



**OPENING REMARKS OF COMMISSIONER PAUL R. BÉLANGER
Elliot Lake, October 26, 2012**

CHECK AGAINST DELIVERY

Good morning and welcome to the first formal session of the Elliot Lake Inquiry. My name is Paul Bélanger – I am a retired judge of the Ontario Court of Justice and I have been appointed Commissioner of this independent inquiry.

Thank you all for coming this morning.

It is a pleasure to be back here in Elliot Lake.

As you may recall, my team and I were here in August to meet informally with the residents of Elliot Lake to hear directly from them about the impact that the events of June 23 and following days had on them.

We met publicly and privately with approximately 40 individuals.

I can tell you we all left with a clear understanding of how emotional the issues we are investigating are to this community, and the absolutely devastating impact the collapse of the Algo Centre Mall has had on the people of Elliot Lake and surrounding community. As we continue our work, we will most certainly keep these sentiments in mind and remember the two citizens who perished in this tragedy.

I think it is important to reiterate what I said in August about the role of a public inquiry – what it 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, nor is anyone being sued. A public inquiry must be conducted with scrupulous fairness and impartiality.**

I am pleased to report that much has been accomplished since we were last here:

- I have assembled a full team of lawyers, investigators and support staff to assist in our work. I can assure you they are highly skilled and devoted to

the important work ahead. You met our lead counsel at our August session. Information about the rest of the team is on our Website.

- We have set up offices here in Elliot Lake and in Ottawa where I and my counsel are based and we are nearing completion of the hearing room at the old White Mountain Academy of the Arts that has not been in use for some years. We will have seating for the public there, and it will also be possible to view the proceeding on a large screen elsewhere in the Academy. I understand that the city library, Service Canada and some other institutions are also setting up at the Academy. As I indicated in August, all of our proceedings will be broadcast live on the Internet. The local cable company is looking at the possibility of broadcasting the proceedings as well and we are setting up a media room so that local, regional and national media can cover the proceedings.
- We have secured accommodations for my team when we move up here for the hearings which I hope will begin early in the new year.

The first part of our work involves conducting our own investigation into the issues that I have been directed to inquire into. **I must emphasize, however, that our investigation is separate from any of the other investigations currently underway into this tragedy.** To this end:

- We have served summons on more than 60 individuals, companies and organizations to obtain documents relevant to our investigation.
- We have so far received approximately 73 500 documents and my team is diligently reviewing and sifting through them.
- My investigators have already interviewed approximately 50 people and expect to interview many more in the coming days.

As well, we have published our Rules of Standing and Funding and Rules of Procedure. They are on the Commission's Web site at www.elliottlakeinquiry.ca. Each public inquiry establishes its own rules. We have drafted our Rules in a way that makes sure that the process we plan to follow is open, transparent and fair to everyone involved. We've also tried to write the rules in plain language.

Once I have determined which parties have standing, we will be inviting comments and suggestions about the rules.

So while much has already been accomplished, clearly there is a great deal of work still ahead of us. I am mindful of the July 20 order-in-council establishing the Commission, which directs me to report within 18 months.

I wish to assure you and all the people of Ontario that my staff and I are keenly aware that we are spending taxpayers' money and we will ensure that we will

conduct these hearings – and all our work – in a manner that is fair to all involved, efficient and respectful of the current economic climate.

But we have been appointed by the Government of Ontario to get answers to this tragedy – and we will get those answers. The answers are of course important for the people of this community – but they are also important for all the people of Ontario to ensure another tragedy like this does not occur.

Just one final point.

While important aspects of our mandate require me to inquire into the events surrounding the collapse of the Mall and the emergency management and response to it, I have also been directed to review legislation, regulations and practices relating to the structural integrity of buildings and emergency management generally.

I have yet to devise the exact mechanisms through which we will deal with that aspect of the mandate.

As Madam Justice Arbour said in her report on The Prison for Women, the “highly structured form of inquiry (i.e. the formal hearings) would be inappropriate and costly in helping the Commission with its ... major task of making policy recommendations.”

She undertook a separate process for that purpose that had a less structured format and relied on the “free exchange of views by invited experts and interested parties, but it did not rely upon formal submissions and the services of legal counsel.”

Some commissions have carried out their policy reviews through the creation of expert panels; others through round tables. Others still have invited experts to provide written submissions.

May I take this opportunity to invite all counsel to discuss with Commission Counsel your views on how we can best achieve this policy objective.

While our primary focus until now has been the gathering of information, I have also asked Commission Counsel to research best practices in other jurisdictions in areas such as professional qualifications, construction engineering and inspection and emergency response. When that information has been collected and properly edited, I propose to make it available to all participants in this inquiry. I look forward to your collaboration on this important aspect of our work.

The purpose of today’s hearing is to determine who will have standing to participate in the work of the Commission. The test for standing is whether the person or organization has a “substantial and direct interest” in the work of the

Commission. Those persons or organizations granted standing can take an active part in the proceedings of the inquiry.

In addition, I will, as previous commissions have done, consider the following:

- The nature of the party's interest and proposed involvement in the inquiry;
- Whether the party has an established record of concern for, and a demonstrated commitment to, the interest it seeks to represent;
- Whether the party has special experience or expertise with respect to the Commission's mandate;
- Whether the party can reasonably be included in a group with others of similar interests.

As you will see from the Rules we have published, we have divided our work into two phases – one dealing with events prior to the collapse of the Mall on June 23, 2012, and the other dealing with events on and after that date.

While of course these are not iron-clad compartments, they will help us to better organize our work. Some groups or individuals, therefore, may receive standing and/or funding for one phase and not necessarily the other.

Based on the written submissions I have received, I have already indicated that I did not require a number of applicants to appear today.

Today I will hear brief submissions from those who have been invited to attend.

On the issue of funding, I must emphasize that my mandate only permits me to make recommendations to the Attorney General on which groups or individuals should receive funding for their participation in the work of the Commission. The test is whether these individuals or groups “would not otherwise be able to participate in the inquiry without such funding.”

May I now introduce Commission Counsel who are here today.

Commission Counsel, anything you wish to add?

[Submissions of Applicants]

Thank you for all your submissions.

I will release as soon as possible my ruling on who will receive standing and my recommendations on who should receive funding.

I'm not yet in a position to announce the date for the start of the public hearings. Before we begin, we have to be sure that we have gathered all the information, that we have interviewed all those who may be helpful, and that we have organized everything for the hearings, so that this information can be presented in an understandable and efficient way.

All this takes time. However, my hope is that we will be in a position to start the hearings early in the new year. I encourage you to check our website regularly or updates about the Commission's schedule and events.

Thank you all for coming today.