims Group as a  
19 distinct group of victims did not receive its own independent  
20 standing and funding within this inquiry.

21           **THE COMMISSIONER:** Well, I don't know. You obviously  
22 have the broader interest than the Men's Group but the Men's  
23 Group shouldn't they be able to just fit right in there  
24 underneath your umbrella?

25           **MR. TALACH:** And I think they potentially could.



1           **THE COMMISSIONER:** So has that been canvassed?

2           **MR. TALACH:** Well, other than our written  
3 communication to them about we are trying to assemble the  
4 victims.

5           I mean, I know there has been some preliminary -- and  
6 maybe you can speak to this -- some preliminary discussions  
7 between Mr. Swales and Mr. Goodwin on these issues but we have  
8 come in on the basis that we are going to cover the broad  
9 interests of the victims.

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

11          **MR. TALACH:** If under your discretion you would like  
12 to bring the Men's Group into our umbrella, we don't have a  
13 major issue with that subject to the facts that I've raised  
14 about independent counselling being available.

15          **THE COMMISSIONER:** Well, maybe it's something you can  
16 look and discuss at the break or in the next few days, because  
17 other than having a wider interest, you seem to encompass all of  
18 the interests of the Men's Group. So therefore, why wouldn't  
19 they be part of your group? You might want to discuss that at  
20 the break.

21          **MR. TALACH:** I think, you know, there would have to be  
22 a canvassing of all our clients because I don't know if all of  
23 them would have -- would not have a problem with bringing in the  
24 Men's Group, but ---

25          **THE COMMISSIONER:** Well, ---

1           **MR. TALACH:** I will canvass that as directed.

2           **THE COMMISSIONER:** With the greatest of respect, I  
3 suppose we have to balance interests here and needs.

4           **MR. TALACH:** Yes.

5           **THE COMMISSIONER:** And the Men's Group seems to be  
6 hand-in-hand with the Victims Group understanding what they've  
7 gone through and how to get out of whatever situation they are  
8 in. So I think that we have to step back and look at the  
9 broader picture at some point and the broader picture, as far as  
10 I can see right now, seems to put both of your groups on the  
11 same road, on the same path. You might want to think about  
12 that.

13           **MR. TALACH:** Thank you.

14           **THE COMMISSIONER:** Thank you.

15           **MR. TALACH:** So those are our submissions, unless we  
16 have further questions.

17           **THE COMMISSIONER:** Just a second here.

18                           **(SHORT PAUSE/COURTE PAUSE)**

19           **THE COMMISSIONER:** Okay. So does your group -- right  
20 now you are solely representing alleged victims of abuse.  
21 That's basically your specialty I suppose.

22           **MR. TALACH:** Yes.

23           **THE COMMISSIONER:** All right.

24           **MR. TALACH:** Now, I think we have addressed the issue  
25 in our materials that this may be a flexible number. As public

1 confidence grows in the inquiry, there may be other victims who  
2 come forward and would like to join in the Victims Group or at  
3 least participate in some limited extent. So we are not as  
4 firmly defined in specific numbers in people as the other  
5 institution.

6 **THE COMMISSIONER:** No, and I don't think you should be  
7 either.

8 **MR. TALACH:** Okay.

9 **THE COMMISSIONER:** So I think that's going to be an  
10 ongoing development throughout this inquiry.

11 All right. Good. Thank you.

12 **MR. TALACH:** Thank you.

13 **MR. SÉGUIN:** Commissioner, could I address as a  
14 victim, please?

15 **MR. TALACH:** We are speaking for ---

16 **MR. SÉGUIN:** A special request.

17 **THE COMMISSIONER:** Pardon me?

18 **MR. SÉGUIN:** Special request to the Commission. May I  
19 address?

20 **MR. TALACH:** Mr. Commissioner, why don't you let me  
21 speak with him at the break and we'll see if there's a further  
22 issue?

23 **THE COMMISSIONER:** Right.

24 **MR SÉGUIN:** You represent me and I won't -- I feel  
25 that that's the only way that I can come forward is to be

1 represented specifically by my own counsel, but I would like the  
2 Commission to know that I am also a citizen, an individual and a  
3 father and I have children. There are community groups here  
4 that can represent that part of who I am. Not only am I  
5 personally victimized here but as a community member, I have  
6 also been victimized.

7 I have children that have to live in this community  
8 and I want this Commission to know that citizens do have a right  
9 to be represented in this issue. The Coalition for Action has  
10 been supported by victims since the beginning of 1990. The  
11 Coalition for Action has been supported by many of those  
12 affected by this but, personally, in my own victimization, I  
13 need to be represented solely by the law firm of Ledroit Beckett  
14 but I don't want to be forgotten as a citizen of this community.

15 **THE COMMISSIONER:** I give you indulgence on that.

16 **MR. TALACH:** Thank you.

17 **MR. SÉGUIN:** Thank you.

18 **THE COMMISSIONER:** How are we doing for time? Pardon  
19 me?

20 **MR. ENGELMANN:** It's just about 11:30, sir.

21 **THE COMMISSIONER:** Oh, okay.

22 **MR. ENGELMANN:** Mr. Carroll may have arrived but I  
23 don't know if you wanted to take a break?

24 **THE COMMISSIONER:** Yes, time flies. So why don't we  
25 take a break, take a 15-minute break and we'll come back then.

1 Thank you.

2 **THE REGISTRAR:** All rise. The hearing will reconvene  
3 in 15 minutes.

4 --- Upon recessing at 11:29 a.m./

5 L'audience est suspendue à 11h29

6 --- Upon resuming at 11:48 a.m./

7 L'audience est reprise à 11h48

8 **THE REGISTRAR:** The hearing will now resume. Please  
9 be seated.

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

11 So now if we could hear from the Coalition for Action  
12 on Child Abuse, Anne Mullins I believe.

13 Good morning.

14 **SUBMISSION BY THE COALITION FOR ACTION ON CHILD ABUSE:**

15 **MS. MULLINS:** Good morning, Your Honour.

16 Your Honour has our application and much of my remarks  
17 have been anticipated by my friend Mr. Wardle. I am not sure I  
18 can match his diplomacy because we, like his group, are a  
19 citizens group, a group that well before the inquiry self-  
20 selected itself to represent the citizens of Cornwall and sees  
21 itself as distinct from the interest represented by the  
22 Commission Counsel by virtue of that and I think ---

23 **THE COMMISSIONER:** Well, I am going to stop you there.  
24 I thought that was an interesting comment in the sense that I

1 think that Mr. Engelmann's shoulders are a little wider than  
2 what were portrayed by the other group in the sense that the  
3 public interest also includes members of the community of  
4 Cornwall and every citizen of Ontario. So I was a little taken  
5 aback by that one.

6           **MS. MULLINS:** Well, I think probably the point we wish  
7 to make is not to suggest that there's any inadequacy in that  
8 representation, but very unfortunately inherent in the  
9 circumstances that have led to the inquiry is a problem within  
10 the community that has eroded confidence in any institution and,  
11 unfortunately, the risk of the Commission is, I suppose, that it  
12 becomes -- it does not acquire the confidence of the citizens  
13 that it deserves if we don't somehow restore confidence in the  
14 process. And in the case of the citizens groups, it's quite  
15 essential to them to participate and not be excluded so that  
16 they can for themselves see that it is not a public institution  
17 that is representing their interests. It is very much their  
18 own.

19           Now, I assume Your Honour has questions regarding the  
20 distinction of the groups and whether or not you can allow  
21 standing for more than groups -- more than one group -- that  
22 appear, on the face of it, to be very, very similar.

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

24           **MS. MULLINS:** And I can't really give you a good  
25 answer to that other than these groups have come separately

1 before you because inherent in their activities to date, they  
2 have not found one another sufficient to meet the needs that  
3 they perceive and perhaps in our group you will see that there  
4 is somewhat more of a personal element to it in that the leader  
5 of the group, Mr. Chisholm, is a family member of Constable  
6 Dunlop and his motivation has also been sparked, I suppose, by  
7 very personal feelings and having his family very dramatically  
8 affected by what's happened.

9           **THE COMMISSIONER:** Yes. But let me point out that --  
10 don't get me wrong here in the sense that this Commission wants  
11 to include as many people as possible and include as many groups  
12 of people as possible. The issue is whether or not they can be  
13 merged together. And so it's not a question of excluding anyone  
14 at this point.

15           **MS. MULLINS:** I appreciate that, Your Honour.  
16 Unfortunately, it is a matter of the perception that I must  
17 address with you. That has been a feature of the activism of  
18 certainly the group that I represent and it would be very  
19 unfortunate if we were not able to resolve that through  
20 participation in the Commission both in Part I and, more  
21 obviously, I suppose, in Part II.

22           **THE COMMISSIONER:** Well, one of the mandates in this  
23 whole thing is what steps have you taken to try to merge with  
24 other groups or try to form coalitions?

25           **MS. MULLINS:** I think it's fair to say that as the

1 groups evolved there may not have been hard distinctions, and it  
2 was internal events within them that led to fairly distinct and  
3 divided leadership.

4 **THE COMMISSIONER:** Right.

5 **MS. MULLINS:** And it's very difficult now to insist or  
6 advise or tell them that it would be advantageous to merge or  
7 that the interests of one will be fully represented through  
8 others' participations.

9 I have spoken with my friend to see if ---

10 **THE COMMISSIONER:** Which friend is that? There are  
11 many friends here.

12 **MS. MULLINS:** Mr. Wardle -- I'm sorry -- who  
13 represents the other citizens group.

14 **THE COMMISSIONER:** Okay.

15 **MS. MULLINS:** And certainly I think we can anticipate  
16 excellent cooperation between counsel and our best efforts to  
17 avoid duplication, collaborate to the extent possible, but it  
18 does not seem that there is a basis to reconcile the two groups.

19 **THE COMMISSIONER:** Right.

20 Well, you see, my problem is this. I have to make  
21 decisions. All right? And so it's very nice for people to say,  
22 "Historically, we were together and then our paths have  
23 separated." Well, I don't know that because as a Commissioner I  
24 come in here seeking your advice and your wisdom. So it's nice  
25 for you to say, "We can't work together" or "We have different



1 interests." Where do I see that in the material?

2 **MS. MULLINS:** Well, I don't think any of us came here  
3 envisaging that we would be competing with one another.

4 **THE COMMISSIONER:** You're not competing.

5 **MS. MULLINS:** Well, it feels that way because I have  
6 to, of course, say that the same -- I have much the same  
7 observations as my friend did with respect to his group.

8 **THE COMMISSIONER:** Right.

9 **MS. MULLINS:** My people don't feel that they should  
10 have to justify why they're not with another group. They've  
11 advanced the reasons they have, I suppose, because of who they  
12 are. They are a group that has stepped forward, that supported  
13 Constable Dunlop, that lobby the government, that distinguished  
14 itself as being interested as members of the public and members  
15 of the Catholic Church.

16 **THE COMMISSIONER:** Well, it's not a question of  
17 competing at all. The question is for an independent body to  
18 come up and say, "Well, look". I'm looking here and I see  
19 different groups. It's not a question of competing; it's a  
20 question that in the mandate for funding, the test is are you in  
21 need? Do you have any money? And have you thought of getting  
22 together with other people? What steps have you taken to do  
23 that? I mean, I'm not reinventing the wheel here. It's a  
24 question of prerequisite with respect to funding.

25 **MS. MULLINS:** It's a very fair question and I'm not

1 sure I can give a better answer than I have. Obviously, the  
2 nature of these groups are that they -- what funding they have  
3 is in the moment. They do a funding drive. They meet a certain  
4 need. They don't have a sustainable funding source, and it  
5 would be desirable, I suppose, that these groups didn't  
6 dissipate their limited resources by being more than one group,  
7 but they are and there are reasons why they are. There's  
8 reasons why we as counsel are not going to be able to reconcile  
9 the leadership and take instructions in that fashion, and I can  
10 only hope that in the written submissions I have given you, the  
11 history of the group and its activism demonstrates their  
12 interests and their distinction.

13 **THE COMMISSIONER:** Well, all right. Let's talk about  
14 your group. Who is your group?

15 **MS. MULLINS:** Who is my group? Well, it's a group of  
16 concerned citizens led and marshalled by Carson Chisholm, who I  
17 have identified to you, Your Honour. They have been active in  
18 the Cornwall community.

19 **THE COMMISSIONER:** Just a minute. Just a minute.

20 You see, I suppose they claim as well that they were  
21 in the petition for Bill 103 and they claim credit in the same  
22 way that Mr. Wardle's group claims credit. So, you know, how do  
23 you -- who's claiming credit for what? The 200 members that Mr.  
24 Wardle says that he has, do you have the same kind of  
25 membership? Frankly, from the affidavit I read, we're talking

1 about 15 people.

2           **MS. MULLINS:** I think it's fair to say, Your Honour,  
3 that the membership has varied widely. For example, Mr.  
4 Chisholm, as indicated in the material, and his people gathered  
5 as much as 10,000 signatures on the question of the propriety of  
6 ---

7           **THE COMMISSIONER:** I'm sorry, 10,000?

8           **MS. MULLINS:** Ten thousand (10,000) signatures on a  
9 petition relative to having the citizens judge Constable  
10 Dunlop's behaviour.

11           **THE COMMISSIONER:** Right.

12           **MS. MULLINS:** So they would argue that they have  
13 marshalled large constituencies from time to time.

14           **THE COMMISSIONER:** Right.

15           **MS. MULLINS:** But as I think is fair to expect in  
16 these circumstances, these groups grow and decline in size  
17 according to the focal point of their endeavours at any given  
18 moment.

19           So, for example, they have marshalled large  
20 representations in these petitions. They have people,  
21 individuals, who went to the criminal proceedings. Mr. Chisholm  
22 is here today and you heard reference from one of the victims,  
23 Mr. Séguin, to this group as being the one that he regarded as  
24 representing the larger community interest as a parent.

25           **THE COMMISSIONER:** Right.

1           So does your group represent Mr. Dunlop?

2           **MS. MULLINS:** No. Mr. Dunlop is no longer a member of  
3 this community. I suppose indirectly we represent the interests  
4 of his extended family and his extended community as members of  
5 the Church and members of his family, but we have no specific  
6 mandate from him.

7                               **(SHORT PAUSE/COURTE PAUSE)**

8           **THE COMMISSIONER:** All right. Carry on.

9           **MS. MULLINS:** I have no other remarks to make unless  
10 Your Honour has other questions.

11           I've dealt with the need for funding ---

12           **THE COMMISSIONER:** Well, okay, let's see, first of  
13 all, your organization is not incorporated or anything?

14           **MS. MULLINS:** That's correct.

15           **THE COMMISSIONER:** All right.

16           And so I guess -- the feeling I get in this affidavit  
17 is that this is a Mr. Chisholm-driven type of thing and what I'm  
18 concerned about is hearing from you about what is the  
19 constituency again. The words that I have most often in here is  
20 Mr. Chisholm and Mr. Dunlop. You've indicated you're not  
21 representing Mr. Dunlop.

22           **MS. MULLINS:** That's correct.

23           **THE COMMISSIONER:** All right.

24           So what position will you be advocating in this  
25 inquiry then?

1           **MS. MULLINS:** I wouldn't be able to speak to a  
2 position, Your Honour.

3           **THE COMMISSIONER:** Well ---

4           **MS. MULLINS:** The interest represented ---

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

6           **MS. MULLINS:** --- is represented, I guess, in the  
7 person of Carson Chisholm and those that have responded to his  
8 call for activism to the extent that he and other family members  
9 have borne the direct brunt of the consequences of the treatment  
10 of Constable Dunlop, that they, Mr. Chisholm in particular and  
11 as his group, have been instrumental in galvanizing the  
12 community to express its interests in the treatment of Constable  
13 Dunlop as one of the themes, I suppose, of the circumstances  
14 leading to the inquiry.

15           It's not just about allegations of sexual abuse. It's  
16 not just about how the justice system responds to it in terms of  
17 the prosecution. It's not just about how the Catholic Church  
18 responded. It's about how the system responded to Constable  
19 Dunlop and the treatment of him within that context. That is, I  
20 suppose, something that is much more personal to Mr. Chisholm  
21 and was a more important theme, I think, in their activism and  
22 their advocacy than the other citizens groups.

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

24           **MS. MULLINS:** And the real problem, I think, is that  
25 if they can't fulfill their mandate to see through the process

1 to be sure that the answers come and all of the situation is  
2 examined, that legacy will be left.

3 **THE COMMISSIONER:** Well, I can see if Mr. Dunlop was  
4 here. He is part of your group, I would say. That's fine. But  
5 Mr. Dunlop hasn't applied for standing. So maybe he doesn't  
6 care about this anymore.

7 **MS. MULLINS:** Maybe he has been exhausted by what's  
8 happened, and there are others, such as his brother-in-law and  
9 those that walked beside him, who aren't yet there.

10 **THE COMMISSIONER:** All right.

11 But, you see, I don't have that in the material. It's  
12 like giving me material and saying "I qualify" but you don't  
13 really tell me how you qualify, except through your oral  
14 submissions we're slowly dragging it out but ---

15 **MS. MULLINS:** Well, I don't think Mr. Chisholm would  
16 want or ever thought of his group as being the gatekeepers of  
17 his brother-in-law's reputation only.

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

19 **MS. MULLINS:** But certainly, I think we can all  
20 understand that given that Constable Dunlop is no longer living  
21 here as his home, and what happened to him, that that would be a  
22 major impact and a major motivation for someone.

23 But certainly the interests are broader than that. At  
24 least that was, I think, the purpose of Mr. Chisholm wanting to  
25 participate in the inquiry as representative of a larger group.

1           **THE COMMISSIONER:** Okay. And who is this larger group  
2 again?

3           **MS. MULLINS:** It's an ad hoc group, Your Honour, that  
4 has called itself through various incarnations, which I have  
5 given you in the material. The larger and probably the first  
6 group was the Coalition for Action on Child Sexual Abuse in  
7 Cornwall.

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

9           **MS. MULLINS:** Then it did evolve into something that  
10 called itself more commonly the Coalition for Community Action  
11 or the Citizens Coalition.

12           **THE COMMISSIONER:** In the other group they submitted a  
13 list of 200 members, let's say.

14           **MS. MULLINS:** I can't claim to that kind of number.

15           **THE COMMISSIONER:** I don't really care about the  
16 number. I need to see what constituency do you represent?

17           **MS. MULLINS:** I've given you ---

18           **THE COMMISSIONER:** Is it 15, 20, 30 people?

19           **MS. MULLINS:** I've given you all the information on  
20 that I can, Your Honour, in the material.

21           **THE COMMISSIONER:** Okay. All right.

22                           And with respect to funding?

23           **MS. MULLINS:** I think I've indicated, Your Honour, in  
24 my material that there have been fundraising efforts that have  
25 been committed to the questions with respect to which there is

1 now this Commission of Inquiry.

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

3           **MS. MULLINS:** But they would not -- they're not  
4 sustainable and if funding is not granted, then standing will be  
5 effectively frustrated.

6           **THE COMMISSIONER:** Well, I guess what I was looking at  
7 is other parties have provided a budget, and I guess what you're  
8 looking for is a rate for a senior counsel and a junior counsel?

9           **MS. MULLINS:** That's correct. Not simultaneously,  
10 Your Honor, only in the alternative.

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

12           **MS. MULLINS:** We have a junior counsel in our office  
13 who is completely functionally bilingual, and I would anticipate  
14 having her participate at the lower rate if the circumstances  
15 warrant it.

16           **THE COMMISSIONER:** All right.

17           So just help me out here a little bit. From what I  
18 can understand, the Coalition for Community Renewal represents  
19 concerned citizens and some alleged victims perhaps. The  
20 Victims Group represents all or the vast majority of alleged  
21 victims. So what you're saying is that your group represents  
22 the defenders of the process to ensure that their interest here  
23 is to ensure that the process is not flawed. They also  
24 represent not the interest of Mr. Dunlop, Officer Dunlop as he  
25 then was, but from an institutional point of view what happened



1 to him as a person who reported things to the Children's Aid  
2 Society all the while being a police officer. So you want to  
3 look at that institution.

4 Is there anything else that you're looking at zeroing  
5 in on?

6 **MS. MULLINS:** No, I think that pretty well captures  
7 it.

8 **THE COMMISSIONER:** Okay. All right.

9 So it says on your application at paragraph 10 and 11  
10 that you represent the interests of the extended family of  
11 Carson Chisholm.

12 **MS. MULLINS:** Yes. It's difficult to capture, I  
13 think, in this hearing, Your Honour, the sense of what's  
14 happened, but Helen and Constable Dunlop were married by Father  
15 Charles MacDonald in that church.

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

17 **MS. MULLINS:** The families have grown up and lived in  
18 Cornwall with some exceptions.

19 The effect of what happened has been a bomb in the  
20 family, I think fair to say, in that the Church has been lost to  
21 them in large measure. Family members have disagreed. There  
22 was a tremendous strain obviously on the Dunlops per se. This  
23 is probably not unusual. I suspect that impact has been  
24 revisited with very many people in the community.

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

1           **MS. MULLINS:** And in that sense the community does  
2 have micro interests at the family level, at the go-to-church  
3 level and so forth, that yes, are captured by the public  
4 interest but the focus and the motivation of the individuals  
5 starts there.

6           **THE COMMISSIONER:** M'hm. Okay. So if you're  
7 representing the extended family I suppose, has there been any  
8 thought of representing Perry Dunlop?

9           **MS. MULLINS:** I have raised that with Mr. Chisholm and  
10 I can't -- I have no information to offer Your Honour other than  
11 what I have said as to why Constable Dunlop has not elected to  
12 apply for standing or sought representation himself. The best I  
13 can offer you is that obviously, to the extent it's an interest  
14 very close to the heart of Mr. Chisholm, it's something which --  
15 and I suspect for many other reasons the inquiry will concern  
16 itself with is what happened to Constable Dunlop.

17           **THE COMMISSIONER:** Right, except, you see, my role is  
18 to try to group people as much as possible. So you say that you  
19 act for his extended family, Mr. Chisholm's extended family. I  
20 would have thought that Mr. Dunlop was in there and if he is  
21 part of the family, it's his brother-in-law, I would have hoped  
22 that in the material, in the affidavit material, that I would  
23 have -- you didn't provide any affidavit material.

24           **MS. MULLINS:** Well, I hope Your Honour can understand  
25 that given the role that Constable Dunlop played in the story

1 that's going to be the subject of this inquiry, I could not  
2 presume at all to suggest to you that I represent his interests  
3 other than I've been asked by his brother-in-law as the  
4 representative of the group.

5 **THE COMMISSIONER:** You're right. I am sorry and I  
6 don't mean you personally. What I'm saying is the group which  
7 is the extended family of Mr. Chisholm, surely the group must  
8 have had a discussion at some point as to whether or not Mr.  
9 Dunlop is part of this group. And I think -- I think you being  
10 the group who is coming here asking for standing and funding  
11 owes it to me to say whether or not Mr. Dunlop is in the wing  
12 some place or whether he's going to have a role to play within  
13 that group at all.

14 **MS. MULLINS:** I'm not sure that's a fair question but  
15 I'll answer it anyway.

16 **THE COMMISSIONER:** All right.

17 **MS. MULLINS:** I think the answer is "no".

18 **THE COMMISSIONER:** No?

19 **MS. MULLINS:** Constable Dunlop is not going to play a  
20 direct or indirect role in participating in the group.

21 **THE COMMISSIONER:** Okay. All right. Thank you.

22 **MS. MULLINS:** Thank you, Your Honour.

23 **THE COMMISSIONER:** All right. May we hear from the  
24 Men's Project now? Mr. Bennett, is it?

25 **SUBMISSION BY THE MEN'S PROJECT:**

1           **MR. BENNETT:** Yes, it is.

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

3           **MR. BENNETT:** Good morning, Your Honour. I am here  
4 assisting the Men's Project in their application for funding and  
5 standing.

6           **THE COMMISSIONER:** Yes.

7           **MR. BENNETT:** And I don't intend to go through our  
8 entire submission seeing what has occurred. And it's  
9 interesting the questions I hear coming from Your Honour because  
10 these were the questions I addressed to Mr. Goodwin when he  
11 first approached me. He told me about his organization and  
12 whenever I've refer to them as the Men's Group he has quickly  
13 corrected me, and again I did it this morning when we drove  
14 down. He said "We are not a group. We are the Men's Project."

15           **THE COMMISSIONER:** The Men's Project, right.

16           **MR. BENNETT:** The Men's Project and we're an  
17 organization dealing with counselling and therapy. We are not  
18 representing individuals. We are a service ---

19           **THE COMMISSIONER:** No, that's right.

20           **MR. BENNETT:** --- and it was something that I had a  
21 hard time getting a handle on because I saw them being similar  
22 to some of the other groups who have been here. And I said to  
23 him "Well, Mr. Goodwin, how are you substantially and directly  
24 affected by this?" What he described to me -- I'm going to  
25 separate Part I and Part II.

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

2           **MR. BENNETT:** "With respect to Part I, it sounds like  
3 you want to be a witness and that you've got a lot of expertise  
4 and that you should be assisting the Commission in all aspects  
5 of it and that there is a great role for you there." I didn't  
6 have a difficulty with Part II and I will get to it, but as we  
7 discussed it, he explained to me his concerns about the inquiry  
8 and why he felt it was important for the Project to be involved.  
9 It really came down to -- at one point we set out that these men  
10 have really been victimized three times: firstly when they were  
11 abused; secondly when the system, for lack of a better word, was  
12 unable to deal with them; and thirdly, and most importantly from  
13 their perspective, is when there were no services available for  
14 these men.

15           They have a different perspective on this than anyone,  
16 whether it's the Commission, whether it's the Victims Group or  
17 any of the other groups who have very distinct views on those  
18 first two issues but with respect to the third one, that's where  
19 they are very distinct. And again I questioned him some more  
20 about this and I said "Well, I don't understand why you'd want  
21 to be present for this entire inquiry if you've got such a  
22 limited perspective or interest". And as we discussed it,  
23 that's one of the reasons why it's come forward for Part I we  
24 are only asking for limited standing and really it is only to  
25 deal with some very systemic issues in terms of what exactly

1 happened and why it happened.

2           The Men's Project really doesn't see a role for  
3 themselves. They don't see themselves calling evidence on that  
4 or cross-examining on that, but what they do see is a lot of  
5 these witnesses -- what will come forward is what services were  
6 available for the men at that time and how that contributed to  
7 the problem, the fact that there were no services.

8           To fully move ahead to Part II, there has to be a  
9 complete understanding of the failure of hopefully the type of  
10 wonderful resolutions you will come up with contributed to the  
11 problem but that there has to be -- that issue cannot be  
12 forgotten at any point. And it may be that in Part I, they will  
13 ask 10 questions during that time because it may be -- by them  
14 being there in the background, it will remind everyone and it  
15 will always be covered but their concern is if it ever gets  
16 forgotten, they don't have an avenue to make sure it's brought  
17 forward.

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

19           **MR. BENNETT:** The other aspect of that which -- is  
20 that there is a systemic discrimination issue with respect to  
21 the lack of services. In terms of the perspective of the Men's  
22 Project it is that there were no services for men but there were  
23 in existence services for women and that there may have been a  
24 difference if the people who came forward were women and not  
25 just men. That's an important issue that may be more

1 uncomfortable to be raised from the public interest and it's  
2 important again to have that in the background. So it's not a  
3 comment on the failings of Commission or Commission Counsel or  
4 any of these other groups but it's really to say we want to make  
5 sure that this will be looked at, and if it is not, that we have  
6 a formal way other than making phone calls and dealing with  
7 that.

8 That's why what the Men's Project is asking for is  
9 they'd like to make opening submissions, closing submissions and  
10 for those witnesses and only those witnesses that deal with  
11 those specific points that they might come in at the tail end to  
12 ask some questions if it hasn't been addressed. So it's a very  
13 limited standing in terms of Part I that's being requested.

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

15 **MR. BENNETT:** No intention of being here for the next  
16 year. It really would be ---

17 **THE COMMISSIONER:** I'm hurt.

18 **(LAUGHTER/RIRES)**

19 **MR. BENNETT:** However, for Part II, in case -- so that  
20 your feelings won't be too hurt, they see a very important role  
21 in Part II.

22 **THE COMMISSIONER:** Yes.

23 **MR. BENNETT:** Given their experience and given that  
24 this is something that they've been dealing with and trying to  
25 have more services and have permanent services, they would like

1 to make sure that they are involved in all aspects of Part II.  
2 That's why the Men's Project is applying for full standing in  
3 Part II and that's why it's very different what -- those  
4 distinctions.

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

6 **MR. BENNETT:** I heard your questions this morning to  
7 the Victims Group. Again, I asked Mr. Goodwin, I said "Mr.  
8 Goodwin, one of the criteria for funding is you have to show  
9 that there is a -- you know, you have a different interest and  
10 you shouldn't be put together with another organization or  
11 group."

12 And there was a very brief comment on page 6 and this  
13 was just "We have not sought joint standing or contacted other  
14 organizations as there are no other groups with our particular  
15 perspective or mandate". I know that's a very sort of general  
16 comment and doesn't answer specifically, and I said "Well, Mr.  
17 Goodwin, what's the difference between the Victims Group and  
18 yourself?"

19 **THE COMMISSIONER:** M'hm

20 **MR. BENNETT:** And he says, "Well, one, we are  
21 representing therapy and counselling and specific interests.  
22 We're not representing the individuals and we also don't have an  
23 interest in the litigation that is out there." And there was a  
24 concern that the litigation interest of the Victims Group may  
25 lead them to take a different path than they made because they



1 have a more direct interest in terms of what the outcome is for  
2 the individual remedies for the particular men who are survivors  
3 of this. So it was a distinct interest with respect to that.

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

5 **MR. BENNETT:** And not to cast any aspersions  
6 whatsoever on the Victims Group or the type of advocacy they'll  
7 do, but they see that they've got a different type of mandate.  
8 And, sure, there is an overlap in some areas and that's why it  
9 was determined that they only wanted limited standing to only  
10 deal with very particular issues of Part I because they saw that  
11 the others could be covered by all the other groups that may be  
12 participating.

13 I also understand from talking with Mr. Talach in the  
14 break that they represent some women in their -- as part of the  
15 Victims Group, which is again, given -- the part of the  
16 perspective being put forward by the Men's Project is that there  
17 is a systemic Charter issue with respect to how services are  
18 delivered and they are not particular services oriented for men  
19 and their particular needs may cause a potential difference in  
20 opinion on how that should be approached.

21 It may be minor but it could be major given that there  
22 is a very distinct perspective of the Men's Project.

23 **THE COMMISSIONER:** M'hm, and so for funding?

24 **MR. BENNETT:** The funding application, as you can see,  
25 is not as set out as some of the other ones and that's because

1 it's difficult to foresee what exactly is going to happen in  
2 Part II, which is the main interest of the Men's Project.

3           What they're saying is "We want to be active  
4 participants. We have an important role to play and we want to  
5 make sure we have counsel for this." And the way that it was  
6 approached was a recognition that there are government policies  
7 out there and that they will comply with them in their entirety  
8 with respect to counsel rates, with respect to travel rates, and  
9 it would be impossible to say "This is how much time we think  
10 there will be necessary".

11           In terms of the application for funding in terms of  
12 counsel, again being mindful that it's public funds that are  
13 being expanded here, we've asked for senior counsel and junior  
14 counsel, but not with the idea that there would be two counsel  
15 participating jointly at all times. The idea is that junior  
16 counsel would assist the senior counsel where appropriate.

17           The junior counsel, for some of the hearings, if it's  
18 necessary for the Men's Group to be here for those limited  
19 times, that it may be more appropriate for junior counsel to be  
20 here, and sometimes it may be senior or senior is unavailable,  
21 but it's not looking really to give two lawyers full-time work.  
22 That's not the goal here.

23           It is, however, the goal to make sure that senior  
24 counsel has proper assistance for any type of submissions.

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

1           **MR. BENNETT:** I'm not going to get into the  
2 impecunious list of the organization. I think that's pretty  
3 evident. The fact that they had no money to even pay for  
4 anything that's been done to date is indicative of that.

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

6           **MR. BENNETT:** They do have two unusual requests in  
7 their funding and I think they probably need to be addressed.

8           **THE COMMISSIONER:** Yes.

9           **MR. BENNETT:** For everyone else who is wondering what  
10 I'm talking about, we've requested funding for a part-time  
11 replacement for the Executive Director of the Men's Project  
12 because the reality of a non-profit organization such as the  
13 Men's Project is they can't take on new projects without  
14 funding. They face the plight of many organizations in this  
15 province where you have some very dedicated staff working a lot  
16 of time and putting all they have into it but they don't have  
17 any more time, a lot of them.

18           Mr. Goodwin, who we're talking about, has a  
19 significant amount of expertise. He's been involved in this  
20 issue. He has given his career to this and has been involved in  
21 the Cornwall Project since 1999 and for him to be able to  
22 properly be involved in Part II and minimally in Part I, it will  
23 take time away from his work, and when he's doing that, there  
24 needs to be someone there who can replace him. And that's why  
25 we're asking for some funding to do that.

1           And I recognize it's a very unusual request. And I  
2 look through Ipperwash and Walkerton, and quite frankly I didn't  
3 see where it was granted anywhere and I've advised them of that.

4           **THE COMMISSIONER:** So what's my authority for so  
5 doing?

6           **MR. BENNETT:** Well, I think your authority is that  
7 you're able to fund the -- it doesn't specifically say your  
8 funding is just for counsel. It's funding for participation in  
9 the inquiry and similar to -- another organization said "Well,  
10 this is similar to -- we're looking for funding for the  
11 coordinator of the Victims Group to make our participation  
12 meaningful."

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

14           **MR. BENNETT:** It's similar. It's similar to having a  
15 law clerk, except it's not a law clerk. It's someone who is  
16 more qualified. It's coming to you and saying "Here's the  
17 problem and hopefully you can assist us in some fashion". But  
18 we've certainly addressed this and I'm not here thinking it's a  
19 usual request nor the next request that I have here, but as much  
20 as this next request for a full-time counsellor -- maybe it's  
21 just -- if it's something you can't fund to the Men's Project,  
22 it's something that the Commission should be aware of may be  
23 necessary within your own internal staffing; that as this  
24 Commission moves forward it's going to be extremely painful for  
25 a lot of the witnesses.

1           One of the concerns of the Men's Project is that no  
2 matter how sensitive the Commission is in approaching this, that  
3 the men will need assistance outside of what counsel,  
4 Commission, any of us can provide, and there will be the  
5 necessity of some type of counselling.

6           The Men's Project felt that they're well-positioned to  
7 do this and that it may be a way to do this, so we're putting it  
8 in the funding application. But I think as much as anything,  
9 it's to remind Your Honour that that may be another need of the  
10 Commission as you're going through this. And it's very  
11 different than the other types of commissions and it's a  
12 different request, I recognize again, very unique.

13           **THE COMMISSIONER:** I suppose practically speaking,  
14 though, where would we get this assessor or counsellor?

15           **MR. BENNETT:** Hopefully, as you've been funded by the  
16 Province of Ontario, you would approach them and say "You know,  
17 we've got a wonderful Commission. We've got great staff. We've  
18 been able to track good people to work for us, but we have  
19 concern that one of the things we are going to do as we go  
20 through this is potentially re-victimize people who have gone  
21 through this. And we see, again it's unusual and it's unique,  
22 but we're dealing with a unique problem and unique problems  
23 require unique solutions. And you want me to give you solutions  
24 for the future? Well, I've got an immediate request that make  
25 our future Part II recommendations easier to deal with."

1           **THE COMMISSIONER:** Sure. No, I understand that, but  
2 what I'm saying is the Victims Group or the alleged Victims  
3 Group has sought counselling. All right? So they have their  
4 own counsellors everywhere else. So, you know, my question is:  
5 if we hire someone, let's say, a counsellor, somebody might come  
6 in and say "I don't get along with this guy. I don't want him,  
7 I want this person. I want that person," as opposed to having a  
8 generic counsellor here on hand. So help me out there.

9           **MR. BENNETT:** Okay. My understanding, and I could be  
10 totally wrong on this because I'm -- actually, do you want to  
11 address, Rick? I'll let Mr. -- if you don't mind, can Mr.  
12 Goodwin address this?

13           **THE COMMISSIONER:** Sure.

14           **MR. BENNETT:** Because he's much better able to ---

15           **THE COMMISSIONER:** On that issue, yes.

16           You're doing a fine job.

17           **MR. BENNETT:** Thank you.

18           **THE COMMISSIONER:** Could you come up to the mike,  
19 please, sir?

20           **MR. GOODWIN:** I'll just step over in a second.

21           **THE COMMISSIONER:** Well, yes.

22           We put them like that so that there wouldn't be too  
23 many objections, so by the time you get to the podium, you would  
24 be tired.

25           **MR. GOODWIN:** If I see it through all this, I want an

1 honorary law degree.

2           The work that we do working with men who have  
3 experience sexual trauma as children is very specialized work --  
4 -

5           **THE COMMISSIONER:** Right.

6           **MR. GOODWIN:** --- as you can imagine, not just on the  
7 sexual trauma issue but working with men in a male-appropriate  
8 way.

9           Staffing to do this work is not generic. Apart from  
10 our standards like a Masters degree in a helping profession, it  
11 does require significant training and ramping up on working with  
12 guys.

13           **THE COMMISSIONER:** Sure.

14           **MR. GOODWIN:** So far we have not had any ability in  
15 locating Cornwall area mental health practitioners to work with  
16 us, and currently our part-time staffing that does exist here in  
17 Cornwall are Ottawa residents who come down and do that.

18           If this request was possible, we would recruit another  
19 staff member on behalf of the Agency to work in Cornwall and to  
20 allow a training and ramp-up to ensure that their work is of the  
21 quality that we have in our Ottawa services. If this request  
22 was made possible, we would then have to offer the Cornwall  
23 community not only this full-time staffer but two part-time  
24 staff who come into Cornwall to primarily deliver group therapy  
25 programs.

1           **THE COMMISSIONER:** Well, you see, when I hear that I  
2 say, "Well, wait a minute here". I don't want to fund your  
3 group. I don't want to increase your complement of counsellors.  
4 Go and ask the Ministry or whoever would do that to get that  
5 funding.

6           **MR. GOODWIN:** We have. Their answer has been that  
7 they will not fund any aspects of our service delivery that may  
8 be in greater demand because of the inquiry, and that was from  
9 the Victims Services Secretariat of the Eastern Ontario -- part  
10 of the Attorney General's Office.

11           **THE COMMISSIONER:** Do I have that in the material?

12           **MR. GOODWIN:** Do you have that in the material? I  
13 don't think so. I don't believe so. That last conversation  
14 with them was within the past week.

15           **THE COMMISSIONER:** You see, you have got to give me  
16 the tools to be -- you are asking me for something unique here,  
17 and so I'm saying, well, give me the tools of this argument  
18 because I have to justify to myself and to this inquiry why  
19 we're spending this money.

20           **MR. GOODWIN:** Yes.

21           **THE COMMISSIONER:** And so one of the things, I would  
22 suspect, would be if I'm going to consider this, that it's not  
23 getting in the back door what you should get through the front  
24 door. All right? So there's that aspect of it that I'm  
25 concerned about.



1           **MR. GOODWIN:** With all due respect, we have encouraged  
2 Commission counsel as well as our reporting officer with the  
3 Attorney General to communicate because both do exist within the  
4 Ministry of the Attorney General parameters. I don't believe  
5 there has been communication. We're concerned about having our  
6 services fall through the crack, the Victim Services  
7 Secretariat, to the inquiry.

8           **THE COMMISSIONER:** Well, I don't know. Thank you.

9           **MR. GOODWIN:** Thank you.

10          **MR. BENNETT:** I would like to address your comment  
11 about doing through the back door what you can't do through the  
12 front because, again, I was mindful of that as we were doing  
13 this, and I think through the front door, they haven't received  
14 additional funding because of the inquiry, but I think what the  
15 issue is, as a result of the inquiry, as the inquiry moves  
16 forward, the concern is there is going to be additional need and  
17 it is something that it's important that the Commission be  
18 mindful that there may not be adequate services out there right  
19 now.

20                 And I understand, for example, that that's a problem  
21 that your organization is also facing, that they don't  
22 necessarily have the support for people as they're going through  
23 this process. I think, as much as anything, it's to alert you  
24 to the fact of the problem and the feeling, I think, from the  
25 Men's Project was that a request from you may be looked upon

1 more favourably than the request that they have been making.

2           **THE COMMISSIONER:** Perhaps. What I'm saying, though,  
3 is you have to give me the tools to be able to do that and I'm  
4 saying what kind of counsellor would I be asking for? Would it  
5 be a full-time person? And if we're giving it to the group, to  
6 your Men's Project, let's assume in addition, what does the  
7 alleged Victims Group think about that? And if they say, "We  
8 don't want that at all." So it would have been, I suppose,  
9 beneficial for me if I would have received a letter or some  
10 communications that you've spoken to the Victims Group and  
11 they're saying, "Yes, you're right. We need this and this is  
12 the type of function this counsellor would make."

13           You see, because it's very nice to be Commissioner,  
14 but I have some limited resources here and while I certainly  
15 want to make sure that this Commission, this inquiry, will reap  
16 all of the benefits to its fullest, you know, I can't just pop  
17 things out of a hat.

18           **MR. BENNETT:** I understand the concerns that you're  
19 raising and what I would suggest is afterwards, in a break, we  
20 could maybe have a discussion between the organizations that  
21 face this and talk about what type of supplemental material we  
22 may be able to provide to you on this. That would address this  
23 point.

24           **THE COMMISSIONER:** M'hm, because I'm very concerned.  
25 I want to deal with this issue. I don't know that I will be

1 able to do anything, but I think if we're going to work  
2 together, we should put our best foot forward and then see where  
3 we go. Thank you.

4 **MR. BENNETT:** Thank you.

5 **THE COMMISSIONER:** Anything else?

6 **MR. BENNETT:** Unless you have some other questions  
7 about this ---

8 **THE COMMISSIONER:** No. Good presentation. I liked  
9 your material.

10 **MR. BENNETT:** Thank you.

11 **THE COMMISSIONER:** Wait a minute, before you go away,  
12 let me just check my little notes here. I did make notes  
13 before.

14 So why wouldn't you be part of the Victims Group  
15 though or the alleged Victims Group?

16 **MR. BENNETT:** Are you talking about Part I or Part II?

17 **THE COMMISSIONER:** Well, in Part I -- never mind.  
18 Part II, I think that we're on solid ground there. Part I ---

19 **MR. BENNETT:** Part II on solid ground that we have a  
20 distinct interest or that we should be joined? Because if it's  
21 the second, I may want to address it some more.

22 **THE COMMISSIONER:** No, I don't think you have to talk  
23 about that.

24 **MR. BENNETT:** Okay.

25 **THE COMMISSIONER:** Not that I'm telling you which way

1 I'm going, but on Part I, if you've got this limited interest  
2 and you're all going in the same direction, could they not ask  
3 those few questions and make those submissions that you wanted  
4 to make?

5 **MR. BENNETT:** I guess there's nothing to say that they  
6 wouldn't, and certainly in light of Your Honour's comments today  
7 the recommendation that I would be making is let's see if we can  
8 do that. But if for some reason it wasn't considered part of  
9 the advocacy strategy that the Victims Group wanted to take, I  
10 think they would like to have the limited standing so that they  
11 can address it if it's not being addressed.

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

13 **MR. BENNETT:** And again being mindful that it's going  
14 to be -- we are looking for very limited standing. It's not  
15 something we're trying to expand and have a major role but to  
16 make sure that those issues will be addressed, and if it can be  
17 addressed by other parties and is being addressed, it may be a  
18 very brief opening and a very brief closing. As much as we  
19 would like to share the time with you here in Cornwall, we may  
20 not be here for that aspect.

21 **THE COMMISSIONER:** All right.

22 **MR. BENNETT:** But the concern is that it may get lost  
23 in some of the other broader, bigger issues from the other  
24 groups' perspectives and very important issues. We're not  
25 trying to diminish those other issues because they are extremely

1 important.

2           **THE COMMISSIONER:** I appreciate your comments. Don't  
3 take for granted that everyone is going to get opening  
4 submissions as well. Thank you.

5           **MR. BENNETT:** Thank you.

6           **THE COMMISSIONER:** All right.

7           Why don't we break for lunch and come back at 2:00?  
8 Thank you.

9           **THE REGISTRAR:** All rise. The hearing will reconvene  
10 at two o'clock this afternoon.

11 --- Upon recessing at 12:38 p.m./

12           L'audience est suspendue à 12h38

13 --- Upon resuming at 14:04 p.m./

14           L'audience est reprise à 14h04

15           **THE REGISTRAR:** The hearing will now resume. Please  
16 be seated.

17           **THE COMMISSIONER:** A couple of housekeeping measures,  
18 I suppose. What I failed to do this morning was to indicate  
19 that as we heard the applicants, that there would be a number of  
20 exhibits as part of the Standing Hearing.

21           Accordingly, we should point out that the Cornwall  
22 Police Services Board material will be Exhibit Number 1; The  
23 Ontario Provincial Police, Number 2; the Ontario Ministry of  
24 Community and Correctional Services, Number 3; the Attorney  
25 General of Ontario, Number 4; Children's Aid Society, Number 5;

1 the Citizens for Community Renewal, Number 6; Victims Group,  
2 Number 7; the Coalition for Action on Child Abuse, Number 8;  
3 Men's Project, Number 9, and that's where we stand.

4 --- EXHIBIT NO. 1: SUBMISSION BY Mr. J.E. CALLAGHAN DATED  
5 OCTOBER 21, 2005 ON BEHALF OF THE CORNWALL  
6 POLICE SERVICES BOARD

7 --- EXHIBIT NO. 2 SUBMISSION BY Mr. N.L. KOZLOFF DATED  
8 SEPTEMBER 16, 2005 ON BEHALF OF THE ONTARIO  
9 PROVINCIAL POLICE

10 --- EXHIBIT NO. 3: SUBMISSION BY Mr. J.A. NEUBERGER DATED  
11 OCTOBER 19, 2005 ON BEHALF OF THE ONTARIO  
12 MINISTRY OF COMMUNITY AND CORRECTIONAL  
13 SERVICES AND ADULT COMMUNITY CORRECTIONS.

14 --- EXHIBIT NO. 4: SUBMISSION BY L. McINTOSH DATED OCTOBER 25,  
15 2005 ON BEHALF OF THE ATTORNEY GENERAL FOR  
16 ONTARIO

17 --- EXHIBIT NO. 5: SUBMISSION BY Mr. P.E. CHISHOLM DATED  
18 OCTOBER 25, 2005 ON BEHALF OF THE CHILDREN'S  
19 AID SOCIETY OF THE UNITED COUNTIES OF  
20 STORMONT, DUNDAS AND GLENGARRY

21 --- EXHIBIT NO. 6: SUBMISSION BY Mr. P. WARDLE DATED OCTOBER  
22 25, 2005 ON BEHALF OF THE CITIZENS FOR  
23 COMMUNITY RENEWAL

24 --- EXHIBIT NO. 7: SUBMISSION BY Mr. P.M. LEDROIT DATED OCTOBER  
25 24, 2005 ON BEHALF OF VICTIMS GROUP

1 --- EXHIBIT NO. 8: SUBMISSION BY Ms. A.M. MULLINS DATED OCTOBER  
2 25, 2005 ON BEHALF OF THE COALITION FOR  
3 ACTION ON CHILD ABUSE

4 --- EXHIBIT NO. 9: SUBMISSION BY Mr. R. GOODWIN DATED NOVEMBER  
5 2, 2005 ON BEHALF OF THE MEN'S PROJECT

6 **THE COMMISSIONER:** The other issue, I suppose, is  
7 given that there are now exhibits, these matters are now in a  
8 public domain. I know that the press wants to view the copies  
9 that we have, and it is my intention that eventually these  
10 submissions will be scanned and put on the web cast as part of  
11 the transcript of today's proceedings.

12 So having said that, is there anyone, any folks that  
13 have presented today that have any questions or comments about  
14 their material being published?

15 **MR. TALACH:** Your Honour, just with respect to one of  
16 the affidavits that was entitled and the initials G.R., I  
17 believe the client would have sworn it with his true signature,  
18 and he, at this time, does not want to be publicly recognized  
19 with regards to his participation.

20 So the affidavit entitled G.R. at Tab B of our  
21 materials, which I believe you said was Exhibit 7, we would ask  
22 that there at least be some discretion applied with regards to  
23 the identity of that deponent.

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

25 I'll order that for the time being. If it becomes

1 material during the proceedings we will deal with that.

2 I will make a note that for the material that will be  
3 provided to the media, that that may be struck, and if by some  
4 inadvertence it's not, then I will put an order to the media  
5 banning the publication of the signature of that affiant.

6 **MR. TALACH:** Thank you, Your Honour.

7 **THE COMMISSIONER:** Okay. Now, could we hear from the  
8 representative for the Diocese, please, David Sherriff-Scott.

9 That would be Exhibit Number?

10 **THE REGISTRAR:** Number 9 (sic).

11 **THE COMMISSIONER:** Number 9. All right.

12 --- EXHIBIT NO. 10: SUBMISSION BY Mr. D.W. SCOTT DATED OCTOBER  
13 25, 2005 ON BEHALF OF THE DIOCESE OF  
14 ALEXANDRIA-CORNWALL AND BISHOP EUGENE  
15 LAROQUE

16 **THE COMMISSIONER:** Good afternoon, sir.

17 SUBMISSION BY Mr. D.W. SCOTT DATED OCTOBER 25, 2005 ON BEHALF OF  
18 THE DIOCESE OF ALEXANDRIA-CORNWALL AND BISHOP EUGENE LAROQUE:

19 **MR. SHERRIFF-SCOTT:** Good afternoon, Your Honour.

20 As you know, I act for the Diocese, the Corporation of  
21 the Diocese of Alexandria-Cornwall and Bishop Laroque, Bishop  
22 Eugene Laroque, who is now retired.

23 **THE COMMISSIONER:** Yes.

24 **MR. SHERRIFF-SCOTT:** I'm here to develop briefly my  
25 written submissions for standing and funding for both Parts I



1 and II of the inquiry and I intend to concentrate my submissions  
2 on the question of funding by and large, in view of the written  
3 submissions I have filed and having regard to the events which  
4 touch on your mandate which should make it relatively  
5 straightforward that the Diocese and Bishop Laroque should have  
6 standing.

7           So I propose to briefly do the following things. One,  
8 to make just a very few brief observations about the question of  
9 standing, subject, of course, to Your Honour's questions, if  
10 any. And two, on the subject of funding, I will touch on a  
11 couple of things, first, the activities and programs of the  
12 Diocese; second, the financial statement, concentrating on  
13 revenue and expenditures; third, the restrictions faced by the  
14 Diocese in connection with the disbursement of money, which I  
15 have described as the Disbursement Quota facing registered  
16 charities and; fourth, restrictions in connection with diocesan  
17 property which are twofold, general considerations and the  
18 *Charities Accounting Act* which are developed more fully in the  
19 brief and which I will touch on.

20           So to my first category of submissions, standing, as  
21 Your Honour knows, it was the investigations into a diocesan  
22 priest in 1992 and '93 and the resolution of his civil  
23 proceeding which gave rise to three levels of investigation,  
24 first by the Cornwall Police, then the Ottawa Police, then last  
25 by the OPP. The Diocese was extensively involved in cooperating

1 in those levels of investigation, and those events are widely  
2 seen by the community and others as the beginning of major  
3 police investigations into sexual abuse in this city.

4 And subsequently, as you will know from the brief, the  
5 Diocese was extensively involved with the Children's Aid  
6 Society, the Cornwall Police and the OPP in the development of a  
7 reporting protocol for the handling, reporting and analysis of  
8 allegations of sexual abuse.

9 There followed in the mid-1990s certain additional  
10 revelations against the priest who was initially investigated.  
11 This again was a diocesan priest.

12 And then there was the disclosure of what I have  
13 characterized as private investigations which stimulated Project  
14 Truth, wherein a large number of allegations were made about  
15 diocesan personnel. That stimulated in Project Truth the  
16 investigation of at least seven diocesan personnel and the  
17 private investigation materials which found their way into  
18 various iterations, websites, et cetera, made a host of other  
19 allegations against a number of other people, including other  
20 members of the Diocese.

21 Again, the Diocese extensively cooperated with police  
22 investigators, oral interviews, documentary disclosure and all  
23 the while Bishop Laroque, as you know, was the Chief  
24 Administrative Officer as the bishop of the Diocese.

25 And so my submission is the integrity of that

1 investigation and the diocesan involvement of it warrant the  
2 fullest standing for the Diocese to be given; that is to say,  
3 the ability to make submissions, to call evidence, to cross-  
4 examine where warranted and to make closing statements.

5 My submission is that subject to paragraphs 15 and 16  
6 of my written brief, the legal principles extracted from the  
7 other inquiries clearly indicate or militate in favour of  
8 standing.

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

10 **MR. SHERRIFF-SCOTT:** Now, does Your Honour have any  
11 questions on that subject?

12 **THE COMMISSIONER:** Yes, I do.

13 Do you act for any other clergy members?

14 **MR. SHERRIFF-SCOTT:** I act for the Diocese which  
15 encompasses a large number of people. I act for present  
16 employees of the Diocese. Bishop Laroque is no longer employed  
17 by the Diocese. He has retired to his hometown of Windsor. So  
18 I act for him separately. So my retainer will cover people  
19 employed by the Diocese.

20 **THE COMMISSIONER:** Okay. What about retired people?

21 **MR. SHERRIFF-SCOTT:** That's another issue. There may  
22 be one potential person in that category, but I think that you  
23 can conclude that I act for that individual as well.

24 **THE COMMISSIONER:** Which individual?

25 **MR. SHERRIFF-SCOTT:** Well, I'm not -- to the extent it

1 becomes germane, then I'll deal with it. At the moment, there  
2 is no one retired that I consider warranted making a separate  
3 application for.

4 I don't act for people who were formerly with the  
5 Diocese who were charged under Project Truth, to wit, Charles  
6 MacDonald who has separate counsel.

7 The reasons for that are, I should think, clear. Mr.  
8 MacDonald and people at the Diocese who were investigated and in  
9 connection with it it was found there was no basis to lay  
10 charges obviously have separate interests.

11 **THE COMMISSIONER:** All right.

12 So what I don't understand, I suppose, and it's  
13 probably because I don't understand the hierarchy of the Church,  
14 but once a priest, aren't you always a priest?

15 **MR. SHERRIFF-SCOTT:** No.

16 **THE COMMISSIONER:** No?

17 **MR. SHERRIFF-SCOTT:** You're incardinated into a  
18 particular diocese.

19 **THE COMMISSIONER:** Right.

20 **MR. SHERRIFF-SCOTT:** And as an incardinated priest of  
21 the diocese, you are employed by the diocese.

22 **THE COMMISSIONER:** Right.

23 **MR. SHERRIFF-SCOTT:** Once your employment stops, you  
24 are not -- you are no longer incardinated by that diocese and  
25 you have no priestly functions or duties or pastoral duties. So

1 you may have a pension, but you're not an employee.

2 So those who are no longer employed are no longer  
3 employed. The Diocese is a corporation.

4 **THE COMMISSIONER:** Yes.

5 **MR. SHERRIFF-SCOTT:** And if you are retired from it,  
6 you are no longer an employee of it.

7 I'm not sure what the issue is.

8 **THE COMMISSIONER:** That's all right.

9 **MR. SHERRIFF-SCOTT:** It's a corporation. It's a  
10 registered charity. The people who work for it are its  
11 employees. They may be priests but not under the auspice of the  
12 Diocese when they retire.

13 That's why I sought separate funding and standing for  
14 Bishop Laroque. He lives in Windsor. He's no longer a priest  
15 of the Diocese. He's a priest, but he's not employed by the  
16 Diocese which is a special act corporation.

17 **THE COMMISSIONER:** So how could you act for the Church  
18 and him?

19 **MR. SHERRIFF-SCOTT:** Why wouldn't I? I act for him  
20 because he was the Chief Administrative Officer of the Diocese  
21 throughout the whole of these events.

22 **THE COMMISSIONER:** Ah.

23 **MR. SHERRIFF-SCOTT:** He's retired in 2002. He was  
24 incardinated as the bishop of the Diocese in 1974. He served  
25 until 2002. So during his tenure, all these investigations took

1 place.

2 **THE COMMISSIONER:** Right.

3 **MR. SHERRIFF-SCOTT:** I only apply for his standing  
4 separately because he's no longer employed by the Diocese.  
5 Otherwise, he would be covered by the Diocese at large as its  
6 bishop. He's no longer the bishop of Alexandria-Cornwall.

7 **THE COMMISSIONER:** That's fine. Go ahead. I  
8 understand that.

9 **MR. SHERRIFF-SCOTT:** Okay. Any other questions, Your  
10 Honour, on that subject?

11 **THE COMMISSIONER:** No.

12 **MR. SHERRIFF-SCOTT:** So I don't act for retired people  
13 at the moment and I don't act for those who historically were  
14 charged. There are few of those, but in any event, I don't act  
15 for those.

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

17 **MR. SHERRIFF-SCOTT:** My friend Mr. Neville will be  
18 acting for another individual.

19 On the subject of funding, I just wanted to emphasize  
20 the points that I made at page 4 and following in my brief.

21 **THE COMMISSIONER:** Just a second.

22 So you had more than one book, didn't you?

23 **MR. SHERRIFF-SCOTT:** No, I didn't.

24 **THE COMMISSIONER:** Okay. So page?

25 **MR. SHERRIFF-SCOTT:** Page 4, under "The Applicants"

1 there's a description of the Diocese.

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

3           **MR. SHERRIFF-SCOTT:** The Diocese, I made a point here,  
4 it's a special act corporation that was incorporated in the last  
5 century. Its objects are described here in terms of its  
6 charitable objects and purposes as a special corporation. It is  
7 one of the smaller dioceses in Canada. It has roughly 30  
8 parishes with a number of churches and the activities I have  
9 described at the next page, paragraph 11. There are a couple of  
10 things that I wanted to emphasize and hope that you would read  
11 by way of background to understand the breadth of the activities  
12 for the purposes of an introduction to funding. And so those  
13 are elaborated there.

14           Some of them that are worth noting are the second  
15 bullet -- they're all worth noting, but to emphasize, the second  
16 bullet, the provision through St. Vincent de Paul and Agape of  
17 clothing, furniture and food supplies, daily meals. These  
18 things increased from \$3,000 to \$4,000 a month to upwards of  
19 \$10,000 a month at various iterations throughout the year,  
20 consistent with statutory and other holidays, religious holidays  
21 and so forth. All of these services are provided through the  
22 Diocese at the parish level or through the diocesan executive  
23 level and administered by it. This is a non-exhaustive list.  
24 There are many other activities that are provided by the Diocese  
25 to the community. It is, I think fair to say, one of the oldest

1 charitable pillars of the community in this neck of the woods  
2 and its importance to the community and, in particular,  
3 charitable programs can't be overstated.

4 I've introduced Bishop Laroque in this submission, who  
5 he is, when his tenure was, what his background is and when he  
6 retired.

7 At page 20 of the brief I've identified his annual  
8 income for the purposes of analyzing standing and funding,  
9 funding in particular. It is obviously low and Bishop Laroque  
10 has no other source of funding available to him.

11 On the subject of the funding of the Diocese, I have  
12 attached the financial statement of the Diocese and it  
13 demonstrates, in my submission, that it has extremely low  
14 revenues over expenses and, last year, would have had a negative  
15 revenue but for the sale of a particular asset. It has, as I've  
16 identified, significant expenditures which are all on its  
17 programs, and if they're not on programs, it's on overhead.

18 The reason I've identified the restrictions on the  
19 Diocese spending are to demonstrate that it cannot adequately  
20 fund counsel for this inquiry. The Diocese is going to be  
21 extensively involved, from my perspective, in terms of the  
22 events and it warrants the fullest standing.

23 The restrictions on the diocesan funding, if Your  
24 Honour hasn't had opportunity to read them ---

25 **THE COMMISSIONER:** I've read them.



1           **MR. SHERRIFF-SCOTT:** --- the disbursement quota  
2 severely limits what it can do in terms of spending.

3           **THE COMMISSIONER:** Well, the disbursement quota, let's  
4 look at that a little bit.

5           **MR. SHERRIFF-SCOTT:** Yes, please.

6           The disbursement quota is 80 per cent of all receipted  
7 donations or donations from other sources that are charities.

8           **THE COMMISSIONER:** No, just a minute. I'm not an  
9 expert in all of this. You will have to bear with me a little  
10 bit.

11          **MR. SHERRIFF-SCOTT:** Sure.

12          **THE COMMISSIONER:** So let's go to the financial  
13 statement. And it's where?

14          **MR. SHERRIFF-SCOTT:** That is at Tab 6 of the brief.

15          **THE COMMISSIONER:** That's right. Okay.

16          So correct me if I'm wrong. Let's look at revenue.

17          **MR. SHERRIFF-SCOTT:** Yes.

18          **THE COMMISSIONER:** Right. So for 2004 -- and it's on  
19 page 4 of ---

20          **MR. SHERRIFF-SCOTT:** Yes.

21          **THE COMMISSIONER:** Okay. So the donations part, that  
22 was a restriction on what they can do for the \$141,000?

23          **MR. SHERRIFF-SCOTT:** Yes and no. The answer is yes,  
24 but the diocesan administrative taxes is also essentially  
25 donations that is levied on the parishes. That money is

1    received money from the parishes. So you would have to tally  
2    the line items, which are the first, and the donations to come  
3    up with receipted money.

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

5           **MR. SHERRIFF-SCOTT:** The investment income is a  
6    reserve which funds diocesan operations.

7           **THE COMMISSIONER:** So it's a revenue from the  
8    reserves?

9           **MR. SHERRIFF-SCOTT:** That's right.

10          **THE COMMISSIONER:** And that's not limited? There's no  
11    indication on that as to how they spend that, is there?

12          **MR. SHERRIFF-SCOTT:** Well, unless they give up their  
13    programs there is a limitation, but to answer your precise  
14    question, no. If they abrogate their programs, I suppose  
15    there's no limit on it.

16          **THE COMMISSIONER:** Excuse me, sir. You said that on  
17    donations there is a limit.

18          **MR. SHERRIFF-SCOTT:** Yes.

19          **THE COMMISSIONER:** All right.

20                 On this investment income ---

21          **MR. SHERRIFF-SCOTT:** There is no disbursement limit.

22          **THE COMMISSIONER:** Thank you. Just answer the  
23    question and we'll get along real well.

24          **MR. SHERRIFF-SCOTT:** Thank you.

25                 No, there is no limit on -- what I am saying is that

1 those monies fund the activities of the Diocese.

2           **THE COMMISSIONER:** That I understand, but what you  
3 went on was what are the statutory limitations on their  
4 spending.

5           **MR. SHERRIFF-SCOTT:** The statutory limitations apply  
6 to the line item one and the donations.

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

8           **MR. SHERRIFF-SCOTT:** I've made a number of points in  
9 the brief about administration services which is an accounting  
10 line item.

11           **THE COMMISSIONER:** Administrative services?

12           **MR. SHERRIFF-SCOTT:** Yes. That's services that the  
13 centre, the Diocese, provides to the individual parishes.

14           **THE COMMISSIONER:** Right.

15           **MR. SHERRIFF-SCOTT:** So it's simply a charge back to  
16 the parishes. It's not a real revenue item.

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

18           **MR. SHERRIFF-SCOTT:** And the others are self-  
19 explanatory. There is one gain on a capital sale of assets.

20           **THE COMMISSIONER:** Right.

21           **MR. SHERRIFF-SCOTT:** The point I suppose I'm trying to  
22 make about spending is that, number one, to the extent it  
23 receives money from the parishes and donations, 20 per cent only  
24 is available for overhead.

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

1           **MR. SHERRIFF-SCOTT:** Overhead includes legal fees.  
2 It's no surprise, I'm sure, to anyone that lawyers are not  
3 charitable.

4           The expenditures are all detailed at the next page,  
5 which is page 5. They deal with the allocation of the expenses  
6 of the Diocese, and including the items that I've lined out in  
7 the brief to give you a description of the diocesan programs.

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

9           **MR. SHERRIFF-SCOTT:** So the point I'm trying to make  
10 is, number one, unless it abrogates its programs, there is no  
11 ability to fund and, number two, to the extent it raises its  
12 money from receipted donations, it's restricted in what it can  
13 do. Number three, it cannot raise money on a receipted basis  
14 for the purpose of this inquiry. It can't go out and fundraise  
15 and give receipts.

16           **THE COMMISSIONER:** Oh, okay. M'hm.

17           **MR. SHERRIFF-SCOTT:** And in terms of diocesan  
18 properties, I've identified the *Charities Accounting Act* which  
19 restricts the Diocese in the use and possession of its property  
20 strictly to charitable purposes, and the public trustee, if that  
21 is abrogated, has the ability to grab them.

22           The other thing I wanted to emphasize in the *Charities*  
23 *Accounting Act* which is not developed in the brief at Section 6,  
24 any individual who gives money to the Diocese, whether receipted  
25 or not, has the ability to complain to the public trustee in

1 connection with the expense of that money.

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

3 **MR. SHERRIFF-SCOTT:** It wouldn't matter how much you  
4 gave. And my suggestion is that if people are giving money to  
5 the Diocese and the Diocese is using these monies for a public  
6 inquiry, that may engage the public trustee's mandate under  
7 Section 6 as well, which is in the statute for you to read.

8 I think that from our point of view, because the  
9 specter of this inquiry presents something that will be lengthy  
10 and there's potential for the Diocese to be significantly  
11 involved, we are asking for funding for the Diocese as well as  
12 Bishop Laroque.

13 The Diocese covers current employees, as I've said,  
14 not retired people and not those charged arising out of Project  
15 Truth. And I've developed in the brief those for whom we are  
16 seeking funding in connection with counsel, which starts with my  
17 partner Mr. Scott at the senior range, or most senior range,  
18 myself for the senior slot and then a junior lawyer, whose  
19 resumes are all in the brief for Your Honour to consider.

20 **THE COMMISSIONER:** All right.

21 So you have paid -- the Diocese has paid for legal  
22 fees in the past?

23 **MR. SHERRIFF-SCOTT:** Yes.

24 **THE COMMISSIONER:** So that's what, to defend  
25 themselves against -- or get legal advice or that kind of stuff?

1           **MR. SHERRIFF-SCOTT:** Well, every charity has to have  
2 legal expenditures and the Diocese is no exception to that. And  
3 the Diocese has had for -- so if there are civil proceedings and  
4 the Diocese is sued, it has insurance for that.

5           **THE COMMISSIONER:** Right.

6           **MR. SHERRIFF-SCOTT:** And if there are other  
7 proceedings, then it either funds them or it doesn't.

8           **THE COMMISSIONER:** So there is a choice to fund them  
9 or not?

10          **MR. SHERRIFF-SCOTT:** To fund who, I'm sorry?

11          **THE COMMISSIONER:** Well, you're the one who said that  
12 if there are civil actions ---

13          **MR. SHERRIFF-SCOTT:** No, no, the civil actions are  
14 funded by insurance policies.

15          **THE COMMISSIONER:** Yes. And your next comment was?

16          **MR. SHERRIFF-SCOTT:** My next comment was I'm not sure  
17 what other proceedings you're referring to.

18          **THE COMMISSIONER:** I don't know. I thought I had seen  
19 in here that there were legal expenses of \$113,000 at one point  
20 for the year before, and for this year or last year it was  
21 \$49,000?

22          **MR. SHERRIFF-SCOTT:** Yes, that may be. The Diocese is  
23 a corporation and has legal expenditures.

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

25          **MR. SHERRIFF-SCOTT:** I don't know what the details of

1 those are at the moment. The Diocese has met its disbursement  
2 quota in all of its filings with CCRA.

3 **THE COMMISSIONER:** Right.

4 **MR. SHERRIFF-SCOTT:** So to the present point in time  
5 there's not been an issue of it being offside its disbursement  
6 quota.

7 My concern is, my concern identified in the brief, is  
8 that given the specter of the breadth of this inquiry and its  
9 length of time, that poses a risk to the Diocese.

10 **THE COMMISSIONER:** Okay. But it does have \$6 million  
11 or \$4 million -- \$6 million in assets?

12 **MR. SHERRIFF-SCOTT:** That's its reserve, yes.

13 **THE COMMISSIONER:** So those are marketable securities?  
14 That's what it says here.

15 **MR. SHERRIFF-SCOTT:** That's what's referred to in the  
16 financial statement, yes.

17 **THE COMMISSIONER:** So what does that mean, marketable  
18 securities, cash or bank deposits?

19 **MR. SHERRIFF-SCOTT:** They're investments, various  
20 liquid or semi-liquid instruments.

21 **THE COMMISSIONER:** And that's over and above their  
22 properties?

23 **MR. SHERRIFF-SCOTT:** Yes, their properties are the  
24 properties of -- like the churches, in other words, that are the  
25 epicenter of the activities of the Diocese.

1           **THE COMMISSIONER:** Right.

2           **MR. SHERRIFF-SCOTT:** The reason I put the *Charities*  
3 *Accounting Act* in was to deal with the properties. Yes, the  
4 marketable securities are there. That is what raises the  
5 investment income to fund the Diocese's activities.

6           **THE COMMISSIONER:** Right.

7           But there is, in your financial statements at least,  
8 that they ploughed back into their reserves three hundred and  
9 some odd thousand dollars, did they not?

10          **MR. SHERRIFF-SCOTT:** Transfer to reserve?

11          **THE COMMISSIONER:** Yes.

12          **MR. SHERRIFF-SCOTT:** On the expenditures. That's from  
13 the sale of the capital asset, which is the line item on the  
14 bottom of the revenue. If you go to page 4 of the financial  
15 statement, Your Honour, you see "Gain on Sale of Capital  
16 Assets". That was the former bishop's residence which was  
17 disposed of when he retired.

18          **THE COMMISSIONER:** Right.

19          **MR. SHERRIFF-SCOTT:** And the transfer to the reserve  
20 was -- an amount of that which was put into the reserve  
21 allocated for the purpose of an additional residence if  
22 necessary. That goes into the general reserve which becomes  
23 part of the reserve money that is invested to generate income to  
24 run the activities of the Diocese.

25          **THE COMMISSIONER:** Right. So the reserve would then -



1 - it went up to \$6.2 million last year?

2 **MR. SHERRIFF-SCOTT:** Yes.

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

4 **MR. SHERRIFF-SCOTT:** The point I made in the brief was  
5 there's another observation made by Justice O'Connor at  
6 Walkerton. The PEGO Organization had a reserve, which is a  
7 strike fund.

8 **THE COMMISSIONER:** Sure.

9 **MR. SHERRIFF-SCOTT:** He makes the observation that's  
10 required for its operations.

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

12 **MR. SHERRIFF-SCOTT:** And the reason I developed at  
13 some length the activities of the Diocese was to demonstrate  
14 this money generates income to carry on the Diocese's programs.

15 **THE COMMISSIONER:** Right.

16 **MR. SHERRIFF-SCOTT:** And that the conclusions that  
17 follow are I'm sure not lost on Your Honour. That's what I'm  
18 urging you to consider.

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

20 **MR. SHERRIFF-SCOTT:** Thank you.

21 **THE COMMISSIONER:** So that will be Exhibit number 10.

22 --- EXHIBIT NO./PIÈCE No. 11:

23 SUBMISSION BY MR. G. CIPRIANO DATED  
24 OCTOBER 24, 2005 ON BEHALF OF THE  
25 ESTATE OF KEN SEGUIN AND SCOTT SEGUIN

1           **THE COMMISSIONER:** All right. Let's deal with the  
2 Estate of Ken Seguin and Scott Seguin, please. Mr. Michael  
3 Neville or Mr. Cipriano?

4 **SUBMISSION BY THE ESTATE OF KEN SEGUIN AND SCOTT SEGUIN AND BY**  
5 **FATHER CHARLES MacDONALD:**

6           **MR. NEVILLE:** Good afternoon, Mr. Commissioner.

7           **THE COMMISSIONER:** Good afternoon, sir.

8           **MR. NEVILLE:** Mr. Cipriano is with my office.

9           **THE COMMISSIONER:** Yes.

10           **MR. NEVILLE:** So that we are one and the same as far  
11 as that is concerned. In the case of Mr. Seguin, and some of  
12 what I have to say may to a small degree overlap with my  
13 position on Father MacDonald.

14           If I can just commence this way. As you, Mr.  
15 Commissioner, and your staff to date know, the allegation  
16 against Father MacDonald, the initial allegation, included  
17 within the statement allegations against Mr. Seguin; that is to  
18 say Kenneth Seguin. And shortly after the without prejudice  
19 settlement negotiated in the fall of '93, Mr. Seguin committed  
20 suicide. So he is deceased and has never obviously faced any  
21 charges or anything of that nature.

22           The Department of Correctional Services and/or the  
23 Probation Service are here seeking standing and it would appear  
24 that there is a distinct possibility that there could be a  
25 conflict between their position and what is said -- depending on

1 what is said -- their position and that of Mr. Seguin.

2 In other words, if allegations of impropriety are made  
3 against the late Mr. Seguin, the Probation Service or his  
4 Ministry may take the position that he was obviously acting  
5 outside the scope of his duties and stands on his own, so that  
6 his memory so to speak for which his family are concerned is to  
7 be protected. He would require separate representation.

8 That brings me to the point that has been of some  
9 concern both for him and in my position as Father MacDonald's  
10 counsel and that's this.

11 In the Terms of Reference or the mandate so to speak  
12 of your Commission, it says in Clause or Section 2 that:

13 "The Commission shall inquire into and  
14 report on the institutional response of  
15 the justice system and other public  
16 institutions, including the interaction  
17 of that response ... in relation to:  
18 (a) allegations of historical abuse of  
19 young people in the Cornwall area,  
20 including the policies and practices  
21 then in place to respond to such  
22 allegations,..."

23 Obviously the Probation Service would be, I think,  
24 within the concept of a public institution but of course Mr.  
25 Seguin is merely an employee at that time.

1           What's not clear to myself, Mr. Commissioner, today,  
2 although I have some intimations in that direction, is whether  
3 individual persons will be giving public testimony or in the, if  
4 I may call it, the somewhat less formal Part II proceedings  
5 giving testimony -- I use that term loosely because the Part II  
6 definition doesn't really talk about formal evidentiary  
7 hearings. In fact, it suggests there may not be such. But if  
8 allegations are made, for example, against the late Mr. Seguin  
9 or for that matter against Father MacDonald, they have a right  
10 pursuant to natural justice and what have you to defend  
11 themselves. Of course, there is no one to speak for Kenneth  
12 Seguin should it go in that direction. It's not clear to me and  
13 you have my materials -- that is to say my own personal  
14 materials filed on behalf of Father MacDonald which essentially  
15 is correspondence with counsel and a transcript of the decision  
16 of Justice Chilcott which gives you, if you didn't know it  
17 already, a fairly good overview of the history going back to the  
18 original allegations made to the Cornwall place.

19           It's not clear to me under the wording of the mandate,  
20 Section 2, whether that would necessarily entail or have to  
21 entail the telling of individual stories of alleged abuse. I  
22 noticed with some interest on more than one occasion in our  
23 proceedings today, although others here and I don't say that as  
24 a criticism, you used the word victims. You were careful to say  
25 alleged victims and I think properly so. The problem is if the

1 testimony unfolds in a way of allowing people to portray  
2 themselves rightly or wrongly as victims and at the hands of a  
3 named individual, then that individual, by necessity, ought to  
4 be in a position to defend himself.

5           So in the case of Mr. Seguin, because the Ministry  
6 could take an adversarial or adverse stance to him in carrying  
7 out his role back in, I guess, the eighties and seventies as a  
8 Probation Officer, he would need separate representation and the  
9 family would ask for that opportunity if it's necessary.

10           Now, if the giving of evidence before you doesn't  
11 entail the specifics of actual alleged wrongdoing, to again use  
12 a word of your own, then there is no need, but my sense today is  
13 that that may well be a significant portion of these  
14 proceedings. Indeed, some of the parties who have sought  
15 standing here today, that would be their sole function, it would  
16 appear, was to have that evidence before you.

17           Now, in the case of Father MacDonald, if I may to some  
18 extent put them together, you are aware of course that the  
19 proceedings against Father Charles MacDonald ended with a stay  
20 of proceeding pursuant to Section 11(b) of the Charter of Rights  
21 and at Mr. Engelmann's request I provided a copy of Justice  
22 Chilcott's reasons in which he outlines a great deal of the  
23 procedural history and I supplemented it with my covering  
24 letter.

25           In the case of Father MacDonald, just to give you two

1 examples of where a matter could become as it were problematic,  
2 in the case of Father MacDonald, at the trial proper in front of  
3 Justice Chilcott, Crown counsel at that time in fact withdrew  
4 all counts in the indictment in relation to two complainants.  
5 In the case of one because the complainant had admitted in a  
6 pre-trial interview that the allegation was false and never  
7 happened. In the case of the other because of things said in a  
8 pre-trial interview that concerned the Crown sufficiently that  
9 in his best judgment he withdrew all those allegations. I have  
10 no idea whether those two persons -- I don't intend to use names  
11 at this stage -- would be potential witnesses.

12 Now, there are other problems on the merits with the  
13 evidence in that case apart from what happened procedurally and  
14 if those individuals will be giving evidence in a public setting  
15 or any other fashion which is publicized on your website, then  
16 both individuals -- in this case I'm speaking particularly now  
17 for Father MacDonald -- would by definition require  
18 representation. That becomes an a fortiori of course if there  
19 is a Section 5 notice.

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

21 **MR. NEVILLE:** So in the case of Mr. Seguin's family,  
22 and I can tell you just from the standpoint of legal fees, I  
23 would be giving your present schedule of sittings -- starting I  
24 gather sometime in the New Year, I would be minimally here  
25 personally and more likely the firm if given standing for one or

1 both of those clients represented by Mr. Cipriano who is in his  
2 second year at the Bar now. I have a commitment to the blood  
3 case in Toronto which is also supposed to start early in the New  
4 Year and could last as long as a year and may parallel this  
5 proceeding. So how much direct involvement I would have I'm  
6 simply not sure and I can't tell you yet because I have cases  
7 already that had its date moved forward by two or three months  
8 recently.

9           So I think the necessity for Father MacDonald having  
10 standing is -- depending on the nature of the proceedings that  
11 are going to be held here is quite well set out as almost an  
12 historical part of these proceedings so to speak and that's in  
13 the letter and in Justice Chilcott's reasons.

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

15           **MR. NEVILLE:** In the case of Mr. Seguin in summary, it  
16 would be primarily for the sake of his family protecting his  
17 reputation, and particular in the event that the Ministry of  
18 which he was a member would take an adverse position to him.

19           **THE COMMISSIONER:** And what about funding?

20           **MR. NEVILLE:** Well, in the case of Father Charles  
21 MacDonald, Mr. Commissioner, he is 72. He's retired; in fact  
22 was essentially forced into retirement with the allegations made  
23 against him and his only income is a modest pension, which is  
24 truly modest, and has no other real means. In the case of Mr.  
25 Seguin, of course he is deceased.

1           **THE COMMISSIONER:** Right. What about the estate?

2           **MR. NEVILLE:** I haven't spoken directly with Mr.  
3 Seguin, the brother, who was the one who came in to see Mr.  
4 Cipriano. Mr. Seguin, the late Mr. Seguin passed away in the  
5 fall of '93, some 12 years ago. So I haven't confirmed it as  
6 perhaps I ought to have, but I would imagine the estate has been  
7 fully probated and there is no one. He was a salaried Probation  
8 Officer. I believe he owned a house and the like.

9           **THE COMMISSIONER:** What about life insurance?

10          **MR. NEVILLE:** I can't answer that for you. That's the  
11 kind of detail we can check and communicate through Mr.  
12 Engelmann to you.

13          **THE COMMISSIONER:** That was the purpose of the hearing  
14 ---

15          **MR. NEVILLE:** Yes, it was. I wasn't sure whether I'd  
16 be here solely on behalf of Father MacDonald or Mr. Seguin.

17          **THE COMMISSIONER:** Okay.

18          **MR. NEVILLE:** Thank you.

19          **THE COMMISSIONER:** Now, we'll hear from the  
20 representative for Jacques Leduc. Thank you.

21 --- **EXHIBIT NO. 13:**           **SUBMISSION BY MS. M. HENEIN DATED**  
22                                   **NOVEMBER 2, 2005 ON BEHALF OF MR.**  
23                                   **JACQUES LEDUC**

24 **SUBMISSION BY JACQUES LEDUC:**

25          **MS. HENEIN:** Good afternoon, Commissioner.



1           Let me just address, if I can first, the funding --  
2 the standing issue briefly.

3           **THE COMMISSIONER:** Well, let's just make a note of  
4 that. I don't think your application was filed on time.

5           **MS. HENEIN:** That's correct.

6           **THE COMMISSIONER:** And so there may be other parties  
7 or people here who may have decided not to file because they  
8 wanted to respect the procedure. And so I think I have to ask  
9 you ---

10          **MS. HENEIN:** Yes.

11          **THE COMMISSIONER:** --- why couldn't you follow the  
12 procedures?

13          **MS. HENEIN:** That's fair, and I addressed this with  
14 Mr. Engelmann. I can indicate to you that on October 20<sup>th</sup>, we  
15 wrote indicating we'd be seeking standing.

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

17          **MS. HENEIN:** Shortly thereafter, we actually met in  
18 person with Mr. Engelmann and were planning and contacted Mr.  
19 Engelmann's office about the date we would be attending, and it  
20 is simply through calendaring in my office that we mis-diarized  
21 the filing. It is -- no other explanation. My friend knows  
22 that we expressed an interest early on and actually acted on it.  
23 So I can't give you anymore complicated explanation other than  
24 that it was an error. When we discovered it, I did contact my  
25 friend and we filed immediately.

1           **THE COMMISSIONER:** M'hm. All right. No harm done so  
2 far. I think it's another point that I will put a shot across  
3 the bow that when I give instructions, I intend for them to be  
4 followed.

5           **MS. HENEIN:** Yes. Thank you.

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

7           **MS. HENEIN:** Thank you.

8           If I can address then the issue of standing and the  
9 particular interest that Mr. Leduc has and it is set out briefly  
10 but I'd just like to highlight it for you, Mr. Commissioner.

11           There are a number of components to which Mr. Leduc, I  
12 anticipate, will be relevant in the context of this inquiry  
13 before you. The first component is at the outset in relation to  
14 the very first complainant and the way in which the  
15 investigation was initiated, and you heard a little bit about  
16 that from Mr. Neville regarding the civil suit that resulted and  
17 the first complainant.

18           Mr. Leduc was counsel on that civil settlement with  
19 respect to the Church, not for Father MacDonald but with respect  
20 to the Church. Father MacDonald had separate counsel in the  
21 context of that civil suit and as you may or may not know, there  
22 was an investigation that resulted from everybody's involvement,  
23 counsel's involvement. Ultimately, in fact, one counsel, not  
24 Mr. Leduc, was charged. So it is anticipated that he'll be  
25 relevant in that context.

1           The second is that the applicant's case is, as you  
2 know, one of the ones that resulted in charges being laid as a  
3 result of the Project Truth investigation. His charges were  
4 stayed as a result of delay. It is anticipated that this  
5 inquiry will consider the course of many cases as they look at  
6 institutional responses, particularly the judicial response,  
7 Crown response and police response, and it is anticipated that  
8 his will be directly considered.

9           And so, in respect of that, it's my respectful  
10 submission that Mr. Leduc has an interest. It's my submission  
11 that he falls squarely within section 5(1) of the *Inquiries Act*  
12 in that he has a substantial and direct interest and there is a  
13 self-contained limitation in that section in that it limits  
14 standing, even full standing, to areas where the individual has  
15 evidence relevant to the person's interests.

16           So obviously, for example -- and I don't know the  
17 parameters, the full parameters of this inquiry as yet -- if one  
18 were inquiring into Probation Services, that would not be  
19 something that would be relevant to him, save and except if his  
20 name were to be raised in that context.

21           So as narrowly as I can focus on his standing, it's  
22 obviously limited to the areas that are directly relevant to  
23 him. The ones that I can identify are police response and  
24 investigation, Crown and the judicial resources, and the reason  
25 that the cases took as long as they did to proceed.

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

2           **MS. HENEIN:** Subject to your questions on the issue of  
3 his interests, I was going to address the issue of funding.

4           **THE COMMISSIONER:** All right. So what you're saying  
5 really is that you're satisfied of having standing for matters  
6 touching the interests of your client?

7           **MS. HENEIN:** That's right.

8           **THE COMMISSIONER:** All right. Now, why -- have you  
9 considered joining with other folks?

10           **MS. HENEIN:** Yes, I have considered that and I can  
11 indicate to you that, in my respectful submission, a coalition  
12 in this case is not appropriate, that there is, first of all,  
13 potentially a conflict of interest. As I indicated, Father  
14 MacDonald was represented by a separate counsel on the very  
15 first aspect of the civil settlement. Mr. Leduc represented the  
16 Diocese. That's number one.

17           Number two, the only commonality in respect of Mr.  
18 Leduc and Father MacDonald would be that they were simply  
19 accused of similar crimes. There's no commonality in respect of  
20 the complainants. There is no commonality necessarily in  
21 respect of how they were investigated. They actually have their  
22 genesis in different roots. There is no paralleling in the way  
23 that the cases proceeded through the courts.

24           So in terms of commonality of interest, in my  
25 respectful submission, it's just simply not there and it's not

1 identifiable either.

2 Thirdly, I can indicate to you that if you were to  
3 look at -- and I know you have -- the Walkerton analysis or the  
4 type of standing that was granted in Ipperwash, even in  
5 Walkerton where there was a coalition in certain circumstances  
6 where there were individuals that have a direct and substantial  
7 interest, they were granted independent standing. And it seems  
8 that the *Inquiries Act* does in fact contemplate that, in my  
9 respectful submission; that where you meet that threshold, then  
10 you can seek and obtain independent standing.

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

12 **MS. HENEIN:** In addition to that, in my respectful  
13 submission, it is not an economical use of resources in this  
14 circumstance, to the contrary, because what you have is in this  
15 case counsel who represented Mr. Leduc during the trial -- there  
16 were two, as you're aware. There's an appeal matter and a  
17 Supreme Court of Canada leave application, and a huge amount of  
18 material. I'm not familiar with the trial of Father MacDonald  
19 in the sense that I'm not privy to all of the material that my  
20 friend has, to the information that he has. So it would be in  
21 fact quite difficult to attempt to get up to speed where you  
22 have in this case counsel who can clearly identify, for example,  
23 Mr. Leduc's interests and the issues in a much more economical  
24 way.

25 So in my respectful submission, it would not be

1 appropriate. And as I indicated at the outset, the only  
2 commonality to them is they were just accused of a crime. Other  
3 than that, in my submission, there is not a significant  
4 commonality.

5 In addition to that, and most importantly in terms of  
6 contributing to the work of Your Honour in this inquiry, in my  
7 respectful submission, granting separate standing to individuals  
8 who were directly implicated as a result of Project Truth, whose  
9 individual reputations are at stake and who have very distinct  
10 and individual experiences with the actual process, would be in  
11 my submission of assistance to you as you work through the  
12 issues that are raised in the Terms of Reference.

13 I don't know if that addresses your question.

14 **THE COMMISSIONER:** Well, I have some other questions.

15 **MS. HENEIN:** Yes, of course. No, no, not on funding,  
16 but the issue of standing.

17 **THE COMMISSIONER:** No, no.

18 **MS. HENEIN:** Okay. Thank you.

19 On the issue of funding, if I can just address what is  
20 quite frankly a problem and so on, I seek guidance from Your  
21 Honour in this.

22 The problem with Mr. Leduc filing an affidavit setting  
23 out the details effectively of his income tax forms, for  
24 example, exactly what the assets are, all those things, for your  
25 consideration, is that his privacy rights would be very

1 significantly impugned if he were to file an affidavit that  
2 would be made public. As you will see, it is referenced  
3 generally in the application, the financial situation. I can  
4 indicate to you there are some things that are of public record.  
5 For example, as Your Honour knows, originally he was awarded  
6 costs of legal fees in the amount of \$200,000. So we know that  
7 it was minimally that much and it was reversed on appeal.

8           And so at the end of the day there were certain legal  
9 fees, extensive legal fees that he had to deal with. I have no  
10 objection to providing that affidavit.

11           The area I wanted guidance from you is whether it  
12 could fall under or whether you wish to hear from me in writing  
13 whether it could fall into the in camera or sealed provision,  
14 because otherwise his entire financial history will be open for  
15 anybody to look through, publish, and it has personal  
16 information in it of the sort that obviously other applicants  
17 are not required to present to you.

18           **THE COMMISSIONER:** In which way? Who isn't?

19           The Church, for example, has provided me with their  
20 financial statements.

21           **MS. HENEIN:** No, I understand that.

22           **THE COMMISSIONER:** And the members of the alleged  
23 Victims Group have indicated in affidavit form what their income  
24 is and that kind of thing.

25           **MS. HENEIN:** Yes.

1           **THE COMMISSIONER:** So I suppose I have to balance the  
2 interest of privacy with the giving of public money.

3           **MS. HENEIN:** No, I understand that, and that's why I  
4 seek your guidance. And I'm just seeking guidance as to how to  
5 approach it. One is that I could provide written submissions as  
6 to why, in my respectful submission, it should be provided in  
7 camera.

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

9           **MS. HENEIN:** And subject to your ruling, then we would  
10 provide the affidavit. Either it would be public or you would  
11 accept that it should be edited or redacted in some way. So  
12 what I'm just seeking is to raise that issue with you and to ask  
13 for some guidance. I appreciate it's generally dealt with in  
14 the application, and I was trying to think of a way that would  
15 effectively meet those concerns.

16           Clearly, just so Your Honour is aware -- it's  
17 referenced in the application -- Mr. Leduc has, throughout the  
18 six years that he was going through this criminal process, been  
19 subjected to very, very serious security concerns, vandalism,  
20 threats, and those were issues that were raised at the trial,  
21 and the Crown and the court staff are aware of it.

22           So I am very loath to submit details of a very  
23 personal nature that would then become accessible to everybody.  
24 Again, I'm happy to make those submissions in writing to you,  
25 await a ruling from you and then respond accordingly.



1           **THE COMMISSIONER:** Well ---

2           **MS. HENEIN:** I'm just seeking guidance because I know  
3 it's a bit of a difficult issue, but there is a sensitivity to  
4 it, and I know it was an issue that was raised certainly when we  
5 dealt with the applications in court that required personal  
6 information to be introduced in the court.

7           **THE COMMISSIONER:** Well, I would have hoped that we  
8 could have done that some time ago, I suppose. I thought today  
9 would be submissions and then I make decisions. I suppose I  
10 will need to hear from you or in writing ---

11           **MS. HENEIN:** Yes.

12           **THE COMMISSIONER:** --- why you think it should not be  
13 published.

14           **MS. HENEIN:** All right.

15           **THE COMMISSIONER:** And then I would have to see the  
16 material.

17           **MS. HENEIN:** Thank you. All right.

18           **THE COMMISSIONER:** And so I was going to give my  
19 rulings on standing in the next couple of weeks.

20           **MS. HENEIN:** I anticipate I would have that material  
21 to you -- it's ready. I would have the material to you within  
22 two days for your consideration.

23           **THE COMMISSIONER:** It's ready?

24           **MS. HENEIN:** Yes, it's ready. So that I can file that  
25 material for your consideration with my submissions as to why,

1 in my respectful submission, aspects of it should not be public.

2           **THE COMMISSIONER:** Is there a reason why we couldn't  
3 have done that today?

4           **MS. HENEIN:** No. It's been a difficult issue in terms  
5 of how to deal with it, quite frankly. I've tried to work  
6 through it.

7           **THE COMMISSIONER:** Okay.

8           **MS. HENEIN:** Subject to your questions ---

9           **THE COMMISSIONER:** I'm sorry?

10          **MS. HENEIN:** Subject to any other questions  
11 specifically on the funding component ---

12          **THE COMMISSIONER:** Let me just check.

13                           **(SHORT PAUSE/COURTE PAUSE)**

14          **THE COMMISSIONER:** Okay. So when would you have your  
15 material in?

16          **MS. HENEIN:** Wednesday?

17          **THE COMMISSIONER:** All right.

18                 So if you want me to consider Mr. Leduc's funding  
19 application you will have filed by Wednesday. What is the date  
20 on Wednesday?

21          **MS. HENEIN:** That would be the 9<sup>th</sup>.

22          **THE COMMISSIONER:** The 9<sup>th</sup>, failing which your client  
23 might be out of luck.

24          **MS. HENEIN:** No, I understand that.

25                 So Your Honour wants the submissions with the

1 affidavit and then Your Honour can consider whether it would be  
2 sealed or aspects of it redacted or not?

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

4 **MS. HENEIN:** That's fine. Okay. Thank you.

5 Subject to any other questions either with respect to  
6 the standing or the funding issue, those are my submissions.

7 **THE COMMISSIONER:** Thank you.

8 **MS. HENEIN:** Thank you.

9 **THE COMMISSIONER:** All right.

10 We have Mr. Carroll now, I believe.

11 **MR. ENGELMANN:** Mr. Wallace.

12 --- EXHIBIT NO. 14: SUBMISSION BY Mr. W.J. CARROLL DATED  
13 OCTOBER 20, 2005 ON BEHALF OF THE  
14 ONTARIO PROVINCIAL POLICE ASSOCIATION

15 SUBMISSION BY THE ONTARIO PROVINCIAL POLICE ASSOCIATION:

16 **MR. WALLACE:** Good afternoon, Mr. Commissioner.

17 **THE COMMISSIONER:** Good afternoon.

18 **MR. WALLACE:** My name is Mark Wallace. I'm appearing  
19 this afternoon on behalf of my law partner, Bill Carroll, who is  
20 counsel for the Ontario Provincial Police Association.

21 I would indicate at the outset, sir, that I was only  
22 pressed into service this morning. Mr. Carroll was ill, and my  
23 delay in arriving reflects no cavalier attitude either to you or  
24 the process. It was simply -- it's just one of those things.

25 **THE COMMISSIONER:** That's fine, sir.

1           **MR. WALLACE:** Thank you.

2           Secondly, as the application sets out, we are only  
3 seeking standing, not funding, on behalf of the Provincial  
4 Police Association. He has filed the materials that, in my  
5 respectful submission, set out the direct and substantial  
6 interests of the OPPA and I would not add any further facts to  
7 it.

8           I would indicate as well, in speaking to both Mr.  
9 Carroll and Mr. Kozloff, they will be working, if a grant of  
10 standing is made, at eliminating any duplication where it exists  
11 in the sense of someone was an Association member at the time  
12 and with the passage of time is outside the representative scope  
13 of the Association.

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

15           **MR. WALLACE:** Subject to any questions that you may  
16 have, that's the materials that I would like you to ---

17           **THE COMMISSIONER:** Yes. That's fine, sir.

18           **MR. WALLACE:** Thank you.

19           **THE COMMISSIONER:** Okay. Mr. Engelmann?

20           **MR. ENGELMANN:** Mr. Commissioner, there were two other  
21 counsel that wished to address you, Mr. Kloeze from the Attorney  
22 General wishes to address you again on Part II ---

23           **THE COMMISSIONER:** Right.

24           **MR. ENGELMANN:** --- and Mr. Bennett for the Men's  
25 Project.

1           **THE COMMISSIONER:** Thank you.

2           **SUBMISSIONS BY THE ATTORNEY GENERAL OF ONTARIO:**

3           **MR. KLOEZE:** Mr. Commissioner, thank you for your  
4 indulgence. I advised Mr. Engelmann that over the lunch break I  
5 was able to contact my instructing client with respect to the  
6 comments you made this morning about the scope of Part II of the  
7 inquiry.

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

9           **MR. KLOEZE:** The potential scope of Part II of the  
10 inquiry. The potential scope of that part, the fact that Part  
11 II will run concurrently to Part I and the fact that the  
12 evidence raised in Part I may serve to frame the scope of the  
13 inquiry in Part II, and with those very helpful comments that  
14 Your Honour made this morning, the Attorney General would like  
15 to amend its application for standing and include an application  
16 for standing for Part II of the inquiry as well.

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

18           **MR. KLOEZE:** Thank you.

19           **SUBMISSIONS BY THE MEN'S PROJECT:**

20           **MR. BENNETT:** Further to our submissions this morning,  
21 my client has indicated he would like to make some written  
22 additional submissions with respect to counselling and how that  
23 may look in funding for that, and he's indicated by Friday that  
24 would be available, with your permission.

25           **THE COMMISSIONER:** All right.

1           **MR. BENNETT:** Just with that particular -- we won't  
2 deal with any other aspects of our submission.

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

4           **MR. BENNETT:** Thank you.

5           **THE COMMISSIONER:** So anything else now?

6           All right. I'm just opening up my calendar.

7           What I would like to do is have the decisions on --  
8 the rulings on standing and funding done as soon as possible. I  
9 think we can still stick to November 17<sup>th</sup>. I'm going to render a  
10 decision on November 17<sup>th</sup> at 10 o'clock here. The decision will  
11 be disseminated and put on the webcast. So those of you who  
12 wish to attend can and those of you, especially those of you  
13 dealing with funding issues, you may wish to re-attend in case  
14 there are any questions or any matters dealing with that.

15           I think that takes care of it. Thank you very much  
16 for coming and we'll see you next time.

17           **THE REGISTRAR:** All rise.

18 --- Upon adjourning at 2:57 p.m./

19 L'audience est ajournée à 14h57

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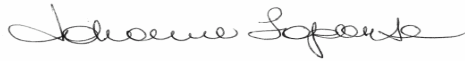
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I, Johanne Laporte a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

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



---

Johanne Laporte, CVR-CM