

OPENING STATEMENT
Justice G. Normand Glaude
Commissioner of the Cornwall Public Inquiry
at
The Hearings for Standing and Funding
November 7, 2005

Bien, bonjour. J'aimerais vous souhaiter à tous la bienvenue à cette première séance de l'enquête publique sur Cornwall.

Avant de m'entretenir avec mes amis anglophones sur le déroulement de la journée, je tiens à souligner que cette enquête se déroulera dans les deux langues officielles et ceux et celles qui auront à se prononcer pourront le faire en français ou en anglais. En plus, une traduction simultanée sera disponible aux prochaines séances de l'enquête.

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

Good morning, all. I bid you all welcome to the first public session of the Cornwall Public Inquiry.

My name is Normand Glaude and I'm a judge of the Ontario Court of Justice. In April of this year, by Order in Council, I was appointed Commissioner to conduct this inquiry.

The purpose of this session is to hear submissions in order to determine who should be granted standing and funding, if necessary, a process I will explain further in a few minutes. But before I begin, I would like to make some preliminary observations.

Public inquiries, especially one of this nature, are few and far between. We have, in the last few years, had the benefit of hearings from a few inquiries such as the Ipperwash, the Walkerton, the Arar and the Toronto Computer Leasing inquiries. In all of these inquiries, the Commissioners have set the tone as to what a public inquiry is and, more important, what it is not.

A public inquiry is not a trial. No one is charged with a criminal offence, nor is anyone being sued in this process. In fact, in paragraph 7 of my mandate in the Order in Council it clearly states that: "The Commission shall perform its duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization. The Commission, in the conduct of its inquiry, shall ensure that it does not interfere with any ongoing legal proceedings related to the matters."

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

response to a matter of public interest. Very often, there is also some element of public controversy involved.

The purpose of an inquiry is generally to find out what happened, what went wrong, and to look at what can be done to avoid similar occurrences. As a result, inquiries look backwards and forwards at the same time. This dual mandate is what makes public inquiries both unique and, perhaps, unusual to some observers. This dual mandate, however, is also what makes public inquiries useful in our democracy and why they provide a valuable public service.

Public inquiries can also serve the policy development process by considering public opinion, proposing and exploring policy options and making recommendations. Some of the advantages of the public inquiry process are its openness, its investigative capabilities and its independence. It is this openness and transparency of the inquiry system that distinguishes it from a policy development process carried on in-house by government agencies. These factors, coupled with the inquiry's independence, means that the inquiry should be free from personal, political, partisan or organizational influences that often accompany public controversies.

The investigative capability of an inquiry distinguishes it from a court of law, where a judge or jury is confined to determining questions of guilt or innocence and fault or no fault. In fact, finding is necessary, necessarily limited to the particular dispute in question.

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

However, an inquiry is expected to go beneath the surface of the controversy and to explore the factors and conditions that give rise to these incidents. A public inquiry can and should consider the broader context in which the events occurred.

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

As you can see, this won't be an easy job. The Terms of Reference involve reviewing actions taken by public institutions on the allegations of abuse spanning a great many years and involving a great number of people. Simply put, there were allegations of sexual abuse made and my job is to determine just how our public institutions responded to those allegations. That is the fact-finding portion of the inquiry.

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

The inquiry shall be divided in two parts.

Part I of the inquiry will inquire and report in the manner in which the public institutions such as the police, probation services, Crown attorneys, et cetera, responded to the allegations of sexual abuse as reported to them by the citizens of this community.

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

Part II will use a different approach, one more closely mirrored by the Ipperwash and Walkerton inquiries. In this part, we shall use a variety of additional approaches to collect information on key issues identified in the hearings. I intend to rely on research papers, expert panels, round-table community dialogues and advisory committees to assist me during this part of the inquiry. Part II will take on a more remedial approach, one where we can explore the healing and reconciliation of this community, all the while ensuring that this situation does not repeat itself.

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

What is most important is that this inquiry be public in every sense of the word. It is for that reason that I have decided that the hearings would be held in Cornwall and that our offices would be here as well. The public is welcome to attend any and all of our hearings. The media is welcome to attend as well. In that regard, a media room has been constructed to assist the media in its tasks. As well, the media shall have access to as much material as possible. In that way, I am confident that the media shall be fully informed and thus better equipped to report on these proceedings.

As well, we have joined the computer age and we have a website up and running which will not only keep you advised of hearing dates but also provide you with details regarding the Commission's progress. The website will also provide you, word for word, with what is being said in the hearings. The transcripts of all hearings will be posted to the website on a daily basis. As well, my notes have indicated we're exploring the possibility of having a web cam. Well, the web cam is here and is up and running. For those who are not able to attend in person, it will give them the opportunity to see the hearings unfold live. Our website is the cornwallinquiry.ca.

Now, since my appointment, I have recruited a team of lawyers headed by Mr. Peter Engelmann, lead counsel, and joining him, Pierre Dumais. Rounding out the team is Mr. Simon Ruel, Mrs. Christine Norris and Mrs. Raija Pulkkinen. You can learn more about their background by visiting our website. Their function is to represent the public interest in this inquiry. It is important to note that they are not prosecutors. They simply do not take sides. I have instructed them to leave no stone unturned and to bring all relevant evidence on issues of public interest to my attention.

Finally, a word on rules. Having had the benefit of reviewing the rules of other commissions, we have adapted the rules of other commissions to fit our needs and to ensure that the inquiry will be thorough, effective and fair to all parties involved. These rules are posted on the website. As in other commissions, they are deemed to be draft rules. Once I have made my decision on who will have standing, those parties will be invited to comment on the rules and any changes will be noted on the website.

That having been said, we are here, as most of you may know, parties seeking standing were -- it was publicized and written submissions were to be given by a certain date, and today we are here to give an opportunity to those who have sought standing to address the Commission with any further submissions they may have. Accordingly, on that note, I am prepared to hear from those of you who wish to make submissions. I believe we have a draft hearing schedule, and subject to any comments anyone may have, I would propose that we begin by hearing from Mr. Callaghan representing the Cornwall Police Services Board.

Thank you.