

## COMMISSIONER'S REMARKS

January 9, 2006

- GOOD MORNING AND HAPPY NEW YEAR.
- WE HAVE COME A LONG WAY SINCE THESE HEARINGS BEGAN. WE HAVE HAD 156 HEARING DAYS AND HEARD TESTIMONY FROM 95 WITNESSES. MANY PEOPLE ARE QUICK TO ASK: "HOW MUCH LONGER IS IT GOING TO TAKE?"
- I WOULD LIKE TO SPEND A FEW MINUTES REVISITING A THEME THAT I HAVE STRESSED ON A NUMBER OF OCCASIONS – THAT IS, BALANCING WHAT MAY APPEAR TO BE THE COMPETING OBJECTIVES OF THOROUGHNESS ON THE ONE HAND, AND EFFICIENCY, ON THE OTHER.
- I WILL BEGIN WITH THE GOAL OF THOROUGHNESS: THROUGH THIS INVESTIGATION AND THESE HEARINGS, WE ARE ENDEAVOURING TO BRING TO LIGHT ALL THE FACTS ABOUT THE EVENTS SURROUNDING THE DEATH OF DUDLEY GEORGE.
- WHILE THE EVENTS IN QUESTION OCCURRED 10 YEARS AGO, THE CURRENT GOVERNMENT WAS OF THE VIEW THAT QUESTIONS REMAINED UNANSWERED AND THAT THE BEST WAY TO ANSWER THEM WAS THROUGH A PUBLIC INQUIRY.
- A PUBLIC INQUIRY TAKES TIME – OFTEN MORE THAN CAN BE ACCURATELY PREDICTED AT THE OUTSET.
- ONLY AFTER DOCUMENTS ARE READ, INTERVIEWS ARE CONDUCTED AND ALL THE EVIDENCE IS GATHERED DOES THE BREADTH AND DEPTH OF THE MANY ISSUES REQUIRING INVESTIGATION BECOME

APPARENT. AS COMMISSIONER, IT IS MY OBLIGATION TO ENSURE THAT NO STONE IS LEFT UNTURNED.

- AT THE OUTSET, IT IS ALSO DIFFICULT TO ESTIMATE THE NUMBER OF PEOPLE WHOSE RECOLLECTION MAY CONTRIBUTE MEANINGFULLY TO THE INVESTIGATION.
- A PUBLIC INQUIRY IS A UNIQUE OPPORTUNITY BECAUSE OF ITS INDEPENDENCE AND ITS STATUTORY AUTHORITY. AS SUCH, IT CAN OFTEN BRING TO LIGHT IMPORTANT FACTS AND PERSPECTIVES THAT WERE PREVIOUSLY NOT KNOWN.
- AS THE INQUIRY UNFOLDS, THEREFORE, ADDITIONAL WITNESSES ARE OFTEN IDENTIFIED. THESE CANNOT BE IGNORED IF WE ARE TO MEET OUR COMMITMENT OF THOROUGHNESS.
- IN THE CASE OF THIS INQUIRY, WE HAVE THE BENEFIT OF 17 DIFFERENT AND LEGITIMATE PERSPECTIVES, AS REPRESENTED BY THE PARTIES WITH STANDING. MUCH HAS BEEN LEARNED SO FAR - BUT THERE ARE STILL MANY WITNESSES TO HEAR FROM, TO ENSURE THE STORY IS COMPLETE.
- I AM COMMITTED TO COMPLETING THESE HEARINGS WITH THE SAME ATTENTION TO THOROUGHNESS THAT I BELIEVE, WE HAVE DEMONSTRATED TO DATE.
- I INDICATED SOME TIME AGO, MY EXPECTATION THAT THE HEARINGS MIGHT HAVE BEEN CONCLUDED BY NOW. FOR THE REASONS I HAVE DISCUSSED ABOVE, I NOW ESTIMATE THAT WE WILL CONCLUDE THIS SPRING.

- I WOULD NOW LIKE TO TURN TO THE TOPIC OF EFFICIENCY. AS COMMISSIONER, I ALSO HAVE THE OBLIGATION OF MANAGING THE ENTIRE INQUIRY PROCESS. THIS RESPONSIBILITY MANIFESTS ITSELF EARLY IN THE PROCESS WITH THE PREPARATION OF RULES OF PROCEDURE, TO GUIDE AND DEFINE THE PARAMETERS OF THESE PROCEEDINGS.
- OTHER EXAMPLES OF THE COMMISSION'S EFFORTS TO CONDUCT AN EFFICIENT PROCESS INCLUDE CIRCULATING SUMMARIES OF ANTICIPATED EVIDENCE, LEADING EVIDENCE THOROUGH DETAILED EXAMINATIONS-IN-CHIEF AND WORKING WITH PARTIES' COUNSEL TO ENSURE AN ORDERLY, THOROUGH AND FAIR PROCESS.
- PARTIES TO THE INQUIRY, AS REPRESENTED BY THEIR COUNSEL CAN CONTRIBUTE TO THIS EFFORT AS WELL - IT IS MY VIEW THAT WE ALL SHARE RESPONSIBILITY FOR AN EFFICIENT PROCESS.
- I HAVE TWO SPECIFIC REQUESTS TO COUNSEL IN THIS REGARD. FIRST, IF ISSUES HAVE BEEN DEALT WITH BY COMMISSION COUNSEL, IN THEIR DIRECT EXAMINATION OR IN SOME DETAIL BY ANOTHER PARTY DURING THEIR CROSS-EXAMINATION, IT IS NOT NECESSARY NOR HELPFUL TO THIS INVESTIGATION TO HAVE THE SAME GROUND REVIEWED AGAIN.
- SECOND, I AM ASKING EACH OF YOU TO KEEP IN MIND THE BASIS ON WHICH YOUR PARTY WAS GRANTED STANDING WHEN PREPARING YOUR CROSS-EXAMINATION AND TO FOCUS YOUR EXAMINATION ON YOUR PARTY'S INTEREST.
- WE GRANTED STANDING TO 17 PARTIES TO ENSURE THAT ALL NECESSARY PERSPECTIVES WERE CANVASSED, BUT THEY DO NOT

NEED TO BE, AND SHOULD NOT BE, CANVASSED REPEATEDLY.

- EACH PARTY WILL HAVE AMPLE OPPORTUNITY TO MAKE COMPREHENSIVE CLOSING SUBMISSIONS, EITHER WRITTEN OR ORAL OR BOTH, AT THE CONCLUSION OF THE HEARINGS. I AM, THEREFORE ASKING YOU TO BE MINDFUL OF QUESTIONS THAT NEED TO BE ASKED IN CROSS-EXAMINATION AND OF THOSE MATTERS THAT SHOULD MORE APPROPRIATELY BE DEALT WITH IN CLOSING SUBMISSIONS.
- FURTHERMORE, IN MY VIEW, EACH PARTY HAS A CONTINUING RESPONSIBILITY TO CAREFULLY CONSIDER THE NECESSITY OF THEIR COUNSEL BEING PRESENT, IN KIMBALL HALL, FROM THE BEGINNING TO THE END OF EACH HEARING DAY AND WEEK.
- I APPRECIATE THAT THE ‘TWISTS AND TURNS’ THAT THESE HEARINGS TAKE SOMETIMES MAKES IT CHALLENGING FOR THE PARTIES – AND THEIR COUNSEL - TO ANTICIPATE THE DIRECTION THE EVIDENCE WILL TAKE, AND THEREFORE, THE EXTENT TO WHICH A WITNESS’ TESTIMONY MAY BE OF DIRECT OR SUBSTANTIAL INTEREST TO THEIR PARTY.
- OUR WEBCAST, AND DAILY POSTING OF TRANSCRIPTS ARE AN EXCELLENT MEANS TO FOLLOW THE PROCEEDINGS - AND THE OUTLINES OF ANTICIPATED EVIDENCE PREPARED BY COMMISSION COUNSEL, ARE INTENDED TO ASSIST COUNSEL TO ANTICIPATE RELEVANT EVIDENCE OR ISSUES REQUIRING THEIR DIRECT PARTICIPATION.

- I APPRECIATE, HOWEVER, THAT EVEN BY MONITORING THE WEBCAST AND REFERRING TO THE OUTLINES OF ANTICIPATED EVIDENCE UNEXPECTED OR UNANTICIPATED SITUATIONS MAY ARISE.
- IN CONCLUSION, I WANT TO REITERATE MY VIEW THAT THE VERY REAL CONCERN FOR BOTH THOROUGHNESS AND EFFICIENCY REQUIRES CONSTANT VIGILANCE AND EFFORT BY ALL OF US, AS WE ARE ENGAGED IN A PROCESS THAT IS, FOR THE MOST PART, PUBLICLY-FUNDED.
- I HAVE COMMENDED COUNSELS' CO-OPERATION IN THE PAST AND, ONCE AGAIN, I WANT TO ACKNOWLEDGE THE SIGNIFICANT EFFORTS THAT HAVE BEEN AND CONTINUE TO BE MADE BY MOST COUNSEL IN ADDRESSING THESE IMPORTANT CONCERNS.
- I AM COMMITTED TO COMPLETING A THOROUGH AND FAIR INVESTIGATION – FROM BEGINNING TO END – BUT I ALSO WANT TO REITERATE MY CONCERN THAT THOROUGHNESS CANNOT BE ACHIEVED AT *ANY COST*. BOTH THOROUGHNESS AND EFFICIENCY MUST CONTINUE TO GUIDE US IN OUR EFFORTS TO MAINTAIN THE INTEGRITY OF THIS PROCESS.
- THANK YOU.