

COMMISSIONER LINDEN'S OPENING REMARKS
at
THE HEARINGS FOR STANDING & FUNDING FOR THE
IPPERWASH INQUIRY

April 20, 2004

Introduction

- Good Morning. My name is Sidney Linden and I was appointed Commissioner of this Inquiry by Order in Council of the Government of Ontario. I am also a judge of the Ontario Court of Justice and served as the Chief Justice of that court from 1990-99.
- Before making my opening remarks, I am going to call Lillian Pitawatikwat, an Elder to conduct a 'traditional opening'.
- The public inquiry process in Canada, inherently incorporates protocols and customs that are based on Anglo-Canadian heritage. By adding a 'traditional opening' we are also acknowledging the importance and significance of some of the traditions of Aboriginal Peoples.

[Traditional Opening]

- Today marks the first public session of the Inquiry. However, the Commission staff has been working full time over the last few months, putting our team in place, establishing our infrastructure, gathering evidence, identifying and interviewing witnesses and experts and sifting through the thousands of pages of documents.
- Today, and the balance of this week, have been designated to hear applications, by individuals and groups to obtain standing and possibly funding for the Inquiry.

- According to the Order in Council, the Commission was established to inquire into and report on events surrounding the death of Dudley George, in Ipperwash Provincial Park in September 1995. The Commission has also been asked to make recommendations aimed at avoiding violence in similar circumstances.
- The Inquiry will be undertaken in two parts: Part 1 will inquire into and report on events surrounding the death of Mr. George. Part 2 will make recommendations directed to the avoidance of violence in similar circumstances.
- Part 1 of the Inquiry will be conducted in the typical way of public hearings, at which witnesses will be called and examined by Commission counsel and, if necessary, will then be cross-examined by parties who have standing.
- Part 2 will be conducted differently. Although Part 2 will be informed by Part 1, evidentiary hearings alone are unlikely to foster the participation and analysis required to address the second part of the Inquiry's mandate. As a result, Part 2 of the Inquiry will use additional approaches to collect information on key issues identified, including research papers, expert panels, roundtables, community dialogues and advisory committees.
- Our intention is to proceed with both parts concurrently and we will ensure the timetables of the two parts do not conflict with one another.
- I invite everyone to consult the Inquiry website, which will be updated regularly, for the anticipated schedule for hearings and other events. Our website address is *www.ipperwashinquiry.ca*.

Making Application to the Commission for Standing & Funding

- Now I intend to briefly deal with the hearings of the next few days which are being held to hear applications for standing and funding.
- It is essential that an inquiry of this kind be as thorough as possible and that the Commissioner consider all relevant information, from a variety of perspectives. This is achieved through the participation of interested parties.
- In an inquiry of this kind, people or groups that have been given status are entitled to participate in the proceedings. This official status is called “standing”. Standing is granted to facilitate the orderly, timely and fair conduct of the Inquiry.
- Today’s hearings are intended to identify those people or groups that should have standing. As set out in the Rules of Procedure and Practice, this official status may be given to those who may have a direct and substantial interest in the proceedings of the Inquiry, or whose participation may be helpful.
- One of the advantages of a two-part process is that some individuals or groups that may not have sufficient connection to the events of September 1995 to warrant standing for Part 1 may be able to receive standing and participate in Part 2.
- Our intention is to interpret the criteria for Part 2 standing broadly to enable the participation of any individual or group who can contribute to the achievement of the Commission’s mandate.

- The Commission received 35 applications for standing. As in other Commissions of Inquiry, categories of standing will be either full, limited or special depending on the extent of the applicant's direct legal interest and/or contribution to the proceedings.
- Full standing entitles a party to: access documents; advance notice of documents that will be introduced in evidence; advance provision of statements of anticipated evidence; a seat at the counsel table; the right to examine or cross examine witnesses as appropriate; and, the right to make submissions.
- Limited or special standing will be determined based on the written and oral submissions and will entitle a party to some but not all of the rights as parties with full standing.
- The Order in Council provides that the Commissioner may make recommendations to the Attorney General for funding for parties who have been granted standing and who might otherwise be unable to participate in the Inquiry without funding.
- The Commission itself does not provide funding to parties with standing. It makes a recommendation to the government who may or may not accept the recommendation.
- I intend to reserve my decision regarding standing and funding and will send a copy of the decision to each applicant as soon as possible. These decisions will also be posted on our website.
- Any party granted standing should review the Rules and should visit our website regularly for information about the Inquiry, including scheduling details.

Rules of Procedure and Practice

- The Rules of Procedure and Practice for Part 1 and 2 of this Inquiry were modeled on the Rules used in other public inquiries. They were initially posted on the Inquiry website in early March, and comments were sought. Some of the suggestions we received have been incorporated and are reflected in the current version now posted.
- Any further comments regarding the Rules should be communicated to Commission counsel, whom I will be introducing shortly.
- The Commission will be completely transparent and disclosure of all relevant documents will be made available, on disc, to all parties that are granted standing and a paper copy will be available in the hearing room for witnesses as needed.

Importance of Public Inquiries in a Democracy

- I would like to spend a few minutes addressing the importance of public inquiries.
- 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, in these circumstances is generally to find out what happened, what went wrong and to look at what can be done to avoid a similar occurrence. As a result, inquiries can look backward and forward 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 is why they provide a valuable public service.
- This particular Inquiry was borne out of a sense of anger and a feeling of frustration regarding unanswered questions as to what occurred at Ipperwash Provincial Park in September 1995. That sense of anger and that feeling of frustration are the foundation of the considerable and lengthy effort that was put forward by many groups and individuals requesting that a public inquiry take place.
- For these reasons, it is important to devote a few minutes to addressing what an inquiry is, and, just as importantly, what it is not.
- A public inquiry investigates and reports on matters of substantial *public* interest. In other words, it is not simply an inquiry; it is a *public* inquiry.
- An important aspect of our democracy is the right of all citizens to know what happened in a given situation – particularly in a situation where there has been loss of life and there remain unanswered questions.
- Although the events that we are inquiring about, took place almost 9 years ago, the Commission is committed to doing all it can, given our mandate and our legal authority, to gather all the relevant evidence and call all the necessary witnesses to make this Inquiry as complete as possible.
- Public inquiries can also serve the policy development process by considering public opinion, proposing and exploring policy options, and making recommendations.

- Among the advantages of the public inquiry process are its openness, its investigative capability and its independence.
- It is this openness and transparency of the inquiry system that distinguishes it from the policy development process carried on “in house” by government agencies.
- These factors, coupled with an inquiry’s independence, means that the inquiry should be free from the 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 and fact-finding is necessarily limited to the particular dispute in question.
- 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 to 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.
- However, an inquiry is expected to go beneath the surface of the controversy and to explore the factors and conditions that gave rise to the incident. A public inquiry can and should consider the broader context in which the events occurred.
- A key aspect of public inquiries - fact-finding in public - makes it possible for individual or organizational reputations to be at risk.

- Accordingly, principles of natural justice and procedural fairness require that due process safeguards are in place and these will be rigorously observed by this Commission.

Broad Goals of this Public Inquiry

- There has been a great deal already written and said about the events at Ipperwash Provincial Park in September 1995 and the causes. Among other things, there have been criminal trials, a civil action, an SIU and a Coroner's investigation. All of this has resulted in thousands of pages of transcripts, documents and other evidence.
- As we proceed to fulfill the specific mandate of the Commission, one of the broader goals is a desire to contribute to restoring good relations among the people affected and to restoring their faith in the institutions of government and of democracy.
- Our hope is that the process of this Inquiry will contribute to healing and to moving forward for those whose lives were affected by the events of September 1995.
- In due course, the Commission's recommendations will be submitted to the government and to the public at large. Our hope is that the report will be supported by most, if not all, of the people involved in this process and in that way, it will contribute to the shaping of public policy.
- This Inquiry should also contribute to public education and to a greater understanding of the many issues stemming from the shooting of Mr. George.

- We intend to be guided in our efforts by the same principles that have guided other commissions, namely: thoroughness, expedition, openness to the public and fairness.
- Timely information will be available on our website. Transcripts of the day's proceedings will be posted almost immediately and other means of sharing the proceedings are still being explored. The Inquiry will also use our website to distribute Part 2 research papers, public submissions, and to seek comments from the parties and the public.
- We expect that the media will actively report on the Inquiry, thereby informing those who are not able to attend in person. Commission staff will make every effort to ensure material is available for the media and to answer questions.
- Mr. Peter Rehak is the Commission's communications and media relations advisor. He held the same position with other recent inquiries including the Walkerton Inquiry and the Toronto Computer Leasing Inquiry.

Reasons for Holding Initial Hearings in the Ipperwash Area

- Before introducing some of the Commission staff, another important issue that I wish to speak to is the location, or locations, of the hearings.
- Selection of an appropriate location should be based on consideration of a number of factors. These include accessibility to the public, the preference of the parties, the location of the majority of the parties, any local interest in the proceedings, availability of suitable facilities, accommodation capacity and other logistical concerns and cost.
- The Commission has contemplated these factors and also considered the Rules of Civil Procedure. We have decided that some of the hearings

should be held in Forest – a location near where a substantial part of the events in September 1995 occurred – and some in Toronto.

- We will continue with the next stage of the Inquiry process, here in Kimball Hall. In July, we will begin with an examination of the historical context of the events of September 1995.
- However, the location of hearings beyond the end of this September has not yet been determined and I encourage anyone with a view on the merits of holding the hearings either here or in Toronto, to communicate their views to the Commission.

Commission Team

- At this time, I would like to introduce the Commission's counsel. More detailed biographies are available on our website.

[Introductions]

- I will now call upon our lead counsel, Mr. Derry Millar.

**COMMISSIONER LINDEN'S OPENING REMARKS
IPPERWASH INQUIRY HEARINGS**

July 13, 2004

- Good Morning. As most of you know, my name is Sidney Linden and I am the Commissioner of the Ipperwash Inquiry.
- Welcome to what is being referred to as Part One or the 'evidentiary' part of this Inquiry – at which witnesses will be called and examined by Commission counsel, and if necessary, cross-examined by parties who have been granted standing at the Inquiry.
- This Inquiry was called to inquire into and report on events surrounding the death of Dudley George in Ipperwash Provincial Park in September 1995. The Commission has also been asked to make recommendations aimed at avoiding violence in similar circumstances.
- We began this Inquiry in April at the Hearings on Standing and Funding and, at that time, had a respected Elder, Lillian Pitawanakwat, conduct a traditional ceremony.
- There will be two parts to the Inquiry: Part 1 will deal with the events surrounding Mr. George's death and will be conducted in the typical way of public hearings.
- Part 2 will deal with policy issues which are designed to help us develop recommendations for preventing violence in similar circumstances, in the future.
- Both Parts will proceed concurrently.
- Part 2 has already started with a symposium on police and government relations, held in June, in partnership with Osgoode Hall Law School. The

Commission's draft research plan for Part 2 of the Inquiry is posted on our website. Parties are invited to comment and to submit project proposals.

- Seventeen parties have been granted standing for Part 1 of the Inquiry and twenty-eight for Part 2. This official status of "standing" entitles the parties to participate in the proceedings and to other entitlements as set out in the Rules of Procedure and Practice.
- The parties represent a variety of perspectives on the events that are the subject of this Inquiry as well as on subjects that the Commission views as necessary to consider in order to fulfill its mandate.

Commissioner's Goals for this Inquiry

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- The Inquiry's Part One mandate, as set out in the OIC, states that the Commission is to "inquire into and report on the events surrounding the death of Dudley George."
- We hope to explore both the specific circumstances of the shooting and the context in which the shooting occurred. Both perspectives are key to the Inquiry's "fact-finding" mandate.
- In doing so, my hope is that the Inquiry will contribute to the public's understanding of both the specific incident and of factors or conditions that contributed to it.
- Public education and understanding are key features of this and indeed of most public inquiries.
- Education and understanding are particularly important because they can contribute to healing and to moving forward for those whose lives were affected by the events of September 1995.

- In this respect, I am mindful of the fact that re-visiting the events that took place almost nine years ago, may re-open wounds and re-kindle feelings and tensions. The establishment of the Inquiry may also raise unrealistic expectations about what can be achieved through the inquiry process.
- It is challenging for any public inquiry to define its scope given the many issues an investigation of this kind can raise. This is particularly true for inquiries such as the Ipperwash Inquiry, that are mandated to go beyond mere fact-finding.
- A Commission must necessarily find a balance between being broad, on the one hand, and focused, on the other, in its investigation of facts and mitigating circumstances.
- Please be assured that my goal is to address these issues and challenges completely, thoughtfully, openly and fairly.

July & August Hearings and Beyond

- We will begin shortly, but first I want to comment on two matters regarding these hearings – the first having to do with substance, the second, with location.
- The hearing days in July and August will be dedicated, to the extent possible, to providing a common historical background and starting point for the parties and for all who will be following the Inquiry.
- In keeping with the Commission's goal of establishing the context and contributing to public education, we have engaged two experts to map out the long and complex sequence of historical facts and occurrences involving the Aboriginal peoples of this area.
- The breadth and scope of this overview is deliberate. We believe that an understanding by Ontarians of the Aboriginal history of the region and the

historical context of the incident is fundamental to the Inquiry and to our educational mandate. Our goal is to be comprehensive and fair.

- Having said that, we certainly understand that history is subject to interpretation and debate. And in that regard, the experts who we will be calling as witnesses are subject to cross-examination by counsel for the parties.

- The second matter is that of the location of these hearings. At the hearings on standing, I indicated that the Commission was considering a variety of factors in making its decision regarding the location for the hearings, and I encouraged any party with views on this question, to share them with the Commission. A few parties have expressed their preference.

- I have determined that Forest should be the primary location for these hearings, based on the principle that an inquiry of this kind, should be held in the location where a substantial part of the events in question occurred.

- In my view, physical proximity heightens one's awareness of, and appreciation for the events in question. It also better ensures that the Inquiry is readily accessible to a majority of those who were most affected by those events.

- Nonetheless, I intend to continue to evaluate the matter of location as we proceed. We are currently scheduled to be in this location until early March.

- Information about the Inquiry's schedule and events can be found at our website: www.ipperwashinquiry.ca

- Before calling upon Mr. Millar, I would like to formally introduce you to some members of the Commission team, some of whom I introduced at the Standing hearings in April.

- Mr. Millar is well known to most of you, he is the Commission's Lead Counsel, he comes to this Inquiry from Weir Foulds, where he is a senior litigation partner.
- Susan Vella is Commission Counsel and she is a partner in the law firm of Goodman and Carr. Don Worme has just recently joined the Inquiry Team; he's been engaged in private practise. Among other things, he was Lead Counsel for the family of Neil Stonechild in that Public Inquiry in Saskatchewan.
- Katherine Hensel is the Commission's Assistant Counsel; Katherine practises law with a litigation group, at the law firm of McCarthy Tétrault.
- Peter Rehak is the Media Relations Advisor, and Nye Thomas is the Director of Policy and Research, and he's responsible for managing Part II of the Inquiry.
- More detailed biographical information is available for everyone on our website.

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

**COMMISSIONER LINDEN'S OPENING REMARKS
IPPERWASH INQUIRY HEARINGS**

March 30, 2005

- Before we move on to the next group of witnesses, I would like to take a few minutes to reflect on the work of the Inquiry to date.
- With the benefit of extensive reading, research and listening over the last number of months, we now know a great deal more than we did when we began. Accordingly, we are in a better position to bring more focus to the scope of the Inquiry.
- It is important that we keep in mind the specific mandate of the Inquiry at all times - that is, "to inquire into and report on events surrounding the death of Dudley George and to make recommendations directed to the avoidance of violence in similar circumstances".
- When these hearings began, I stated publicly my interest in achieving a number of other broad goals. These included a desire to contribute to public understanding of the events in question and the circumstances surrounding them which I hoped could, in turn, contribute to some healing among those affected.
- I also expressed my intention to be guided by the same principles that have guided other commissions, namely: thoroughness, openness to the public, fairness and expedition.
- Through this hearing process, which is the most public aspect of the Inquiry, I believe we have been successful, so far, in going beneath the surface of the controversy and exploring some of the factors that may have given rise to it. We will continue to do this as other witnesses give their testimony.

- I hope all parties and indeed, the public at large, will agree that we are also contributing to public understanding and education of the issues through the research and other policy work that we have undertaken.
- I am confident that the over 20 research papers being commissioned by the Inquiry as well as our accompanying consultations will add considerably to our knowledge and understanding.
- While it may be naïve to expect that the Inquiry process can contribute to the healing of long-standing feelings and emotions, I am of the view that the principles, of openness and communication that we are observing, can create an environment that facilitates the healing process.
- We have had some success in achieving this goal and I want to encourage those affected, to use what is learned through the Inquiry as a starting point for what might be achieved beyond the Inquiry itself.
- Our long list of past and future witnesses demonstrates our desire to be thorough and fair. The same is true of our efforts to encourage participation by all parties at this public hearing and in the Part 2 process.
- Our efforts to be fair and thorough must be balanced with the goals of conducting the Inquiry in a timely and efficient fashion. I want to recognize the contribution made by all parties to help this process along. I would like to acknowledge the understanding of all counsel of our need to lengthen our hearing day as well as their concerted efforts to ensure that cross-examinations are necessary and relevant.
- My Commission counsel and I remain committed to an expeditious process and I encourage further constructive discussions among all counsel as to additional ways in which we may use our time responsibly and effectively. I believe it is in all of our interests to do so.

- It is challenging for any public inquiry to define and contain its scope given the many contributing issues and sometimes competing interests that an investigation of this kind can raise. I think this is particularly true for inquiries such as this one that is mandated to go beyond simple fact-finding.
- I am always mindful of the importance of scope of the Inquiry. This is because it affects the selection of witnesses, the duration of the hearings, the cost of the Inquiry, and the subject matter of its recommendations.
- The scope of any inquiry must have limits and, sometimes, assumptions about these can lead to expectations that extend beyond the actual mandate.
- Our Order-in-Council states that the Inquiry is to investigate the events *surrounding* the death of Dudley George. Among the challenges is to define what the term “surrounding” means. How far back in time is relevant to our mandate? How far forward? We must be sufficiently broad and yet appropriately focused to achieve our objective and fulfill our mandate.
- We must be necessarily mindful of the limits of our jurisdiction. We are a provincially-created inquiry, yet we are investigating issues that clearly have federal implications.
- I have previously stated that we intend to explore both the specific circumstances of the shooting of Dudley George, as well as the context in which that shooting occurred. Both are key to the Inquiry’s fact-finding and policy mandate.
- Having said that, there is considerable room for interpretation as to what this means.

- In my view, the Inquiry's mandate, *to investigate and report on the events surrounding the death of Dudley George*, must remain focused on the decisions made and the actions taken by all involved prior to and following the shooting, in September 1995, outside Ipperwash Provincial Park. In other words, what happened, who was involved and why did the shooting occur?
- At the conclusion of our investigation, I will be making recommendations as to how to avoid violence when similar situations occur in the future, that is, situations giving rise to aboriginal protests that draw the attention of police and government.
- I believe, the Inquiry also has an obligation to acknowledge that systemic or historic circumstances may have contributed to the actions taken and decisions made. While many of these circumstances pre-date the events that gave rise to this Inquiry or appear to fall outside its jurisdiction or mandate, they shed light on why the events occurred. That is what is meant by context.
- The obligation to consider context prompts us to examine the larger Canadian experience in areas such as: Native land treaty rights, policing practices and government's role in policing activities. In my report, I expect to consider these issues when making my recommendations.
- There are two specific issues that have been given considerable attention in the evidence at these hearings. The first issue relates to questions regarding the status of the Army Camp land, the provincial park, the 'sandy parking lot' and the corner of land located at the north-east end of the Army Camp. How should this land be described, who owns it and other related issues?

- The second issue is that of recognition and status of the self-identified 'Stoney Pointers' in relation to the Kettle and Stony Point Band.
- It is recognized that these two issues form an important back-drop and context to our work even though they pre-date the events we have been mandated to investigate.
- While I may comment on these issues in my final report, it is unrealistic to expect that this provincial inquiry can, by itself, resolve these long-standing questions.
- Having said that, I am hopeful that our work can and will contribute to their resolution in a timely fashion in a way that is acceptable to all parties.
- To this end, although the Federal Government has chosen not to participate as a party to this Inquiry, I expect to comment in my report, on the role of the Federal Government in these matters.
- As the work of the Inquiry progresses, its scope and shape will become clearer.
- During the next phase of the Inquiry we will be calling emergency response, medical, hospital and other health care witnesses. We will follow with witnesses from law enforcement agencies, other members of the local community and finally, with witnesses who are civil servants, both federal and provincial, and politicians.
- We still have a way to go, but in my view, our work so far has been constructive and for some, even therapeutic. I am confident that if we continue in the same spirit, we will reach a successful conclusion.
- Thank you.

COMMISSIONER'S STATEMENT
IPPERWASH INQUIRY HEARINGS
June 1, 2005

- Having heard the parties' estimations of the anticipated time required to cross-examine this witness, I want to expand upon, a few points I have made previously.
- In conducting this Inquiry, I have studied the experiences of other inquiries and have emphasized my own goal that we be guided by the principles of fairness, comprehensiveness and efficiency.
- To this end, I read with interest Justice O'Connor's acknowledgement of counsels' success, during the Walkerton Inquiry, in ensuring cross-examinations were relevant, non-repetitive and focused. He said, "Counsel for the parties kept their cross-examinations focused, thus avoiding considerable duplication and delay".
- I believe we have also been successful, thus far, in this Inquiry.
- It is worthy of reminder that a public inquiry is not a civil nor a criminal trial. The Commissioner does not make findings of civil or criminal liability, nor does the Commissioner have the ability to impose penalties.
- An inquiry is an inquisitorial and not an adversarial proceeding. Notwithstanding the separate, and sometimes distinct interests of

parties with standing, I believe this fact should continue guide our behaviour during the course of this Inquiry.

- As Commissioner, I have a responsibility to the public to be thorough and fair, while, at the same time, mindful of time and cost. It is important for this, and indeed for any public inquiry to move at a consistent and efficient pace. As a publicly-funded process, the public has the right to expect the Inquiry to conduct its work with economy and efficiency.
- At this juncture, I want to re-iterate what I have said in the past: that counsel make every effort to ensure that their cross-examinations and interventions add value to the Inquiry's mandate. As I previously stated, the credibility of the Inquiry is potentially undermined if it is perceived as being unnecessarily lengthy.
- I am aware that it is not easy to estimate the length of time required for cross-examination or, indeed, examination-in-chief. Commission counsel's examination of Deputy Carson was longer than anticipated.
- However, in view of the responsibility of Commission Counsel and the role of Deputy Carson in these proceedings, in my view, this was appropriate. Further, I am confident that the thoroughness of Mr. Millar's examination will serve to conserve the time required for cross-examination.

- Again, citing Justice O'Connor's observation of his own proceedings, "Normally, cross-examinations in total took no more time than did an examination by commission counsel and often far less time".
- I am encouraged that counsels' estimates of the time required to cross-examine Inspector Carson will not exceed the examination-in-chief.
- Commissioners have the power to control their own proceedings. This is explicitly stated in our rules of procedure, the *Public Inquiries Act*, and in judicial decisions.
- As has been observed by legal academics, "...courts have taken a generally deferential approach to commissions of inquiry and allowed them considerable leeway in determining their own procedures...The courts seem to be aware of the need not to strangle public inquiries with procedures that are more appropriate in an adversarial setting, such as a civil or criminal trial".
- Generally, the number of witnesses and the extent of cross-examination, for example, are within the discretion of the Commission. The basis on which standing is granted to parties is one means through which this discretion may be exercised.
- Standing has been granted in Part 1 to persons or groups who have demonstrated that they have a substantial and direct interest in the

subject matter of this Inquiry pursuant to section 5(1) of the *Public Inquiries Act*.

- Standing has also been granted, on a discretionary basis, to some who, although they do not have a direct and substantial interest in the subject matter of the Inquiry, do represent distinct ascertainable interests, and whose expertise or perspective is important for the fulfillment of the Commission's mandate.
- It is my expectation that all counsel will keep in mind, the basis on which standing was granted and take steps to ensure that cross-examination is conducted accordingly.
- Counsel should be aware that, if in my view, estimations of time required exceed what I consider reasonable *or* , if cross-examination considerably exceeds estimate, I may intervene.
- And, once again, I urge all parties to continue their efforts to consult among themselves to avoid duplication.
- In conclusion, I would like to commend counsel for their efforts thus far, to work together, and with the Commission, co-operatively and professionally. It is important that we continue to do so.
- Thank you

**COMMISSIONER'S STATEMENT ON JUNE 20, 2005
REGARDING NATIONAL ABORIGINAL DAY (June 21)**

- As many of you are aware, in 1996, the former Governor General, Romeo LeBlanc declared June 21 as National Aboriginal Day.
- June 21 was selected because of the cultural significance of the summer solstice – the first day of summer and the longest day of the year.
- The intent, in 1996, of proclaiming National Aboriginal Day was to recognize the contribution of Aboriginal Peoples to Canadian society and to the fabric of Canada.
- Out of respect for the significance of this day to Aboriginal communities and for the fact that it is often reserved for ceremonies and celebration, the Inquiry will not sit tomorrow.
- We will resume hearings on Wednesday, June 22nd at 9:00 a.m. In the coming weeks, it may become necessary for us to sit later on some days to make up for lost time.
- In the meantime, I wish all of our Aboriginal colleagues and communities a meaningful day tomorrow, with friends and family.
- Thank you.

**COMMISSIONER'S REMARKS
PROGRESS OF THE INQUIRY
June 2005**

- On a number of occasions, I have expressed my commitment to a thorough as well as to an expeditious inquiry process. In my view, these two goals are not incompatible when public funds are being used.
- Indeed, the public has a legitimate expectation that, in our effort to be thorough, we will not lose sight of the timeliness of the inquiry process. Throughout, there is an expectation that any public inquiry, ours included, will find and maintain a proper balance between these two important objectives.
- No doubt, this is sometimes easier said than done. Counsel for parties with standing have a duty to advance and protect their clients' interests and commission counsel has a responsibility to ensure the mandate of the inquiry is fulfilled.
- Furthermore, Commission counsel and I as Commissioner have an added duty to effectively manage the inquiry process, in the public interest.
- With this in mind, I have been considering the time it might take to complete the oral testimony component of the inquiry, and achieve a proper balance.
- To date we have had just over 100 hearing days, and by December 1, we will have added approximately 60 more.

- My hope and expectation is that we should be able to complete the hearings within the time currently scheduled, namely by December 1st, 2005.
- However, our experience with Deputy Commissioner Carson demonstrates that examination and cross-examination of witnesses can end up taking longer than any of us would have anticipated. I think we would all agree that Deputy Carson's evidence was both valuable and comprehensive, but it will not be possible to spend anywhere near this amount of time with other witnesses without seriously running the risk of extending these hearings *considerably longer than planned*.
- To this end, I have asked Commission counsel to consult and work with all parties to ensure that the time remaining between now and the December 1st is used most effectively.
- This may require making choices or finding alternative ways of presenting and receiving evidence such as by way of affidavit or by agreed statement of fact where the facts are not in dispute or are not controversial.
- Regardless of when we finish, it will always be possible to do more. However, I believe it is possible to be comprehensive, fair and complete within a clearly defined timeframe. We have made good progress and I am encouraging everyone to continue to work together to achieve our objective, of completing the oral testimony by December 1st.

COMMISSIONER'S OPENING REMARKS
September 2005

- GOOD MORNING.

- AS WE MOVE INTO THE SEPTEMBER HEARINGS, I THOUGHT IT WOULD BE APPROPRIATE FOR ME, TO DO ANOTHER OF MY INFORMAL UPDATES OF THE STATUS OF THE INQUIRY.

- YOU WILL RECALL SOME OF THE REMARKS I MADE WHEN WE BEGAN THESE EVIDENTIARY HEARINGS, APPROXIMATELY ONE YEAR AGO.

- AT THAT TIME, I SAID THAT A PUBLIC INQUIRY INVESTIGATES AND REPORTS ON MATTERS OF SUBSTANTIAL *PUBLIC* INTEREST – IT IS A MEANS BY WHICH WE CAN GO BENEATH THE SURFACE OF AN INCIDENT OR SITUATION, FOR THE BENEFIT OF THE PEOPLE AFFECTED – AND, FOR THE BROADER PUBLIC.

- THUS FAR, I BELIEVE WE HAVE DONE THIS BY CONSIDERING MANY POINTS OF VIEW IN THE FACT-FINDING PART OF THE INQUIRY WHERE WITNESSES WITH DIFFERENT INTERESTS AND PERSPECTIVES HAVE BEEN AND CONTINUE TO BE CALLED TO TESTIFY. WE ARE ALSO DOING IT IN THE PART 2 POLICY REVIEW THROUGH THE PUBLIC FORUMS, RESEARCH PAPERS AND CONSULTATIONS THAT WE HAVE BEEN CONDUCTING.

- WE HAVE AND WILL CONTINUE TO DIG DEEPLY THROUGH THE COMPREHENSIVE, AND SOMETIMES SCHOLARLY, TESTIMONY OF EXPERTS TO INFORM OUR FACT-FINDING AND THROUGH OUR COMMISSIONED RESEARCH ON TOPICS THAT WILL ASSIST AND INFORM MY RECOMMENDATIONS FOR THE FUTURE.

- IN MY VIEW, IT HAS BEEN IMPORTANT AND NECESSARY FOR BOTH THOSE DIRECTLY AFFECTED OR INVOLVED IN THE EVENTS SURROUNDING THE DEATH OF DUDLEY GEORGE, AS WELL AS FOR THE PUBLIC AT LARGE, TO TELL, AND TO HEAR THE COMPLETE STORY, AS WELL AS SUGGESTIONS FOR THE FUTURE.
- THIS IS A LENGTHY, BUT NECESSARY PROCESS.
- BY DEFINITION, A *PUBLIC* INQUIRY NEEDS TO BE OPEN AND TRANSPARENT. WE HAVE TRIED, FROM THE OUTSET, TO ENSURE THAT OUR DUAL PROCESSES OF FACT-FINDING AND POLICY REVIEW ARE IN PUBLIC VIEW.
- FOR EXAMPLE, THROUGH OUR WEBSITE, WHERE DAILY TRANSCRIPTS AND LIVE WEBCASTS OF THE HEARINGS ARE AVAILABLE, AND THROUGH REGULAR POSTINGS OF WITNESS LISTS AND SCHEDULES, RESEARCH PAPERS AND NOTES FROM OUR CONSULTATIONS AND OTHER MEETINGS.
- PUBLIC ATTENDANCE AT THE HEARINGS IN FOREST IS ALSO WELCOMED AND ENCOURAGED – MOST DAYS SOME MEMBERS OF THE PUBLIC ARE HERE.
- THE MEDIA HAS ASSISTED OUR EFFORTS TO BE OPEN THROUGH REGULAR LOCAL, AND SOMETIMES PROVINCIAL AND NATIONAL REPORTING. OUR VIDEO AND AUDIO FEED IS AVAILABLE FOR THE MEDIA AND OTHER INTERESTED GROUPS, TO EXTEND THE ‘REACH’ OF THE INQUIRY.
- IN MY VIEW, THE INVESTIGATIVE CAPACITY OF A PUBLIC INQUIRY, COUPLED WITH ITS OPENNESS AND TRANSPARENCY CONTRIBUTES TO

A VERY IMPORTANT BENEFIT OF PUBLIC INQUIRIES, NAMELY PROVIDING PUBLIC INFORMATION AND EDUCATION.

- MEMBERS OF THE PUBLIC WHO ARE INTERESTED, CAN OBTAIN INFORMATION ON A REGULAR BASIS – ONE DOES NOT NEED TO WAIT FOR THE FINAL REPORT. I BELIEVE, WE HAVE BEEN SUCCESSFUL IN ENLIGHTENING AND INFORMING, NOT ONLY THE ACTIVE PARTICIPANTS IN THE PROCESS BUT THE LARGER PUBLIC AS WELL.
- AND FINALLY, I BELIEVE THE INQUIRY PROCESS CAN BE INSTRUMENTAL IN CONTRIBUTING TO HEALING, AND TO BUILDING AND REPAIRING INSTITUTIONAL AND INDIVIDUAL BRIDGES.
- I HOPE ALL PARTIES FEEL WE HAVE BEGUN TO MOVE IN THIS DIRECTION AND THAT THIS CAN BE CONTINUED LONG AFTER THE PROCESS HAS BEEN COMPLETE.
- I RE-ITERATE MY APPRECIATION OF COUNSELS' EFFORT TO WORK CONSTRUCTIVELY TO MEET OUR GOALS.
- ULTIMATELY, THIS INQUIRY WILL BE MEASURED AGAINST ITS SUCCESS IN MEETING ITS DUAL MANDATE OF FACT-FINDING AND MAKING RECOMMENDATIONS FOR THE FUTURE.
- BUT IT IS ALSO INEVITABLE AND EVEN JUSTIFIABLE THAT THE ASSESSMENT OF OUR SUCCESS WILL TAKE INTO ACCOUNT THE TIME TAKEN AND THE COSTS INCURRED, WHEN PUBLIC FUNDS ARE BEING USED.
- INQUIRIES ARE LENGTHY AND COSTLY BUT THEY CAN'T BE JUSTIFIED AT ANY COST OR OVER AN *UNLIMITED* PERIOD OF TIME . YOU HAVE

HEARD ME REFER TO THE NEED FOR ACHIEVING A 'BALANCE' IN OUR EFFORTS TO BE COMPREHENSIVE YET EFFICIENT.

- AND SO, NOTWITHSTANDING MY VIEW THAT WE HAVE DONE WELL TO DATE, INEVITABLY, THERE WILL BE A FINAL REPORT CARD.
- I BELIEVE IT IS IMPORTANT THAT MY REPORT BE SUBMITTED TO THE GOVERNMENT THAT APPOINTED ME IN SUFFICIENT TIME FOR IT TO CONSIDER, AND WHERE POSSIBLE OR DESIRED, TO ACT ON MY RECOMMENDATIONS.
- FOLLOWING THE CONCLUSION OF THE HEARINGS, THERE IS STILL MUCH WORK TO BE DONE. MONTHS OF TESTIMONY WILL BE ANALYZED, FINDINGS OF FACT MADE AND I ALSO NEED TO CONSIDER THE EXTENSIVE RESEARCH AND CONSULTATION THAT WE HAVE UNDERTAKEN. FINALLY, RECOMMENDATIONS WILL NEED TO BE DEVELOPED.
- THIS PROCESS, WHICH WILL CULMINATE IN THE WRITING AND PRODUCTION OF MY REPORT, JUDGING FROM THE EXPERIENCE OF OTHER INQUIRIES, IS EXPECTED TO TAKE APPROXIMATELY 6 MONTHS, FOLLOWING THE CONCLUSION OF THE FACT-FINDING.
- I AM, THEREFORE, URGING THE PARTIES TO CONTINUE TO WORK TOGETHER, WHEREVER POSSIBLE, AND TO SUPPORT OUR EFFORTS TO ENSURE THAT THE GOALS OF EFFICIENCY AND THOROUGHNESS REMAIN IN PROPER BALANCE.
- AS YOU KNOW, MY GOAL HAS BEEN TO FINISH HEARING THE EVIDENCE BY DECEMBER 1. COMMISSION COUNSEL, WITH THE SUPPORT OF ALL PARTIES, HAVE BEEN TRYING TO FIND WAYS OF MEETING THIS

OBJECTIVE BY IDENTIFYING THE REMAINING WITNESSES THAT NEED TO BE HEARD IN ORDER TO ENSURE A THOROUGH INVESTIGATION.

- HOWEVER, MY UNDERSTANDING IS THAT DESPITE COUNSELS' BEST EFFORTS, THE DECEMBER 1 TARGET DATE MAY NOT BE REALISTIC. ACCORDINGLY, I HAVE AUTHORIZED COMMISSION COUNSEL TO SCHEDULE ADDITIONAL HEARING DATES BEYOND THE END OF NOVEMBER AND INTO THE EARLY PART OF 2006.

- THAT BEING SAID, I CONTINUE TO BE MINDFUL OF THE PASSAGE OF TIME AND THE NEED TO COMPLETE THE HEARING PHASE OF THE INQUIRY AS SOON AS IS REASONABLY POSSIBLE. REGARDLESS OF WHEN THE EVIDENTIARY HEARINGS END, THERE WILL OF COURSE, BE SUFFICIENT TIME AND OPPORTUNITY PROVIDED FOR PARTIES TO OFFER BOTH WRITTEN AND ORAL SUBMISSIONS.

- I HAVE ASKED COMMISSION COUNSEL TO BE DELIGENT IN USING OUR REMAINING HEARING DATES EFFECTIVELY, AND I WOULD SIMPLY REITERATE MY REQUEST THAT ALL COUNSEL CONTINUE TO CO-OPERATE IN HELPING TO ACHIEVE THE PROPER BALANCE BETWEEN EFFICIENCY AND THOROUGHNESS THAT CHALLENGES ALL PUBLIC INQUIRIES.

- THANK YOU.

**COMMISSIONER'S REMARKS
RE: PASSING OF CLIFFORD GEORGE**

- **GOOD MORNING.**
- **THIS MORNING'S SESSION CANNOT BEGIN WITHOUT ACKNOWLEDGING THE ABSENCE OF CLIFFORD GEORGE**
- **IT WAS WITH SADNESS THAT THE COMMISSION LEARNED THAT CLIFFORD PASSED AWAY ON SEPTEMBER 30.**
- **OVER THE LAST YEAR, THE COMMISSION AND INDEED, ALL PARTIES TO THIS INQUIRY, CAME TO KNOW AND TO APPRECIATE CLIFFORD GEORGE.**
- **I BELIEVE I CAN SPEAK ON BEHALF OF EVERYONE WHEN I EXPRESS MY APPRECIATION FOR HIS CONTRIBUTION TO BOTH THE SUBSTANCE AND THE PROCESS OF THIS INQUIRY.**
- **CLIFFORD CONTRIBUTED TO THE INQUIRY, IN A VERY PUBLIC WAY, THROUGH THE RECOUNTING OF HIS LIFE EXPERIENCE IN CANADA AND OVERSEAS. PERHAPS AS SIGNIFICANTLY, WAS A MORE QUIET CONTRIBUTION BY WAY OF THE FORTITUDE AND GRACE THAT OBVIOUSLY GUIDED HIM THROUGH HIS LIFE AND THROUGH THESE EXPERIENCES.**
- **I KNOW THAT CLIFFORD'S PASSING LEAVES A LARGE HOLE IN THE LIVES OF HIS FAMILY AND HIS COMMUNITY. I WOULD LIKE TO ONCE AGAIN EXPRESS MY PERSONAL CONDOLENCES AND THE CONDOLENCES OF EVERYONE WORKING FOR THE COMMISSION TO HIS FAMILY AND TO THE COMMUNITY.**

October 17, 2005

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.

**COMMISSIONER'S REMARKS
PROGRESS OF THE INQUIRY
March 6, 2006**

- GOOD MORNING.
- AS HAS BEEN MY PRACTICE THROUGHOUT THESE HEARINGS, I WISH TO MAKE A FEW COMMENTS ON THE PROGRESS OF THE INQUIRY.
- HOWEVER, BEFORE DOING SO, I WISH TO ACKNOWLEDGE THE UNEXPECTED NEWS LAST WEEK OF KENNETH DEANE'S TRAFFIC ACCIDENT AND TRAGIC DEATH.
- ON BEHALF OF THE COMMISSION AND ALL INVOLVED WITH THE INQUIRY, I WISH TO EXTEND OUR SYMPATHIES TO MR. DEANE'S FAMILY. I KNOW HOW DIFFICULT IT MUST BE FOR THEM TO DEAL WITH THEIR LOSS.
- WHILE THE COMMISSION WILL NOT HAVE THE BENEFIT OF MR. DEANE'S VIEWS AND PERSPECTIVE, WE ARE NONETHELESS CONFIDENT THAT OUR INVESTIGATION WILL BE COMPLETE.
- THERE ARE A NUMBER OF MEANS BY WHICH WE INTEND TO DEAL WITH THE ABSENCE OF HIS FIRST HAND TESTIMONY AT THIS INQUIRY, AND COMMISSION COUNSEL WILL ADDRESS THIS ISSUE AT A LATER TIME.
- WE HAVE NOW HEARD TESTIMONY FROM SEVERAL OF THE MOST ANTICIPATED WITNESSES AND SOME PEOPLE MAY HAVE CONCLUDED THAT THE FACT-FINDING PORTION OF THE INQUIRY IS COMPLETE. HOWEVER, THAT IS NOT THE CASE.

- LET ME EXPLAIN, IN A LITTLE MORE DETAIL, WHERE WE ARE IN THE PROCESS.
- AT THE OUTSET, WE IDENTIFIED THREE PRIMARY CATEGORIES OF WITNESSES AROUND WHICH WE INTENDED TO ORGANIZE THESE PROCEEDINGS, NAMELY ABORIGINAL WITNESSES WHICH WE HAVE HEARD FROM, GOVERNMENT OFFICIALS WHICH WE HAVE ALSO NOW HEARD FROM, AND FINALLY THE OPP, THE WITNESSES WHO ARE NOW TESTIFYING. WE HAVE ALSO HEARD FROM THE MEDICAL AND EMERGENCY PERSONEL WHO WERE DIRECTLY INVOLVED IN THE EVENTS OF SEPTEMBER 1995.
- WHILE WE HAVE HEARD FROM MOST OF THE SENIOR OPP OFFICIALS, THERE ARE MANY OTHER POLICE WITNESSES, PREDOMINANTLY CONSTABLES, WHO WERE DIRECTLY INVOLVED, WHO MUST BE CALLED. THE NEXT FEW WEEKS WILL BE DEVOTED TO HEARING TESTIMONY FROM THESE WITNESSES AS WELL AS FROM THE CURRENT COMMISSIONER OF THE OPP, GWEN BONIFACE.
- MUCH HAS BEEN LEARNED SO FAR. EACH WITNESS ADDS DETAILS OR PERSPECTIVES TO THE INVESTIGATION THAT HELPS ME TEST OR VERIFY THE EVIDENCE OF OTHERS AND ULTIMATELY, WILL HELP ME TO REACH CONCLUSIONS.
- FOLLOWING THE OPP WITNESSES, THERE ARE A FEW ADDITIONAL WITNESSES TO CALL WHO FALL OUTSIDE THE THREE PRIMARY CATEGORIES, BUT WHO WERE DIRECTLY AFFECTED BY, OR INVOLVED WITH, THE EVENTS OF SEPTEMBER 1995. THESE INCLUDE SOME LOCAL COTTAGERS AND DEPARTMENT OF NATIONAL DEFENCE OFFICIALS. OUR INVESTIGATION IS NOT COMPLETE UNTIL WE HAVE HEARD FROM ALL OF THE WITNESSES.

- THROUGHOUT THESE PROCEEDINGS WE MUST KEEP IN MIND THAT THE PROCESS OF A PUBLIC INQUIRY IS NOT ONLY FOR THE BENEFIT OF THE COMMISSIONER. THERE IS A SIGNIFICANT PUBLIC EDUCATION COMPONENT TO A PUBLIC INQUIRY AND IT PROVIDES AN OPPORTUNITY FOR THE PUBLIC TO HEAR - AND FOR WITNESSES TO SHARE - THEIR PERSPECTIVES AND EXPERIENCES.
- WE INTEND TO CALL ALL RELEVANT AND HELPFUL EVIDENCE, BUT THAT DOES NOT MEAN WE INTEND TO HEAR ALL POSSIBLE EVIDENCE. AS HAS BEEN THE CASE SINCE WE BEGAN, THOROUGHNESS AND FAIRNESS NEED TO CONTINUE TO BE BALANCED WITH ECONOMY.
- I WANT TO REMIND EVERYONE THAT THE COMMISSION'S POLICY AND RESEARCH WORK IS BEING CARRIED OUT AT THE SAME TIME AS THESE PART 1 HEARINGS. SIGNIFICANT AMOUNTS OF RESEARCH HAS BEEN GATHERED AND IS BEING REVIEWED.
- EXPERTS AND PARTIES WHO HAVE PART 2 STANDING HAVE CONTRIBUTED TO THIS RESEARCH. A NUMBER OF FORUMS AND SYMPOSIA HAVE BEEN HELD AND, AS YOU KNOW, ANOTHER IS SCHEDULED FOR LATER THIS WEEK. MANY OF THESE SESSIONS ARE OPEN TO THE PUBLIC AND HAVE BEEN WEBCAST TO GIVE THE MATERIAL PRESENTED TO THE COMMISSION, WIDE ACCESSIBILITY.
- AFTER THE HEARINGS AND POLICY WORK HAVE CONCLUDED, I INTEND TO COMPLETE MY REPORT AS QUICKLY AS POSSIBLE. MY GOAL IS TO HAVE IT FINISHED BEFORE THE END OF THIS CALENDAR YEAR.

- IT IS WELL KNOWN THAT A PUBLIC INQUIRY IS A LENGTHY AND COSTLY UNDERTAKING. IT ALSO GOES WITHOUT SAYING THAT PUBLIC FUNDING IS NOT UNLIMITED. THESE FACTS ARE, NO DOUBT, TAKEN INTO ACCOUNT IN A GOVERNMENT'S DECISION TO HAVE AN INQUIRY.
- I HAVE SAID ON PREVIOUS OCCASIONS, MY EXPECTATION IS THAT THE COST OF THIS INQUIRY WILL BE COMPARABLE TO OTHER RECENTLY COMPLETED COMMISSIONS OF INQUIRY.
- I WANT TO ASSURE EVERYONE THAT THE COST TO THE PUBLIC OF THIS INQUIRY HAS ALWAYS BEEN FOREFRONT IN MY MIND AND THAT EVERY DECISION I HAVE MADE HAS BEEN WITH A VIEW TO BALANCING THE NEED FOR THOROUGHNESS, FAIRNESS AND ECONOMY.
- FROM THE OUTSET, MY PRINCIPAL GOAL HAS BEEN TO CONDUCT A THOROUGH, FAIR AND OPEN INQUIRY. MY SECONDARY GOAL HAS BEEN TO CONTRIBUTE, IN SOME WAY, TO THE HEALING OF THOSE INDIVIDUALS WHOSE LIVES WERE AFFECTED BY THE EVENTS OF SEPTEMBER 1995.
- NOTWITHSTANDING THE MANY TWISTS AND TURNS AN INQUIRY MAY TAKE, I BELIEVE THAT, SO FAR, WE HAVE BEEN SUCCESSFUL IN ACHIEVING THESE GOALS.
- THANK YOU.

**COMMISSIONER'S REMARKS
EVIDENTIARY HEARING TIMETABLE**

March 30, 2006

- BEFORE WE BEGIN TODAY, I WOULD LIKE TO MAKE SOME REMARKS REGARDING THE TIMETABLE FOR COMPLETING THE EVIDENTIARY HEARINGS, WHICH IS IN KEEPING WITH MY STATED OBJECTIVE OF COMPLETING MY REPORT THIS YEAR.
- I UNDERSTAND THERE HAS BEEN SOME DISCUSSION AMONG THE PARTIES AND WITH COMMISSION COUNSEL REGARDING CROSS-EXAMINATION AND THE NEED FOR COMPLETING THESE HEARINGS. WE'VE SEEN SOME EVIDENCE OF THIS IN THE LAST FEW DAYS AND IT IS VERY ENCOURAGING.
- I APPRECIATE THE CONTINUED EFFORT TO WORK TOGETHER CO-OPERATIVELY AND CONSTRUCTIVELY. ALL PARTIES TO THESE PROCEEDINGS HAVE DEMONSTRATED A RECOGNITION OF THE NEED TO BALANCE THE COMPETING OBJECTIVES OF THOROUGHNESS AND ECONOMY.
- AS YOU KNOW, HEARING DATES HAVE BEEN SCHEDULED UNTIL THE END OF MAY TO CALL EVIDENCE FROM THE POLICE OFFICERS INVOLVED, FROM LOCAL COTTAGERS AND FROM WITNESSES WITH THE DEPARTMENTS OF NATIONAL DEFENCE AND INDIAN AND NORTHERN AFFAIRS.

- IF WE DON'T FINISH BY THE END OF MAY, AND IT BECOMES NECESSARY, I AM PREPARED TO EXTEND OUR HEARING SCHEDULE INTO JUNE. IF THIS SHOULD OCCUR, WE WILL BE SITTING EVERY WEEK DAY IN JUNE, EXCEPT FOR JUNE 22 WHEN KIMBALL HALL IS UNAVAILABLE AND THE HEARINGS WILL CONCLUDE ON JUNE 28.
- COMMISSION COUNSEL IS WORKING TO ENSURE THAT THE REQUIRED WITNESSES ARE HEARD FROM IN THE TIME REMAINING, AND I AM CONFIDENT THAT COUNSEL FOR THE PARTIES WILL APPROACH CROSS-EXAMINATION IN THE NEXT 3 MONTHS, WITH THE JUNE 28 COMPLETION DATE IN MIND. AS I'VE SAID, WE'VE ALREADY SEEN SOME EVIDENCE OF THIS, THIS WEEK.
- TO MAXIMIZE THE TIME REMAINING, A NUMBER OF MODIFICATIONS TO THE HEARING WEEK SCHEDULE IS NECESSARY.
- AS WE DID THIS WEEK, THE FIRST DAY OF A HEARING WEEK – USUALLY MONDAY - WILL BEGIN AT 10:00 AM RATHER THAN 10:30 AM AND WE WILL ADJOURN THAT DAY AT 5:30 PM RATHER THAN AT 5:00 PM.
- FOR THE REMAINING DAYS OF A HEARING WEEK, WE WILL CONTINUE TO START AT 9:00 AM AND ADJOURN AT 5:00 PM, OR EVEN LATER, RATHER THAN AT 4:30 PM.
- FINALLY, THE LUNCH PERIOD WILL BE SHORTENED BY 15 MINUTES, TO 1 HOUR.
- THESE FEW MODIFICATIONS WILL ADD CONSIDERABLE HEARING TIME BETWEEN NOW AND JUNE 29.

- I FULLY APPRECIATE THAT ADDING THIS TIME TO THE HEARING SCHEDULE WILL ALSO ADD TO THE PRESSURE EVERYONE IS ALREADY EXPERIENCING, BUT I BELIEVE THAT WE HAVE TO DO WHATEVER WE CAN TO MAXIMIZE THE USE OF THE REMAINING HEARING DAYS.
- AT THIS TIME, I WOULD ALSO LIKE TO SET OUT MY EXPECTATIONS REGARDING A TIMETABLE AND A PROCESS FOR CLOSING WRITTEN AND ORAL SUBMISSIONS FOR PART 1.
- PARTIES WILL BE ASKED TO FILE THEIR WRITTEN SUBMISSIONS WITH THE COMMISSION, WITH A COPY TO OTHER PART 1 PARTIES, BY JULY 28.
- TIME-LIMITED ORAL SUBMISSIONS WILL TAKE PLACE DURING THE WEEK OF AUGUST 21. PARTIES MAY LIMIT THEIR ORAL SUBMISSIONS TO THE MAIN POINTS OF THEIR WRITTEN SUBMISSION AND/OR THEY MAY USE THE TIME TO REPLY TO OTHER PARTIES' SUBMISSIONS.
- WE WILL BE COMMUNICATING THE AMOUNT OF TIME TO BE ALLOCATED TO EACH PARTY FOR ORAL SUBMISSIONS IN THE NEXT WEEK OR SO. THERE WILL BE NO LIMIT FOR WRITTEN SUBMISSIONS, BUT OUR OBJECTIVE IS TO COMPLETE THE ORAL SUBMISSIONS WITHIN ONE WEEK.
- SIMILARLY, IN THE NEXT WEEK OR SO, I WILL BE ADDRESSING THE INQUIRY SUBMISSION PROCESS, AS IT RELATES TO PART 2.
- IN THE MEANTIME, I TRUST THIS STATEMENT PROVIDES THE PARTIES WITH SUFFICIENT NOTICE AND DIRECTION TO PREPARE AND PLAN OVER THE NEXT FEW MONTHS, AND THAT IT WILL ALSO INFORM MEMBERS OF THE PUBLIC AND MEDIA WHO ARE FOLLOWING THESE PROCEEDINGS OF OUR ANTICIPATED TIMETABLE.

- AGAIN, YOUR ASSISTANCE IN BRINGING THESE PROCEEDINGS TO A TIMELY CONCLUSION, WHILE AT THE SAME TIME, ENSURING THAT OUR INVESTIGATION IS COMPLETE, IS VERY MUCH APPRECIATED.
- THANK YOU.

COMMISSIONER'S STATEMENT

FRIDAY, MAY 26, 2006

- **BEFORE ADJOURNING TODAY, I WOULD LIKE TO CONCLUDE THE AFTERNOON WITH A FEW BRIEF REMARKS.**
- **WHEN WE RETURN ON JUNE 5TH IT WILL BE FOR OUR FINAL WEEKS OF TESTIMONY.**
- **IN MY LAST STATEMENT, I OUTLINED THE TIMETABLE FOR CONCLUDING THE PART 1 EVIDENTIARY HEARINGS. I STATED THEN AND REPEAT NOW THAT THE HEARINGS WILL CONCLUDE NO LATER THAN JUNE 29TH. WRITTEN SUBMISSION WILL BE DUE BY JULY 28TH AND ORAL SUBMISSIONS WILL BE HEARD DURING THE WEEK OF AUGUST 21ST.**
- **ALL PARTIES TO THE INQUIRY HAVE NOW BEEN ADVISED OF THE PROCESS FOR MAKING A WRITTEN AND – IF THEY CHOOSE, AN ORAL SUBMISSION. WHEN WE KNOW WHICH PARTIES WILL BE MAKING AN ORAL SUBMISSION, THE ORDER WILL BE DETERMINED, COMMUNICATED TO ALL PARTIES AND POSTED ON THE WEB SITE.**
- **WHEN WE RETURN THERE WE BE A MAXIMUM OF 17 HEARING DAYS REMAINING TO JUNE 29TH. I AM ENCOURAGED BY COUNSELS' EFFORTS TO CONCENTRATE ON THE MOST USEFUL AND RELEVANT PARTS OF THE EVIDENCE IN THEIR EXAMINATIONS AND CROSS EXAMINATIONS. I BELIEVE WE ARE MAKING THE BEST USE OF THE TIME REMAINING AND I AM URGING EVERYONE TO CONTINUE WITH THIS OBJECTIVE**

IN MIND. EACH REMAINING DAY IS IMPORTANT AND REQUIRES OUR CONTINUED CO-OPERATION.

- **IT HAS BEEN A LONG AND SOMETIMES CHALLENGING PROCESS, BUT I AM CONFIDENT THAT OUR FINAL REPORT WILL BE USEFUL AND TIMELY.**

- **THERE IS NO DOUBT THAT AT THE CONCLUSION OF THIS PROCESS, WE WILL HAVE A GREATER UNDERSTANDING OF THE CIRCUMSTANCES AND EVENTS SURROUNDING THE DEATH OF DUDLEY GEORGE IN SEPTEMBER 1995.**

- **AS OUR MANDATE STATES, WE WILL ALSO BE IN A POSITION TO MAKE CONSTRUCTIVE RECOMMENDATIONS DIRECTED TO THE AVOIDANCE OF VIOLENCE IN SIMILAR CIRCUMSTANCES IN THE FUTURE.**

- **THANK YOU.**

COMMISSIONER'S REMARKS
Final Day of Evidentiary Hearings
June 28, 2006

- THIS BRINGS US TO THE CONCLUSION OF THE EVIDENTIARY HEARINGS OF THIS INQUIRY EXCEPT FOR COUNSELS' WRITTEN AND ORAL SUBMISSIONS, WHICH WILL OCCUR DURING THE WEEK OF AUGUST 21.
- I WOULD LIKE TO CONCLUDE TODAY WITH A FEW BRIEF REMARKS ON THE PUBLIC INQUIRY PROCESS IN GENERAL, AND THIS INQUIRY, IN PARTICULAR.
- AT THE OUTSET OF THESE PROCEEDINGS, I SET OUT FOUR PRINCIPLES TO GUIDE US: OPENNESS, THOROUGHNESS, FAIRNESS AND EXPEDIENCY. COMMISSION COUNSEL AND I DID OUR BEST TO ENSURE THAT OUR COMMITMENT TO THESE PRINCIPLES WERE ADHERED TO IN EVERY PROCEDURAL AND LEGAL DECISION WE MADE.
- THROUGH OPENNESS, THE PUBLIC IS PROVIDED WITH A 'WINDOW' INTO AN INCIDENT, AND TO THE CIRCUMSTANCES SURROUNDING IT, THAT OTHERWISE MAY NOT BE AVAILABLE. AMONG THE WINDOWS IN THIS INQUIRY WERE THESE PUBLIC HEARINGS, WHICH WERE CONDUCTED IN THE COMMUNITY WHERE THE EVENTS IN QUESTION OCCURRED.
- BROAD PUBLIC ACCESS WAS MADE POSSIBLE THROUGH THE DAILY LIVE WEBCAST OF THE PROCEEDINGS AND THE ELECTRONIC POSTING OF THE TRANSCRIPTS BY THE END OF THE SAME DAY.
- NATIONAL, REGIONAL AND LOCAL MEDIA COVERED MUCH OF THE PROCEEDINGS. SOME LOCAL MEDIA WERE PRESENT ALMOST DAILY, INCLUDING THE SARNIA OBSERVER, THE A-CHANNEL IN LONDON AND CTV SARNIA.
- ONE-WAY IN WHICH THOROUGHNESS WAS ACHIEVED WAS BY CALLING APPROXIMATELY 140 WITNESSES, WHO HAD RELEVANT OR HELPFUL EVIDENCE, TO TESTIFY. FAIRNESS WAS ASSURED THROUGH, AMONG OTHER THINGS, THE CROSS-EXAMINATION OF THESE WITNESSES BY ANY AND SOMETIMES ALL - OF THE 17 PARTIES WITH STANDING, THEREBY PROVIDING US WITH MANY PERSPECTIVES THROUGH WHICH TO ASSESS THE EVIDENCE.
- YOU HEARD ME REMARK, ON MANY OCCASIONS, THAT IT WAS NECESSARY TO BALANCE THE PRINCIPLES OF THOROUGHNESS AND FAIRNESS WITH THAT OF ECONOMY AND EFFICIENCY.

- EVER MINDFUL THAT THIS IS A PUBLICLY FUNDED PROCESS, I BELIEVE THAT WE KEPT TO A RIGOROUS SCHEDULE, STARTING OUR DAY EARLY AND FINISHING LATE WHEN NECESSARY. THROUGHOUT, COUNSEL WAS PROVIDED WITH TIMELY DISCLOSURE AND SUMMARIES OF WITNESSES' ANTICIPATED EVIDENCE TO ASSIST WITH THEIR PREPARATION.
- IT WAS A TREMENDOUS CHALLENGE TO BALANCE THE DESIRE TO FULLY UNDERSTAND THE CIRCUMSTANCES OF MR. GEORGE'S DEATH, ON THE ONE HAND, WITH THE OBLIGATION TO EXPLORE ONLY WHAT WAS NECESSARY TO MEET THE INQUIRY'S MANDATE, ON THE OTHER.
- I BELIEVE WE SUCCESSFULLY NAVIGATED THAT PATH.
- IN MY VIEW, THERE ARE OTHER MEASURES AGAINST WHICH A PUBLIC INQUIRY CAN AND SHOULD BE EVALUATED.
- YOU WILL RECALL THAT AT THE OUTSET OF THESE HEARINGS, I IDENTIFIED THE GOALS OF PUBLIC EDUCATION AND, THROUGH EDUCATION AND UNDERSTANDING, THE GOAL OF HEALING. IT WAS MY DESIRE THAT AT THE END OF THIS PROCESS, THE INQUIRY WOULD CONTRIBUTE TO THE PUBLIC'S UNDERSTANDING OF BOTH THE SPECIFIC INCIDENT OF SEPTEMBER 1995 AND OF THE FACTORS OR CONDITIONS THAT CONTRIBUTED TO IT.
- PUBLIC EDUCATION IS NOT ONLY ACHIEVED THROUGH THE COMMISSIONER'S FINAL REPORT. THE PUBLIC HAS ALSO BENEFITED FROM THE PERSPECTIVES SHARED BY THE MANY WITNESSES, WHO TESTIFIED PUBLICLY, AND THE KNOWLEDGE OF THE NUMEROUS EXPERT WITNESSES, THAT HAVE ALSO BEEN CALLED TO TESTIFY.
- IN ADDITION, THE PUBLIC HAS HAD ACCESS TO THE MANY RESEARCH PAPERS, CONSULTATIONS, FORUMS AND DISCUSSION PAPERS ON THE POLICY ISSUES BEING EXPLORED BY THE COMMISSION, WHICH WILL GUIDE MY RECOMMENDATIONS ON HOW TO AVOID VIOLENCE IN SIMILAR CIRCUMSTANCES, IN THE FUTURE.
- THESE HEARINGS HAVE NOT ONLY PROVIDED AN OPPORTUNITY FOR THE PUBLIC TO HEAR, BUT FOR WITNESSES TO SHARE SOME FOR THE FIRST TIME - THEIR VIEW OF EVENTS IN 1995.
- I WAS ALWAYS AWARE OF THE FACT THAT RE-VISITING EVENTS THAT TOOK PLACE OVER 10 YEARS AGO MAY RE-OPEN WOUNDS AND RE-KINDLE FEELINGS AND TENSIONS. BUT I WAS ALWAYS ALSO HOPEFUL, THAT THROUGH THIS PROCESS, THE INQUIRY MIGHT LEAVE THE COMMUNITIES AND INDIVIDUALS AFFECTED A LITTLE "BETTER" THAN THEY WERE WHEN WE BEGAN.

- I HAVE BEEN ENCOURAGED BY THE RESPONSE TO THIS INQUIRY: BY THE THANKS FROM SOME WITNESSES FOR HAVING HAD THE OPPORTUNITY TO TESTIFY, BY THE EXPRESSIONS OF HOPEFULNESS BY THOSE AFFECTED FOR A BETTER FUTURE AND BY THE STEPS TAKEN BY SOME PARTIES TOWARD THAT END.
- THE HEARINGS IN FOREST DEALT WITH THE FIRST PART OF MY MANDATE AND, UNDERSTANDABLY, PUBLIC ATTENTION WAS FOCUSED ON THEM.
- HOWEVER, IN ADDITION TO EXAMINING WHAT HAPPENED AT IPPERWASH IN 1995, MY MANDATE INCLUDES MAKING RECOMMENDATIONS ON HOW TO AVOID VIOLENCE IN SIMILAR CIRCUMSTANCES.
- AS YOU KNOW, THE COMMISSION HAS DONE MUCH POLICY WORK WHILE THE EVIDENTIARY HEARINGS HAVE BEEN UNDERWAY. IT IS MY BELIEF THAT THE MATERIALS PRODUCED AND COLLECTED UNDER OUR POLICY AND RESEARCH UMBRELLA WILL PROVE TO BE A LASTING LEGACY OF THE IPPERWASH INQUIRY.
- RELATIONS BETWEEN ABORIGINAL PEOPLES AND GOVERNMENTS, POLICE AND OTHER SEGMENTS OF THE CANADIAN POPULATION CONTINUE TO DOMINATE THE PUBLIC AGENDA AND ARE LIKELY TO DO SO FOR SOME TIME. I HOPE THAT OUR WORK IN THESE AREAS WILL PROVE TO BE OF GREAT VALUE IN ADDRESSING ONGOING AND FUTURE DISPUTES.
- MUCH OF THE MATERIAL IS POSTED ON OUR WEBSITE AND WILL, OF COURSE, BE CONTAINED IN MY FINAL REPORT ALONG WITH MY RECOMMENDATIONS. I'D LIKE TO RECOGNIZE MR. NYE THOMAS, THE COMMISSION'S DIRECTOR OF POLICY AND RESEARCH AND HIS TEAM, NOELLE SPOTTON AND JEFFREY STUTZ, FOR THEIR OUTSTANDING WORK IN THIS AREA.
- MANY OF THE PARTIES HAVE ATTENDED SOME OF THE SYMPOSIA AND OTHER MEETINGS WE ORGANIZED. IN THE PAST FEW DAYS NEW DISCUSSION PAPERS HAVE BEEN POSTED THAT I HOPE WILL BE CONSIDERED BY THE PARTIES WHEN MAKING THEIR FINAL SUBMISSIONS.
- THE AREAS COVERED INCLUDE ISSUES AFFECTING THE POLICING OF ABORIGINAL OCCUPATIONS AND PROTESTS, ABORIGINAL PEOPLES AND POLICING AND THE JUSTICE SYSTEM AND RELATIONS BETWEEN GOVERNMENTS AND POLICE. THESE, ALONG WITH TREATY RIGHTS AND

ABORIGINAL RIGHTS ISSUES, ARE CENTRAL TO MANY ABORIGINAL DISPUTES.

- A REFLECTION ON THESE HEARINGS WOULD BE INCOMPLETE WITHOUT MENTION OF THE VALUABLE CONTRIBUTION MADE BY LEGAL COUNSEL.
- I WANT TO RE-ITERATE MY APPRECIATION TO THE PARTIES' COUNSEL FOR THEIR CO-OPERATION THROUGHOUT THESE TWO YEARS AND FOR THE FACT THAT, NOTWITHSTANDING THE MANY DIVERSE INTERESTS, A STRONG SENSE OF CIVILITY AND RESPECT, FOR EACH OTHER AND FOR THE PROCESS, HAS BEEN MAINTAINED.
- I WOULD ALSO LIKE TO RECOGNIZE THE COMMISSION'S LEGAL TEAM, UNDER THE STEWARDSHIP OF LEAD COUNSEL, DERRY MILLAR.
- ONE OF THE ESSENTIAL OBJECTIVES OF A PUBLIC INQUIRY IS TO RESTORE PUBLIC CONFIDENCE, BY BRINGING TO LIGHT ALL THE IMPORTANT FACTS AND DOING SO IN AN OPEN AND IMPARTIAL MANNER. COMMISSION COUNSEL ARE AT THE FOREFRONT OF DOING WHAT IS NECESSARY TO MEET THIS OBJECTIVE.
- IN MY VIEW, THE SKILL AND INTEGRITY THAT MR. MILLAR BROUGHT TO THIS INQUIRY ESTABLISHED THE STANDARD FOR HIS OWN TEAM AND SERVED AS GUIDEPOSTS FOR ALL OF US. FURTHERMORE, I BELIEVE WE HAVE GONE A LONG WAY TO EARNING THE PUBLIC'S CONFIDENCE IN BOTH THE INQUIRY INTO THE EVENTS OF SEPTEMBER 1995 AND THE INQUIRY PROCESS ITSELF.
- MR. MILLAR WAS SUPPORTED BY A STELLAR TEAM OF LAWYERS AND INVESTIGATORS.
AT THIS TIME, I WOULD LIKE TO EXPRESS MY THANKS TO MS. SUSAN VELLA, MR. DON WORME, MS. KATHERINE HENSEL, MS. MEGAN FERRIER, MS. REBECCA CULTLER AND JODIE-LYNN WADDILOVE, WHO IS NOW PRACTICING LAW IN OTTAWA, WITH THE FEDERAL GOVERNMENT.
- I WOULD ALSO LIKE TO THANK OUR INVESTIGATORS LED BY INSPECTOR RICK MOSS OF THE RCMP, JERRY WOODWORTH, WHO RETIRED AFTER ALMOST 40 YEARS WITH THE RCMP, AND ANIL ANAND WHO WAS SECONDED FROM THE TORONTO POLICE SERVICE.
- IN MY VIEW NO COMMISSIONER HAS EVER BEEN BETTER SERVED THAN I HAVE BEEN BY THIS OUTSTANDING TEAM.

- WE WILL RESUME ON AUGUST 21 FOR THE PARTIES' ORAL SUBMISSIONS. WHICH WILL MARK THE OFFICIAL CONCLUSION OF THIS PART OF THE INQUIRY.
- IN THE MEANTIME, I HOPE THE SUMMER PROVIDES ALL OF US WITH SOME OPPORTUNITY TO SPEND TIME WITH FRIENDS AND FAMILY, WHO HAVE PROVIDED US WITH MUCH NEEDED SUPPORT DURING THESE HEARINGS.
- THANK YOU.

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:

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- 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.

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- 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.

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- 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

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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.

**COMMISSIONER'S REMARKS
EVIDENTIARY HEARINGS CLOSING
August 24, 2006**

- GOOD MORNING.
- TODAY MARKS THE CONCLUSION OF THE EVIDENTIARY HEARING PHASE OF OUR INQUIRY.
- ALTHOUGH THE MAIN PURPOSE OF THE EVIDENTIARY HEARINGS HAS BEEN TO INVESTIGATE THE EVENTS SURROUNDING THE DEATH OF DUDLEY GEORGE, IT HAS ALWAYS BEEN MY VIEW THAT A PUBLIC INQUIRY MAY SERVE PURPOSES BEYOND THOSE EXPLICITLY SET OUT IN ITS ORDER IN COUNCIL.
- A PUBLIC INQUIRY CONTRIBUTES TO PUBLIC DEBATE AND PUBLIC EDUCATION; IT PROVIDES A FORUM FOR CITIZENS AND GROUPS TO PARTICIPATE IN THE RESOLUTION OF ISSUES AND THE DEVELOPMENT OF FUTURE POLICIES AND STRATEGIES CONCERNING MATTERS IN WHICH THEY HAVE A STAKE OR INTEREST.
- PERHAPS MOST IMPORTANTLY, A PUBLIC INQUIRY MAY SERVE AS A CATALYST FOR MOVING FORWARD BY INDIVIDUALS OR COMMUNITIES AFFECTED BY THE EVENTS IN QUESTION.
- YOU MAY RECALL AT THE VERY OUTSET OF THESE PROCEEDINGS, I STATED THAT ONE OF MY BROADER GOALS WAS TO CONTRIBUTE TO RESTORING GOOD RELATIONS AMONG THE PEOPLE AFFECTED AND TO RESTORING THEIR FAITH IN THE INSTITUTIONS OF GOVERNMENT AND DEMOCRACY.

- WITH THIS GOAL IN MIND, I DECIDED TO INVITE ALL PARTIES AND THEIR COUNSEL TO COME TOGETHER ONE FINAL TIME TODAY TO CLOSE THIS CHAPTER OF EVENTS, IN A SPIRIT OF GOODWILL AND HOPE FOR THE FUTURE.
- I AM HAPPY TO WELCOME, LILLIAN PITAWANAKWAT, AN ELDER FROM WHITEFISH RIVER FIRST NATION, WHO OFFERED A TRADITIONAL PRAYER WHEN THESE PROCEEDINGS BEGAN. AT THAT TIME, MS. PITAWATIKWAT ALSO PRESENTED ME WITH A TALKING STICK THAT I HAVE KEPT ON MY DESK THROUGHOUT THE INQUIRY.
- I INTEND TO KEEP IT, ALONG WITH THE EAGLE FEATHER, AN ABORIGINAL SYMBOL OF TRUTH, THAT WAS GIVEN TO ME AT THE CHIEFS OF ONTARIO FORUM AND THAT NOW IS KEPT IN A VERY BEAUTIFUL TRADITIONAL CASE THAT WAS MADE BY SAM GEORGE'S WIFE, VERONICA.
- I AM PLEASED THAT DRUMMERS REPRESENTING THREE OF THE MAIN PARTIES TO THIS INQUIRY, THE CHIPPEWAS OF KETTLE AND STONY POINT, THE STONEY POINTERS AND THE OPP, ARE PRESENT THIS MORNING. THESE THREE DRUM GROUPS PARTICIPATED IN THE INDIGENIOUS KNOWLEDGE FORUM, ORGANIZED BY THE INQUIRY. AT THAT TIME, I VIEWED THEIR PARTICIPATION AS A VERY POSITIVE DEVELOPMENT AND I AM DELIGHTED THAT THEY ARE HERE AGAIN TODAY.
- I HAVE BEEN ENCOURAGED BY THE RESPONSE TO THIS INQUIRY FROM PARTIES AS WELL FROM THE PUBLIC. I BELIEVE THAT WE HAVE MADE SOME PROGRESS TOWARDS FOSTERING OPEN DIALOGUE, BETTER RELATIONS AND UNDERSTANDING. MY HOPE

IS THAT THE IMPACT OF THESE IMPROVED RELATIONSHIPS WILL BE DEEP AND LONG LASTING.

- THERE IS STILL MUCH TO DO, BUT THE TASK WILL BE EASIER IF THOSE INVOLVED UNDERTAKE IT IN A SPIRIT OF GOODWILL, MUTUAL RESPECT AND UNDERSTANDING.

- BEFORE I CALL UPON MS. PITAWANAKWAT, I WANT TO RE-ITERATE MY APPRECIATION TO EVERYONE WHO HAS BEEN INVOLVED WITH THIS PROCESS. I HAVE LEARNED A TREMENDOUS AMOUNT, AND I HOPE EVERYONE HAS.

- IT IS BEEN AN HONOUR AND A PRIVILEGE TO SERVE AS COMMISSIONER AND I SINCERELY THANK THE COMMUNITY, AND I ALSO THANK ALL PARTIES AND THEIR COUNSEL FOR THEIR DILIGENCE, PROFESSIONALISM AND CONSTRUCTIVE CONTRIBUTION TO THE WORK OF THIS INQUIRY.

- THANK YOU.