

COMMISSIONER'S STATEMENT

Observations Regarding Progress of the Inquiry November 1, 2004

As we conclude the proceedings today, I wish to make a few brief comments on the progress of the Inquiry. This may be the first of periodic observations that I make, during the course of the Inquiry.

I think the timing for these observations is appropriate. We have now completed the first full two months of evidentiary hearings and I have had an opportunity to reflect on how we are progressing and to look forward to the next few weeks and months.

First, I would like to note some of our successes.

In my view, the hearings have been running smoothly, almost without incident. And, where there have been technical or other issues, these have been resolved relatively quickly. This is not as easy as it appears and I want to commend the hearing room staff, the "behind the scenes" of the Inquiry staff and the community centre staff for their hard work.

I also wish to commend out-of-town counsel, parties and others who have made the transition to Forest seamlessly. I know that this has not been easy personally or professionally and I want to acknowledge your efforts.

Finally, I wish to commend all counsel for their professionalism, hard work, and high degree of co-operation with the Commission and with each other. The sheer volume of documentary and other material has made this a daunting task but, again, with only a few exceptions, everything seems to be working smoothly.

Notwithstanding these successes, I am increasingly concerned about the pace of the proceedings. We are simply moving too slowly. This is not a serious problem yet but, in my view, it is a situation that requires our attention, sooner rather than later. Lengthy delays and extensions have the potential to undermine the credibility of the Inquiry. The public inquiry process always entails a delicate balancing of thoroughness and efficiency. Many who actively support the general objectives of a public inquiry also have legitimate concerns regarding the length of time it takes and the costs involved.

This is a publicly funded process and many of the parties to this Inquiry are receiving public funding to participate. Accordingly, the public has a right to expect us to undertake our work not only with thoroughness but also with economy and efficiency in mind.

As you know, the Commissioner and Commission counsel have a responsibility to manage the Inquiry process and, in that regard, we are recommitting ourselves to

ensuring that we can fulfill our mandate with thoroughness but also within a reasonable time. We intend to continually monitor our progress according to that standard.

Commission Counsel have taken considerable time and care with early witnesses to establish background and context in some detail. It may not be necessary to repeat that same level of detail with every witness and accordingly, Commission Counsel have advised that they intend to narrow the scope of their examination for some of the forthcoming witnesses into a more specific time frame.

But obviously, we couldn't manage this process alone.

Parties to this Inquiry have differing objectives and expectations. Clearly counsel have a duty to represent and protect their clients' interests and these remarks are not directed to any particular counsel or party. However, it is important for me to remind everyone of the statement I made at the opening of the hearings on standing:

A public inquiry is not a trial and the Commission has not been established to revisit judgments already passed, nor to investigate criminal offences or assign civil liability. While the Commission may determine wrong doing, it does not find anyone guilty of a crime, nor does it establish civil responsibility for monetary damages.

Because this is a public inquiry, there is an element of public education as part of its mandate and because in my view, it is also important to establish the context of events, that is, cultural, historical or otherwise, I believe it is appropriate to allow some latitude regarding counsel's questions. However, we cannot lose sight of our mandate as set out in our Order-in-Council:

- a) to investigate into and report on the events surrounding the death of Dudley George and,*
- b) to make recommendations directed to the avoidance of violence in similar circumstances.*

Therefore, I am respectfully asking all counsel to strengthen their efforts to ensure that their cross-examinations and interventions add value to the Inquiry's mandate. I am also encouraging counsel to communicate with Commission counsel on a regular basis with any suggestions or recommendations they may have as to how we can continue to work together to complete our work fairly, thoroughly and in a manner that is economically responsible.

Thank you