

Address of Commissioner Bélanger to the people of Elliot Lake, August 15, 2012, at the Lester B. Pearson Community Centre in Elliot Lake

Ladies and Gentlemen – Good morning –

I'll be repeating my comments in French at the conclusion of these remarks – je répèterai mes commentaires en français à la conclusion de ceux en anglais.

My name is Paul Bélanger and I have been appointed by the Government of the Province of Ontario as Commissioner for the Commission of Inquiry into the collapse of the Algo Centre Mall.

I begin by expressing my condolences and that of my colleagues to those of you who have lost loved ones, cherished friends or neighbours on the 23rd of June last. Indeed this tragedy shook all Ontarians as well as the people of Canada. We are concerned about those of you who were injured as well as those who have been impacted by the collapse – financially, emotionally, and socially.

It is that tragedy that brings us here today.

Our immediate concern today and tomorrow is not HOW or WHY this tragedy happened - that will come later as our investigation progresses and as we hold public hearings.

We are here now because we want to hear from you on the IMPACT that the events of 23 July and following days has had upon you. We wanted to come here as soon as possible so that you know who we are - so that we know who you are. We want to listen to you, the citizens of Elliot Lake. Hearing your stories will help us focus our work here. It will put faces and voices of real people to what are otherwise dry facts we read about in the media.

Those of you who want to speak publicly about their experience can come up to the microphones and talk to us. Those who want to speak privately to us will have an opportunity to do so this afternoon and tomorrow. Some of you may have questions. We will try to answer them.

We are taking this opportunity to get to know Elliot Lake, to tour the site of the collapse and to speak to responsible groups and individuals, such as the members of your chamber of commerce and your elected officials.

Let me explain to you what a Commission of Inquiry is and what it isn't. A public inquiry investigates and reports on matters of substantial public interest to a community. A public inquiry is not a trial. No one is charged with any criminal offence and no one is being sued. As Commissioner, I have no right to find any one guilty of a criminal offence nor can I establish

civil responsibility for damages. Inquiries tend to be broader than either criminal or civil trials and, as a rule, while they investigate past events, they tend also to be concerned with providing an explanation of what happened so as to assist in preventing similar events in the future. But I want to emphasize that there are no legal consequences from the commissioner's findings. This distinction can be frustrating for members of the public who want to see perceived wrongdoers penalized. Punishment or penalty may well follow, but not as part of the public inquiry itself.

A public inquiry also needs to be both public and available to the public and I am committed to having open and public hearings. That is why we are here today and why our public hearings will be here in Elliot Lake. For the convenience of parties, some parts of the hearings such as applications for standing and funding (these occur before the actual public hearings) may have to be off-site; we will be making efforts to have these proceedings broadcast live. Indeed, we are exploring ways and means to have all hearings televised live so that if you can't attend in person, you can watch from a remote location either in real time or by re-broadcast. At the hearings, we will be setting up a media room so that interested journalists can accurately report on what has gone on. One of our counsel has been designated as our media spokesperson to give timely explanations to the media about the Commission and to make materials as accessible as possible to them.

We have already set up a website at www.Elliottlakeinquiry.ca. And we will be making efforts to ensure that it is always up to date so that everyone can follow our progress.

I invite as many of you as possible to attend our hearings when they commence and to follow us on television and on the web site.

I want to emphasize that these initial meetings with you and others in public and in private will not constitute evidence in our inquiry. For the sake of transparency and the appearance of fairness, the private meetings will be audio recorded in an anonymous way so that speakers are not identified. They will be confidential and not released to anyone unless it is on direct order from me and only if it should be shown to be in the public interest. However, if you object to recording, we will refrain from doing so.

I repeat and emphasize that the purpose of this informal meeting is to allow us to appreciate what you have lived and are still living through.

Now, let me introduce those who are here with me this morning. Commission counsel plays a vital and critical role in a public inquiry. They are the legal arm of the inquiry. Essentially, I am their client – their only client. The main responsibility I have given them is to represent the public interest at the inquiry. They do not represent a particular point of view, as they might if this was a legal case in court. They are not prosecutors. Their role is not adversarial nor do they take one side over another. They have a duty to make sure that all issues bearing on the public interest are brought to my attention. Their job is to use their skills and experience to present all of the available relevant evidence in as fair and thorough a fashion as possible.

Mr. Bruce Carr-Harris is a recognized expert in construction litigation among other specialities and a decorated leader of his profession.

Mr. Peter Doody is a highly experienced litigator in public, administrative and commercial law.

Mr. Mark Wallace is a highly experienced criminal law specialist

All 3 have extensive and varied experience as counsel in public inquiries

Ms. Nadia Effendi is fluently bilingual, a gold medal graduate in law and a specialist in civil and public litigation.

Other counsel have already joined or will be joining the legal team.

Mr. Peter Rehak – our media consultant – has already spent time here in Elliot Lake in the last few weeks setting things up. Peter has acted as media consultant for virtually all Commissions of inquiry in Ontario for the past dozen years and we are grateful to have a man with his wealth of journalistic experience and wisdom as part of our team.

On our Web Site you will find short biographies of all of the key members of the Inquiry.

Let me conclude by saying that public commissions of inquiry are an important component of a mature and democratic society such as ours – they play a key role in fact finding, informing the public and making recommendations to ensure that the matter that is the subject of the inquiry does not occur again. They may also play a role in restoring public confidence in government institutions.

Above all, if they are to be effective and receive cooperation, commissions must be perceived as being completely fair to all. That will be one of this commission's overriding objectives. In addition, we want to be thorough. We want to be efficient, accessible and cost effective.

You're going to be seeing a lot of us over the next year. Our investigators will be gathering information so that we can begin obtaining the materials we need and identifying the persons we need to speak to. All I ask for from you is your cooperation, understanding and assistance.

I will now turn over proceedings to Mr. Bruce Carr-Harris who will answer questions on behalf of the commission.