

**COMMISSIONER'S REMARKS**  
**Re: Oral Submission Process & Thereafter**  
**August 21, 2006**

- GOOD MORNING. I MUST SAY, EVERYONE IS LOOKING – AND I HOPE, FEELING – A LITTLE MORE RESTED THAN WHEN WE WERE LAST TOGETHER IN JUNE.
  
- ALTHOUGH WE HAVE A DEMANDING SCHEDULE THIS WEEK, I WOULD LIKE TO TAKE A FEW MINUTES TO EXPLAIN BRIEFLY WHERE WE ARE IN THE INQUIRY PROCESS AND WHAT WORK STILL REMAINS TO BE DONE.
  
- WE HAVE COME A LONG WAY SINCE THE HEARINGS ON STANDING AND FUNDING JUST OVER TWO YEARS AGO. OUR EFFORTS TO CONDUCT A THOROUGH AND FAIR INVESTIGATION INTO THE EVENTS SURROUNDING THE DEATH OF DUDLEY GEORGE IN SEPTEMBER 1995, HAVE RESULTED IN:
  - THE ESTABLISHMENT OF A DATABASE OF OVER 23,000 DOCUMENTS;
  - EVIDENCE HEARD FROM 139 WITNESSES, INCLUDING SOME EXPERT WITNESSES, DURING 229 DAYS OF TESTIMONY;
  - AN ARCHIVE OF 1876 EXHIBITS;
  - A VERBATIM WRITTEN RECORD OF THE HEARINGS AMOUNTING TO OVER 60,000 PAGES OF TRANSCRIPTS; AND,
  - A VIDEO RECORDING OF THE PROCEEDINGS, FROM BEGINNING TO END.
  
- THE LEGACY OF OUR POLICY WORK, DIRECTED AT MAKING RECOMMENDATIONS TO AVOID VIOLENCE IN SIMILAR CIRCUMSTANCES, INCLUDES:

- OVER 20 COMMISSIONED RESEARCH PAPERS, BY ACADEMICS AND OTHER EXPERTS;
  - MANY PAPERS, ON A VARIETY OF RELEVANT TOPICS, WRITTEN BY PARTIES WITH PART 2 STANDING;
  - OVER A DOZEN MEETINGS, SYMPOSIA AND OTHER EVENTS ORGANIZED TO ASSIST THE COMMISSION IN UNDERSTANDING THE DIFFERENT ISSUES AND PERSPECTIVES;
  - IN TOTAL, THESE EVENTS WERE ATTENDED BY SEVERAL HUNDRED PEOPLE AND, WHEN WEBCAST, WERE VIEWED BY MANY OTHERS.
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- OF COURSE, I HOPE THE RESULTS OF OUR EFFORTS WILL GO BEYOND STATISTICS AND CONVEY A SENSE OF THE DEPTH AND SCOPE OF THE WORK THAT HAS BEEN UNDERTAKEN, NOT ONLY BY THE COMMISSION, BUT BY EVERYONE INVOLVED.
  
  - ONCE AGAIN, I WOULD LIKE TO EXPRESS MY APPRECIATION FOR THE CONTRIBUTION MADE BY THE PARTIES AND THEIR COUNSEL TO THIS PROCESS.
  
  - THE WRITTEN SUBMISSIONS CONVEY THE PARTIES' POSITIONS ON THE EVIDENCE HEARD AND ARE NOW PUBLICLY AVAILABLE ON OUR WEBSITE.
  
  - I HAVE REVIEWED ALL OF THE WRITTEN SUBMISSIONS. THE NEXT FOUR DAYS HAVE BEEN SET ASIDE FOR PARTIES WITH STANDING AT THE INQUIRY, TO HIGHLIGHT THEIR WRITTEN SUBMISSIONS AND TO RESPOND TO POINTS RAISED BY OTHERS IN THEIR WRITTEN SUBMISSIONS. THE PURPOSE IS NOT TO PROVIDE AN OPPORTUNITY TO RAISE NEW ISSUES.

- THESE SUBMISSIONS ARE NOT EVIDENCE, THEY ARE A PARTY'S INTERPRETATION OF THE EVIDENCE AND IN SOME CASES WHAT THE PARTY IS URGING ME TO CONCLUDE FROM THE EVIDENCE.
- WE ALL HAVE A PROFESSIONAL OBLIGATION TO TREAT THE COMMISSION, COUNSEL, PARTIES AND WITNESSES WITH CANDOUR, FAIRNESS, COURTESY AND RESPECT. WE HAVE ALL TRIED TO DO THAT DURING THE COURSE OF THE PUBLIC HEARINGS.
- THAT DUTY EXTENDS TO THE ORAL SUBMISSIONS THAT COUNSEL MAKE. IT IS NOT HELPFUL TO ME OR TO THE PROCESS, AND IN MY VIEW IT IS UNFAIR, FOR COUNSEL IN THEIR ORAL SUBMISSIONS TO USE LANGUAGE THAT IS NOT ROOTED IN THE EVIDENCE AND IS INFLAMMATORY, or SPECULATIVE.
- DURING THE COURSE OF THE ORAL SUBMISSIONS I ASK COUNSEL TO REMEMBER THEIR OBLIGATIONS AND IN PARTICULAR THEIR OBLIGATION OF FAIRNESS WHEN MAKING STATEMENTS AND CHARACTERIZING THE CONDUCT OF THE WITNESSES.
- EACH PARTY HAS BEEN ASSIGNED A MAXIMUM LENGTH OF TIME IN WHICH TO MAKE ITS ORAL SUBMISSION. SOME MAY NOT USE THE FULL AMOUNT OF TIME ASSIGNED BUT THEY MAY NOT EXCEED THAT AMOUNT OF TIME.
- IN ORDER TO PROCEED IN AN ORDERLY AND EFFICIENT MANNER AND TO CONCLUDE BY THURSDAY OF THIS WEEK, I AM ASKING THAT COUNSEL REFRAIN FROM MAKING OBJECTIONS DURING THE SUBMISSION OF ANOTHER PARTY. PARTIES THAT PARTICIPATED IN THE HEARING PROCESS, HAVE HAD THE OPPORTUNITY TO MAKE THEIR CASE IN THEIR WRITTEN SUBMISSION AND IN THEIR WRITTEN RESPONSE TO THE OTHER PARTIES.

- I INTEND TO CONSIDER EVERY ARGUMENT VERY CAREFULLY BUT ULTIMATELY, MY REPORT WILL BE BASED ON MY OWN ASSESSMENT OF THE EVIDENCE, AND MY OWN ASSESSMENT AS TO WHAT POLICY CHANGES AND RECOMMENDATIONS TO INCLUDE IN MY REPORT.
- NOTWITHSTANDING THE INTERESTS THAT COUNSEL REPRESENT, AND THE VIEWS THAT COUNSEL WISH TO SHARE DURING THESE ORAL SUBMISSIONS, I URGE COUNSEL TO KEEP IN MIND THE PRINCIPLE OF FAIRNESS WHICH HAS GOVERNED OUR PROCEEDINGS.
- ON FRIDAY MORNING, THE EVIDENTIARY HEARING PHASE OF THE INQUIRY WILL CONCLUDE WITH A BRIEF CLOSING, TO WHICH ALL THE PARTIES, THEIR COUNSEL AND THE PUBLIC ARE INVITED TO ATTEND.
- I WILL THEN BE SPENDING THE NEXT FEW MONTHS WRITING MY REPORT. IT IS MY INTENTION TO COMPLETE IT BY THE END OF THE YEAR AND, SUBJECT TO PRODUCTION CONSIDERATIONS, TO DELIVER IT TO THE ATTORNEY GENERAL AS SOON THEREAFTER AS POSSIBLE.
- ON A NUMBER OF OCCASIONS, I HAVE EXPRESSED MY VIEW THAT THE VALUE OF A PUBLIC INQUIRY, WITH A MANDATE SUCH AS THIS ONE, MAY GO BEYOND WHAT IS SAID IN THE COMMISSIONER'S FINAL REPORT. THE PROCESS ITSELF GENERATES DISCUSSION AND DEBATE, AND MAY FOSTER NEW UNDERSTANDINGS AND PROVIDE A CATALYST FOR CHANGE.
- THE PUBLIC'S ACCESS TO THIS INQUIRY WAS MAXIMIZED THROUGH THE WEBCASTING OF WITNESS' TESTIMONY AND PART 2 EVENTS, THROUGH THE POSTING OF RESEARCH AND DISCUSSION PAPERS ON OUR WEBSITE AND THROUGH AN OPEN CONSULTATION PROCESS ON MANY COMPLEX POLICY ISSUES. OVER THE NEXT FEW MONTHS, I WILL BE

TAKING SOME ADDITIONAL STEPS TO FACILITATE INDIVIDUALS' AND INSTITUTIONS' AWARENESS OF THE PERSPECTIVES THAT HAVE BEEN SHARED WITH ME.

- FOR EXAMPLE, I WILL BE EXPLORING MEANS FOR BRINGING THE INQUIRY'S RESEARCH AND OTHER MATERIALS TO THE ATTENTION OF TEACHERS, PROFESSORS AND OTHERS INVOLVED IN FURTHERING EDUCATION. I WILL ALSO BE TAKING STEPS TO ENSURE OUR MATERIALS CONTINUE TO BE AVAILABLE TO INSTITUTIONS AND OTHER ORGANIZATIONS BEYOND THE DURATION OF THE COMMISSION. I AM ALSO CONSIDERING PREPARING SHORT SUMMARIES OF KEY ISSUES AT THE CENTER OF THE INQUIRY, WHICH SHOULD PROVIDE EASIER ACCESS TO SOME OF WHAT WE'VE LEARNED DURING THIS PROCESS.
- TIME IS STILL OF THE ESSENCE AND SO I WILL NOW CALL UPON MR. MILLAR AND THEN WE WILL BEGIN WITH THE FIRST PARTY.
- THANK YOU.