

PRINCIPLES GOVERNING THE INQUIRY

Before I could start to make decisions regarding the inquiry process and structure, I needed to consider the principles that would govern decision-making and inform the design of the process. The principles I identified were by no means unique to this Inquiry, and were similar to those Associate Chief Justice O'Connor and Madam Justice Bellamy articulated:⁴⁰ thoroughness, expedition, openness to the public, and fairness.

As I said in my opening remarks at the hearings for standing and funding, natural justice and procedural fairness require that due process safeguards be in place and observed by the commission. We incorporated these safeguards in the Rules, but the principle of fairness also applied to all of my decisions throughout the Inquiry.

A key function of public inquiries is to shed light on events or decisions, not only to provide answers, but also to inform the public and restore public confidence. To inform the public, the inquiry must be conducted in an open forum to the fullest extent possible. To restore public confidence, it must be conducted in a manner that is transparent and open to public scrutiny.⁴¹ All of this requires, therefore, that the public have access to the story as it is told. Our website, live webcast, and measures to facilitate media access all contributed to public accessibility.

To get at the truth, and to meet the tests of impartiality and independence, a public inquiry must be thorough. It must investigate thoroughly, leaving no doubt that all issues relevant to its mandate have been fully explored. My commitment to a thorough investigation of the events surrounding the death of Dudley George, considered from every necessary perspective, was reflected in my decisions with respect to granting standing, witness selection, and consultation.

Each of the principles I have already mentioned — thoroughness, openness to the public, and fairness — had to be weighed against the need to be expeditious. In my periodic statements throughout the Inquiry, I repeatedly emphasized that time and expense must be considered in conducting a public inquiry; both must be

40 Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry (Bellamy) and Walkerton Inquiry (O'Connor).

41 The Honourable Dennis R. O'Connor, *Report of the Walkerton Inquiry*, Part 1, at 473 (Toronto: Queen's Printer for Ontario, 2002).

justifiable and neither is unlimited.⁴² Ultimately, this Inquiry would be measured by its success in meeting its dual mandate of fact-finding and making recommendations for the future. However, it was also inevitable and even justifiable that the assessment would take into account the time taken and the costs incurred.⁴³ A public inquiry is a publicly funded process, and it is in the public interest to contain the costs, to the extent possible, while satisfying the need to fulfill the mandate of the inquiry thoroughly.

These principles were my guideposts. They influenced my decisions about the inquiry process, some of which I will discuss in more detail in later sections of this volume. I hope they will also serve as standards by which the Inquiry is evaluated.

⁴² Appendix 14(h), Commissioner's Remarks, September 12, 2005.

⁴³ *Ibid.*