

Commission of Inquiry into Certain Allegations  
Respecting Business and Financial Dealings  
Between Karlheinz Schreiber and  
the Right Honourable Brian Mulroney



Commission d'enquête concernant les allégations  
au sujet des transactions financières et  
commerciales entre Karlheinz Schreiber et  
le très honorable Brian Mulroney

**Commissioner**

L'Honorable juge /  
The Honourable Justice  
Jeffrey James Oliphant

**Commissaire**

**Held at:**

Government Conference Centre  
2 Rideau St.  
Annex Room  
Montréal, Québec

Friday, March 20, 2009

**Tenue à :**

Centre de Conférence du  
Gouvernement  
2 rue Rideau  
Pièce Annex  
Montréal, Québec

Vendredi le 20 mars 2009

**Appearances**

Mr. Richard Wolson	Lead Commission Counsel
Mr. Even Roitenberg	Co-Counsel
M <sup>e</sup> Guy J. Pratte Mr. Jack Hughes	The Right Honourable Brian Mulroney
Mr. Richard Auger	Mr. Karlheinz Schreiber
Mr. Paul B. Vickery	Attorney General of Canada

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1 Montreal, Quebec / Montréal (Québec)

2 --- Upon commencing on Friday, March 20, 2009

3 at 9:31 a.m. / L'audience débute

4 le vendredi, 20 mars 2009 à 9 h 30

5 THE REGISTRAR: All rise.

6 THE COMMISSIONER: Good morning,  
7 counsel.

8 THE REGISTRAR: Please be seated.

9 THE COMMISSIONER: Mr. Wolson.

10 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WOLSON,  
11 Q.C.:

12 MR. WOLSON, Q.C.: Good morning,  
13 sir.

14 We're here this morning to  
15 consider -- for you to consider an application on  
16 behalf of Mr. Mulroney to delay the start of this  
17 Inquiry from the 30<sup>th</sup> of March until the 14<sup>th</sup> of  
18 April.

19 In real terms, Mr. Commissioner,  
20 that's six days, and I say that because if we were  
21 to start on the 30<sup>th</sup> of March, we would sit four  
22 days that week until April 2<sup>nd</sup>. Fridays,  
23 generally, we're not sitting to allow counsel time  
24 to prepare. We would then reconvene on the 6<sup>th</sup> of  
25 April and sit on the 6<sup>th</sup> and 7<sup>th</sup>, not sitting on the

1 8<sup>th</sup> or 9<sup>th</sup> because of Passover and not sitting on  
2 the Friday or the following Monday because of  
3 Easter.

4 So, in effect, the request for a  
5 delay is six days.

6 I can tell you that your counsel  
7 are ready to start on the 30<sup>th</sup> of March. There  
8 have been many late hours, with more to come, and  
9 I'm sure that all counsel are in the same  
10 position.

11 But I am, that said, sympathetic  
12 to Mr. Pratte's application. I understand it.  
13 There has been voluminous disclosure, some in  
14 recent days, and it's important for counsel to be  
15 prepared so that they can properly contribute to  
16 this Commission of Inquiry.

17 I'm also mindful, sir, of your  
18 desire to start on time and finish this Inquiry on  
19 time, and the 30<sup>th</sup> of March is now the present  
20 start date.

21 On balance and given the need for  
22 counsel's preparation, I advance this position  
23 this morning, that we start on the 30<sup>th</sup> of March -  
24 - it will give us time to call one witness who is  
25 otherwise difficult to schedule because of that

1 witness' prior commitments -- that we call  
2 evidence on the 30<sup>th</sup> and the 31<sup>st</sup>. On the 31<sup>st</sup> we  
3 would deal with an aspect of the case that's  
4 background but important, and we would call four  
5 or five witnesses starting March 30 and finishing  
6 on the 31<sup>st</sup>, hopefully, unless we need some slight  
7 more time.

8 We would then, my position is,  
9 break until the 14<sup>th</sup> of April and, in effect, give  
10 counsel a good chunk of time to further prepare  
11 and be available when we come back on the 14<sup>th</sup> to  
12 start with a lengthy witness.

13 I am mindful that Mr. Vickery,  
14 whom I've talked to for the Attorney General for  
15 Canada, has commitments after the 22<sup>nd</sup> of May.

16 In my view, if we were to start,  
17 as I've indicated, on the 30<sup>th</sup> of March and work  
18 through to the 31<sup>st</sup>, we will, in effect, have lost  
19 four days. I believe we can make up that time.

20 If we need more time, we'll sit on  
21 Fridays or longer in a day. In my view, that  
22 proposal is a reasonable one and will allow us to  
23 do as you have indicated in the past at least,  
24 that you would like to start on time, and will  
25 also accommodate counsel with an ability to have

1 some additional preparation time.

2 So that's the position that I  
3 advance to you this morning, and subject to any  
4 questions, sir, you may have, you would then have  
5 my position.

6 THE COMMISSIONER: That's fine.

7 I'll reserve saying anything until  
8 I've heard from all counsel.

9 MR. WOLSON, Q.C.: Thank you.

10 THE COMMISSIONER: Mr. Pratte,  
11 good morning.

12 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PRATTE:

13 MR. PRATTE: Good morning, sir.

14 I will address Mr. Wolson's  
15 representations to you, sir, at the end of my  
16 comments, if I might.

17 And so I will start by telling you  
18 that the purpose of the application that is made  
19 for a modest change in the schedule -- I call it  
20 modest because as Mr. Wolson indicates, it really  
21 represents six hearing days -- the purpose of this  
22 is really threefold, or I ask for it for three  
23 main reasons.

24 One is -- and I'll develop each of  
25 those for a few minutes. The first one, of

1 course, is that in my submission, the issue of the  
2 standards and actually the scope of this Inquiry  
3 will not be resolved until you have heard and  
4 ruled on the application for clarification, which  
5 is scheduled for next Tuesday, the 24<sup>th</sup> of March.

6 And I will be submitting to you,  
7 sir, that even if you change not a word to your  
8 decision, notwithstanding that, the adjournment or  
9 rescheduling that we request is still necessary  
10 and fair.

11 And that brings me to the second  
12 point I want to make, which is that the additional  
13 time would afford us, all parties, but especially  
14 Mr. Mulroney and his counsel, the time to review  
15 the voluminous disclosure and anticipate the  
16 evidence that is to be called by the Commission of  
17 the 20-plus witnesses we've been advised in recent  
18 weeks.

19 And the third is that, in my  
20 respectful submission, to grant the request would  
21 not in any way affect the substantive public  
22 interest and certainly not compromise the date for  
23 your ultimate report.

24 So let me deal first, if I might,  
25 Mr. Commissioner, with the first point, the



1 request for clarification.

2 As you know, on March 16, Mr.  
3 Mulroneu submitted a request for clarification of  
4 your Ruling on Standards which was issued on the  
5 25<sup>th</sup> of February. It asks you to clarify some of  
6 the points that are made therein, address what we  
7 say are substantive new questions arising there  
8 from.

9 This is a fundamental ruling, as  
10 yourself recognized, because it affects the scope  
11 of the Inquiry both in terms of the relevant  
12 standards and the timeframe, and I'll touch on  
13 that in a moment.

14 Now, you endorsed, quite properly  
15 so from the outset, the issue of clarity around  
16 those standards before we get started. You did so  
17 when the matter was heard on January the 7<sup>th</sup> when  
18 you said the following:

19 "I think it's important we  
20 have this hearing..."

21 That's the January 7<sup>th</sup> hearing that you scheduled.

22 "...prior to my hearing  
23 evidence for a couple of  
24 reasons. You've named one,  
25 and that is what's required

1 by law in accordance with the  
2 *Stevens* case, but I think as  
3 well, out of an abundance of  
4 fairness, counsel should know  
5 what the standard that I will  
6 be looking at is in order to  
7 properly prepare to meet the  
8 case that needs to be met."

9 And I note in passing, Mr.  
10 Commissioner, that the one person who needs to  
11 know that the most is my client. He's the person  
12 whose conduct is being assessed here. And that is  
13 something you actually recognized in your own  
14 ruling at paragraph 7, where you came back to that  
15 topic and you said this:

16 "I think it's important that  
17 before I hear the evidence in  
18 a factual inquiry, all  
19 parties granted standing,  
20 particularly Mr. Mulroney,  
21 know by what standard the  
22 appropriateness of Mr.  
23 Mulroney's business and  
24 financial dealings, as well  
25 as the disclosure and

1 reporting of those, will be  
2 assessed."

3 Then you, of course, at paragraph  
4 31, referred to the *Stevens* case and you quoted  
5 extensively from the *Stevens* case, which as you'll  
6 recall deals with the importance of knowing the  
7 standard before the case starts, not midway or  
8 after. And in that case, Justice O'Keefe of the  
9 Federal Court had concluded, and I quote from a  
10 couple of paragraphs you, yourself, noted:

11 "I am of the view that it was  
12 a breach of duty of  
13 procedural fairness owed to  
14 the plaintiff to set a  
15 standard definition of  
16 conflict of interest by  
17 stating the definition for  
18 the first time in the report.  
19 In my view, the definition  
20 should have been stated in  
21 the various conflict of  
22 interest guidelines or code."

23 And you said you endorse that.

24 Now, of course, you are well aware  
25 of that and I'm not suggesting you'll be -- or you

1 intend to tell us at the end in your report what  
2 the standard is, but I make the point because it  
3 stresses how important it is to know clearly what  
4 the standard is at the outset. And the standard -  
5 - I don't want to anticipate what I'm going to be  
6 saying too much next week -- but the standard that  
7 you have ---

8 THE COMMISSIONER: It could  
9 shorten the hearing next week.

10 MR. PRATTE: I'm sorry, sir?

11 THE COMMISSIONER: I said it could  
12 shorten the hearing next week.

13 MR. PRATTE: The point that I want  
14 to emphasise, sir, is that the standard that's  
15 identified in your ruling should not be thought of  
16 as akin to saying such-and-such inside of the code  
17 of conduct or such-and-such of a statute.

18 It's a standard that is what I  
19 would call multi-faceted. It refers to five  
20 statutes that in some way or other have to be  
21 taken into account, and it covers effectively a  
22 very long period of time, at least 1984 to the  
23 present in some way or other.

24 THE COMMISSIONER: And let me  
25 assure you, I am painfully aware that I can't

1 wonder into a field covered by those statutes,  
2 particularly the *Criminal Code*. I am very, very  
3 sensitive to that fact.

4 MR. PRATTE: Okay. As I sit here  
5 today, Mr. Commissioner, I nevertheless have a  
6 ruling, which refers to those statutes being  
7 useful to inform your decisions and, to that  
8 extent at least, they are made relevant.

9 Now, I say that procedural  
10 fairness, and what we might call just plain old  
11 basic fairness, requires that Mr. Mulroney know  
12 before we start clearly what the standard is, not  
13 just to know it in the sense I can identify what  
14 it is but in order to have a reasonable  
15 opportunity to prepare. As you have acknowledged,  
16 the stakes here couldn't be higher for Mr.  
17 Mulroney. It's his reputation that's at stake.

18 Now, Mr. Mulroney, in respect of  
19 trying to find out and sort out and clarify the  
20 issue of the standard, has been diligent. As  
21 Commission counsel will know, we made inquiries  
22 going back to last August, August 21<sup>st</sup>; repeated in  
23 September and October and ultimately a Notice of  
24 Hearing was issued -- I believe it was on the 12<sup>th</sup>  
25 of November for a hearing on January 7<sup>th</sup>, 2009 to

1 accommodate, I guess, the convenience of some  
2 counsel. But Mr. Mulroney's conduct in respect of  
3 seeking clarification could not be criticized as  
4 being belated.

5 And then after the hearing on  
6 standards on January the 7<sup>th</sup> and your ruling in  
7 particular on the 25<sup>th</sup> of February, Mr. Mulroney  
8 and his counsel gave it, believe me, immediate and  
9 very careful attention. It's plain from the  
10 application that was filed and that you are going  
11 to hear next week, that it gave us serious  
12 concern; maybe misplaced, we'll find out, but  
13 serious concerns, and in order to deal with those  
14 concerns it was ultimately decided that the most  
15 expeditious, least disruptive and reasonable way  
16 was to come back before you.

17 Now, the issue of the proper  
18 interpretation of your mandate, the scope of this  
19 Inquiry, the standards, they're all wrapped up,  
20 you'll be hearing on the 24<sup>th</sup>.

21 I say that even if we assume, even  
22 if I were to assume you are going to issue a  
23 ruling on that day, on the 24<sup>th</sup>, and even if you  
24 were to change nothing that the time required in  
25 the circumstances to properly prepare for this

1 case is not sufficient if we start on the 30<sup>th</sup>.  
2 And I say this because of the scope and the impact  
3 of that ruling and that leads me to move into my  
4 second point because the scope and impact of  
5 ruling has a direct bearing on the relevance, the  
6 weight, and the admissibility of any document  
7 we've seen so far and of the testimony of the  
8 twenty-plus witnesses that are contemplated at  
9 this time.

10 So let me move then to the issue  
11 of evidentiary review or document review and  
12 witness evidence. And, again, for this purpose,  
13 although the first point is a distinct point  
14 needing to clarify the standard, the second point  
15 on document review is obviously related. It's  
16 where the rubber meets the road in effect because  
17 it is to apply your ruling to the evidence to be  
18 called. You may not be fully aware of this, sir,  
19 but these facts in terms of putting in perspective  
20 the practicality of dealing with this evidence in  
21 view of this multi-faceted ruling of the 25<sup>th</sup> of  
22 February is what I want to come to, because that's  
23 what we have to deal with.

24 To date, we have received roughly  
25 2,771 documents containing a total of

1 approximately 25,000 pages of materials. Last  
2 week alone we received 200 new documents, about  
3 1,200 pages from the Attorney General of Canada.  
4 In fact, of the 841 documents we've received from  
5 the Attorney General so far, 556 of them,  
6 containing some 4,900 pages, have been received  
7 since February 16<sup>th</sup>. The vast majority of the  
8 documents received from the Attorney General,  
9 about 770, have been received since January the  
10 13<sup>th</sup>.

11 Some of these documents have been  
12 redacted in whole or in part, and some have been  
13 produced in German and Italian without  
14 translations. We are in the process of seeking  
15 those translations. These do not include another  
16 category of government documents covered by  
17 Cabinet Confidences, which cover a major portion  
18 of the timeframe for your Inquiry starting in  
19 1989.

20 We were first able to review some  
21 of those documents, and as you know, Mr.  
22 Commissioner, I should have said that, the law in  
23 practice requires that a former Prime Minister  
24 whose confidences are involved be asked to waive  
25 or consider waiving their privilege ---



1 THE COMMISSIONER: Yes.

2 MR. PRATTE: --- so they have to  
3 be reviewed, and I'm given to understand  
4 Commission counsel hasn't even seen those  
5 documents.

6 In any event, we first were given  
7 an opportunity to review about a third of those  
8 documents on February the 6<sup>th</sup> and then the last of  
9 them, about 95, 2 days ago. That is, we were told  
10 "You can come on either Wednesday or Thursday" and  
11 then -- and we went yesterday to spend several  
12 hours reviewing them.

13 Obviously, I'm not permitted to  
14 tell you what's in those documents, but you can  
15 assume that because they're responsive to a  
16 request by the Commission to produce from the  
17 government relevant documentation, they must be  
18 relevant to your mandate.

19 Now, these delays in terms of the  
20 government documents may not affect the Government  
21 of Canada so much because they've had them in  
22 their possession and have been able to review  
23 them. And I say that not only for the Cabinet  
24 Confidences but all nine hundred some of them; but  
25 they potentially directly affect all parties but

1 especially Mr. Mulroney.

2 Now, let me make this clear, Mr.  
3 Commissioner. I do not mean by setting out those  
4 facts and that chronology in any way to be  
5 critical of the government chronology in producing  
6 those documents. It's reality. I assume everyone  
7 was working as hard as they could, but that's  
8 where we are.

9 THE COMMISSIONER: Well, let me  
10 make the point now, to add to what you have said.

11 My understanding is that request  
12 was made for documents initially by my counsel on  
13 or about July the 18<sup>th</sup> of last year.

14 MR. PRATTE: Yeah.

15 THE COMMISSIONER: And having said  
16 that, don't fault the government. We've gone into  
17 this before. It was a reason why I had to ask for  
18 an extension of the mandate and an adjournment of  
19 the start date of this Inquiry.

20 MR. PRATTE: As you say, Mr.  
21 Commissioner, these facts are relevant to explain  
22 to you or, as I say, these facts are relevant to  
23 give you a real practical sense of the predicament  
24 that we are in and they in no way impute any lack  
25 of diligence upon government counsel. But here we

1 are; that's reality.

2 Similarly, there are a number of  
3 witnesses that, we've been advised, the Commission  
4 may call. The rules require we be provided with  
5 whatever will says or transcripts are available.  
6 We have received some of them recently but not all  
7 of them and certainly not from some of the main  
8 witnesses. And, again, let me stress, and I don't  
9 say this just for the forum only, that the  
10 Commission counsel have been extraordinarily  
11 diligent in the pursuit of their mandate and have  
12 afforded us as much access as they could as early  
13 as they could, but it's still obviously a lot of  
14 evidence to deal with.

15 Now, this point is particularly  
16 relevant, that is the volume of information in  
17 light of a multi-faceted ruling, wide-ranging  
18 ruling, is particularly important, and I want to  
19 emphasize this point which I've made in another  
20 context but in this particular context, this is  
21 unique public inquiry.

22 We're not -- or you're not asked  
23 to look into some natural disaster or the crash of  
24 an airplane or systemic problems of blood or water  
25 contamination or some scandal involving millions

1 of public money. Maybe in those wide-ranging  
2 inquiries, it makes sense to allow for a more  
3 dynamic flow of evidence even as the commission  
4 starts because the purpose is not primarily to  
5 assess the propriety of the conduct of a single  
6 individual. But that is the purpose of this  
7 Inquiry and, in my respectful submission, that  
8 enhances the need to clearly set the standard and  
9 to have the evidence and be able to put that  
10 evidence in sufficient time in the context of the  
11 standard and the scope of the Inquiry.

12 As I say, this Inquiry involves a  
13 former Prime Minister who, coincidentally, turns  
14 70 today, and seeks to review matters going back  
15 to 1984, 25 years ago, 20-plus witnesses, 25,000  
16 documents, most of which have been received in the  
17 last couple of months. Now even as I said, if  
18 your ruling doesn't change one iota, that's a  
19 massive undertaking.

20 It's a massive undertaking not  
21 because of anything that the Commissioner has done  
22 but because the mandate, in part, may not have  
23 been as "limpide", we would say, as -- in French --  
24 -- as perhaps might have been wished. It refers to  
25 a number of allegations that have been made by Mr.

1 Schreiber without specifying which are of public  
2 interest.

3 In your ruling you make reference  
4 to five separate statutes and we'll discuss what  
5 that means next week, but obviously it's of some  
6 moment because you made specific reference to  
7 them.

8 We need to examine these  
9 unspecified allegations and all the evidence that  
10 we've had, documentary and testimonial, from the  
11 point-of-view of that length of time and from the  
12 point-of-view of the breadth of considerations  
13 drawn in whatever way from those statutes that  
14 might ultimately inform your decision. That  
15 breadth, in my respectful submission, is  
16 unprecedented in the context of a public inquiry  
17 involving a single individual.

18 Now, as I said, I want to make  
19 clear, I don't blame anybody -- neither government  
20 counsel and certainly not Commission counsel for  
21 the fact that we find ourselves in this position -  
22 - to seek a modest readjustment of your schedule,  
23 but I submit that Mr. Mulroney is not to blame  
24 either. He has acted diligently at all times and  
25 he's the only person whose reputation is at stake

1 here. He is certainly the least to blame and has  
2 the most to lose.

3 Now those are the stakes. Let me  
4 move then to the third and last part of my  
5 submissions, to now look at the impact of what we  
6 are seeking.

7 Like Mr. Wolson, I recognize you  
8 have a special responsibility to the public to  
9 ensure that it proceeds efficiently and  
10 expeditiously, and you are determined to fulfil  
11 that responsibility. But even in that context, I  
12 submit that with the number of outstanding issues  
13 involved and the evidence in particular that needs  
14 to be fit in to the standards that you've  
15 articulated on the 25<sup>th</sup> of February, the  
16 readjustment of the schedule, the six days  
17 involved, is the minimum needed to ensure  
18 fairness.

19 The two-week postponement will  
20 neither disrupt nor significantly delay the  
21 hearings because as my friend Mr. Wolson said,  
22 really we're talking about six days and, in my  
23 respectful submission, there is sufficient  
24 flexibility in the schedule to meet the end date  
25 of the 22<sup>nd</sup> of May anyway. It's a much less

1 significant extension than that which you were --  
2 I guess, based on your comments, Mr. Commissioner  
3 -- forced to trigger when you moved from the  
4 February the 9<sup>th</sup> to the March 30<sup>th</sup> date. That  
5 would involve seven weeks and the end date, that  
6 is May 22<sup>nd</sup>, in my respectful submission, because  
7 of that flexibility can be met because you have  
8 already opened up the possibility in the schedule,  
9 anyway your counsel has, of sitting a fifth day  
10 and even on Saturdays.

11 Now, I understand that Mr. Vickery  
12 in particular may have a problem after the 22<sup>nd</sup> of  
13 May and I'm sympathetic to that, but there was  
14 never any guarantee, of course, we would finish on  
15 that date in any event. And I want to point out,  
16 I'm not -- not my style to tell you about my  
17 personal issues but maybe it's not irrelevant here  
18 -- that when you were compelled to postpone the  
19 hearings from the target date of, I believe it was  
20 February the 9<sup>th</sup> to March the 30<sup>th</sup>, that meant that  
21 I had to be forced out of a six-week, huge trial  
22 in Montreal which had been scheduled for May. I  
23 attempted to get that trial adjourned in the  
24 Superior Court and that application was refused.

25 Also, I was scheduled in a four-

1 week arbitration which had already been scheduled  
2 to try to accommodate the February 9<sup>th</sup> start date  
3 and it had to be rescheduled, to the party's  
4 discontent let me tell you, to mid-June. I only  
5 point this out, not to bring anyone to tears here,  
6 but that others of us have had to make some  
7 accommodations.

8 THE COMMISSIONER: If you want to  
9 see tears, you should speak to my chief justice.

10 MR. PRATTE: Now, sir, as I say,  
11 there are two points I want to make there about  
12 this.

13 Even with the six-day adjournment,  
14 effectively two weeks but six days in reality, we  
15 are confident that we can finish by the 22<sup>nd</sup>.

16 And, secondly, there's no doubt  
17 that you should be able to complete your task by  
18 the time reporting comes, at least I hope so, on  
19 the 31<sup>st</sup>, because in fact you have a bit more ---

20 THE COMMISSIONER: Of what?

21 MR. PRATTEE: Of December.

22 THE COMMISSIONER: That's not the  
23 fact, that's the problem. What you've got to  
24 understand is this, and you've said it so I'll respond.

25 I have been advised that in order



1 to edit, translate and print my report and get it  
2 in the hands of government by December 31<sup>st</sup>, my  
3 writing has to be completed by September 30<sup>th</sup>.

4 Now, that's not a lot of time, and  
5 don't forget you keep talking about May the 22<sup>nd</sup>;  
6 that's where your involvement may end -- may end.  
7 There's a whole other part of this Inquiry to be  
8 dealt with subsequent to May 22<sup>nd</sup>. I have a  
9 massive, massive task facing me to write my report  
10 and have it in by September 30<sup>th</sup>.

11 MR. PRATTE: My point, Mr.  
12 Commissioner, is not in any way to suggest that  
13 you can go on holiday on May 22<sup>nd</sup>. My point is the  
14 following; that looking at the schedule, the  
15 number of days involved, the worst that could  
16 happen -- the worst that could happen is that we  
17 might have to go for a few days over May 22<sup>nd</sup>,  
18 that's the worst.

19 In my respectful submission, there  
20 is sufficient flexibility in the schedule to  
21 preclude that from happening. And so that we will  
22 finish the hearings at a time that you can then  
23 move on to the Phase 2 and then have to undertake  
24 the burden you've just described.

25 So at the end of the day, we are

1 talking really about the starting date, not so  
2 much the ending dates, and so we have to consider  
3 trying to balance all the interests, the public  
4 interest on starting the 30<sup>th</sup> rather than on the  
5 14<sup>th</sup>.

6 Now, from the point-of-view of  
7 substantive justice, which affects Mr. Mulroney  
8 most of all, I submit that it's unarguable that  
9 this modest readjustment is warranted to ensure  
10 that his rights are protected.

11 Now, does the public have a  
12 pressing interest in starting to hear the evidence  
13 on the 30<sup>th</sup> rather than the 14<sup>th</sup>? I submit that the  
14 answer to that question is "No".

15 Now, I understand however that you  
16 have a legitimate concern Mr. Commissioner with  
17 too many false starts. You obviously -- you had  
18 one postponement and having another one may at the  
19 very least create in the eyes of the public the  
20 impression that there are too many false starts.  
21 And that's a valid concern.

22 But I submit to that in the  
23 circumstances of the evidence that needs to be  
24 assessed before we start, an unfair start is the  
25 worst of all false starts. And that is what would

1 result if we had to press on on the 30<sup>th</sup>.

2 Now, let me speak in conclusion to  
3 Mr. Wolson's submissions. And I want to say  
4 genuinely that I'm grateful to him for attempting  
5 as best he could to reconcile the imperatives that  
6 press on in this Commission counsel.

7 He's trying to strike, as he said,  
8 an appropriate balance between Mr. Mulroney's  
9 rights on the one hand and the public interest and  
10 your interest as Commissioner on the other hand,  
11 and that's not an easy thing to do. But I take a  
12 different view of the balance that is required  
13 because of the facts I've outlined, Mr.  
14 Commissioner.

15 And I say that Canadians would  
16 understand that this two-week postponement is fair  
17 and reasonable. Mr. Wolson's proposal has the  
18 merit of getting things going, arguably it gives a  
19 little more time for preparation. I say  
20 "arguably" because it still involves a number of  
21 witnesses that weren't anticipated to be called at  
22 that time, but whatever.

23 But it doesn't really address the  
24 main fairness point which is simply having  
25 sufficient time, a bit more time, uninterrupted

1 time, to assess the massive evidence that faces us  
2 in the context of your ruling, clarified in  
3 whatever way.

4 I understand one of his witnesses  
5 may have a problem with appearing before you later  
6 but that there would be time to hear him at least  
7 in the early days even if we started on the 14<sup>th</sup>.  
8 It could be argued he would be heard out of the  
9 normal order but that'll happen anyway if we start  
10 on the 30<sup>th</sup>.

11 And as to the other witnesses, the  
12 background witnesses, in my respectful view, some  
13 of the evidence certainly contained in the Cabinet  
14 Confidences could be relevant to fully exploring  
15 and putting in context their evidence.

16 So with the greatest respect for  
17 my friend and genuine appreciation for the balance  
18 he's tried to strike, in my respectful submission,  
19 that is -- it is not the best way to ensure that  
20 fairness and substance happens here.

21 But obviously, Mr. Commissioner,  
22 if you would dismiss my application, I would urge  
23 you to consider Mr. Wolson's submission. And I'm  
24 doing so, though I don't mean to diminish the  
25 seriousness of the concerns I've tried to put to

1       you on behalf of Mr. Mulroneu seeking the -- I'm  
2       not just kind of throwing out a line here -- I  
3       didn't speak to you for too long just to have you  
4       say, "I'm satisfied with starting on the 30<sup>th</sup> over  
5       two days".

6                       I conclude with this comment, Mr.  
7       Commissioner. Mr. Mulroneu is not trying to  
8       derail this Inquiry. And I know it's important  
9       and I don't say this facetiously -- if I can  
10      pronounce that word -- it's important for trains  
11      to run on time but it's at least as important that  
12      they reach their proper destination safely. And I  
13      say, in the circumstances in which we find  
14      ourselves through no one's fault, the best way and  
15      only way to ensure that is to grant the  
16      application as framed.

17                      Subject to your questions, those  
18      are my submissions, Mr. Commissioner.

19                      THE COMMISSIONER: Thank you, Mr.  
20      Pratte, I have no questions. Thanks very much.

21                      Mr. Auger is here but Mr. Houston  
22      is not here. Do we have a position from Mr.  
23      Houston?

24                      MR. PRATTE: I omitted to say  
25      that, Mr. Commissioner. I am informed by Mr.

1 Houston that he would support the adjournment or  
2 the application that is made on Mr. Mulroney's  
3 behalf.

4 THE COMMISSIONER: For all of the  
5 reasons that you have given this morning?

6 MR. PRATTE: I'm sure that he  
7 would say he would have put them more convincingly  
8 but, roughly, he'll have to be satisfied in his  
9 absence.

10 THE COMMISSIONER: I won't comment  
11 on that last remark by you Mr. Pratte, okay?

12 MR. WOLSON, Q.C.: I can tell you,  
13 Mr. Commissioner, that I did receive a letter from  
14 Mr. Houston and while it wasn't an extensive  
15 letter, he did ask for a similar adjournment to  
16 the one that Mr. Pratte has.

17 THE COMMISSIONER: I see. In  
18 other words, he needs more time to prepare?

19 MR. WOLSON, Q.C.: I put it to you  
20 the way I received it, sir.

21 THE COMMISSIONER: All right.  
22 Thank you.

23 Mr. Vickery or Mr. Auger?

24 MR. VICKERY: Yes, Mr.  
25 Commissioner. Thank you.

1 THE COMMISSIONER: Good morning,  
2 Mr. Vickery.

3 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR.  
4 VICKERY:

5 MR. VICKERY: Good morning, Mr.  
6 Commissioner.

7 The Attorney General is indeed  
8 prepared to commence on March 30<sup>th</sup>, however, having  
9 said that, it takes no position on Mr. Pratte's  
10 application for adjournment. I do however wish to  
11 respond very briefly to one or two of the matters  
12 that Mr. Pratte has raised.

13 I appreciate the acknowledgement  
14 by all parties that the delivery of documents and  
15 the timing of the delivery of documents has not,  
16 in fact, been delayed as a result of any action on  
17 the part of the government.

18 You will be aware, Mr.  
19 Commissioner, that the government has, in fact,  
20 worked diligently since last summer to review an  
21 enormous number of documents and that task has now  
22 been completed.

23 THE COMMISSIONER: I'm also aware  
24 of the difficulties that you face because of the  
25 use of different software programs.

1 MR. VICKERY: That's correct, yes.

2 THE COMMISSIONER: Right.

3 MR. VICKERY: That certainly was  
4 part of the difficulty that all parties  
5 encountered in moving forward with this.

6 And, now, you will also be aware  
7 that the Attorney General takes a quite different  
8 view of Mr. Pratte's application for  
9 clarification.

10 We have filed written submissions  
11 on this point and suffice it to say this morning  
12 that the view of the Attorney General is that no  
13 such clarification is, in fact, required.

14 THE COMMISSIONER: I don't need to  
15 hear the arguments.

16 MR. VICKERY: Yes.

17 THE COMMISSIONER: I don't need  
18 sort of advance notice of your position.

19 MR. VICKERY: No. All right, and  
20 I simply -- I think it goes to the position put  
21 before you by Mr. Pratte and that's why I raise  
22 it.

23 I am glad to have heard from Mr.  
24 Pratte that he has now had the opportunity to  
25 review all of the Cabinet Confidence documents,



1       which were referred to by the Attorney General,  
2       and I anticipate of course that we will and you  
3       will be hearing from Mr. Pratte as to whether he  
4       does propose to waive Cabinet Confidence in due  
5       course ---

6                       THE COMMISSIONER:  It's in the  
7       hands of Mr. Pratte's client.

8                       MR. VICKERY:  Yes, of course.

9                       Now, having said all of that, I  
10       did want to record the fact that, as has been  
11       referred to, I do have a prior commitment.  It is  
12       before the British Columbia Court of Appeal and so  
13       that my timing does become quite precarious after  
14       May 22<sup>nd</sup>.  I am comforted by the fact that all  
15       concerned are currently of the view that Phase 1  
16       of the Inquiry can be completed by May 22<sup>nd</sup>.

17                      I have indicated to Mr. Wolson  
18       that should that not arise, then I anticipate  
19       being instructed to seek a brief adjournment at  
20       the end of May in order to permit me to meet that  
21       other commitment, and I simply wish to have that  
22       on the record at this point, Mr. Commissioner.

23                      THE COMMISSIONER:  What is the  
24       date that the appeal is to be heard; when are you  
25       not available?

1 MR. VICKERY: Yes. The appeal  
2 itself is to be heard beginning June 1<sup>st</sup> for eight  
3 days. It's a quite complex constitutional law  
4 matter arising out of the tobacco litigation in  
5 British Columbia. The reason that I have said of  
6 course that I am unavailable in the preceding week  
7 is that there is a necessity ---

8 THE COMMISSIONER: Oh, no, no, I  
9 appreciate that.

10 MR. VICKERY: --- to prepare.

11 THE COMMISSIONER: But let me ask  
12 you this. Did you then not purport to be involved  
13 in Phase 2 or Part 2 of the Inquiry?

14 MR. VICKERY: My understanding, as  
15 Phase 2 is currently envisaged, is that there  
16 would be a public forum during the period from  
17 June 1<sup>st</sup> to June 8<sup>th</sup>.

18 THE COMMISSIONER: Yes.

19 MR. VICKERY: If I have it  
20 correctly, and the Co-counsel with me, Mr. Landry  
21 and Mr. Lacasse ---

22 THE COMMISSIONER: Okay.

23 MR. VICKERY: --- would be in a  
24 position to deal with that.

25 THE COMMISSIONER: Fine, okay.

1 MR. VICKERY: And I would then  
2 come back into the matter of course as soon as the  
3 appeal was concluded. So I'm not proposing in any  
4 way to step away from Phase 2 stage ---

5 THE COMMISSIONER: No, I was just  
6 curious when you said you were going to be away  
7 commencing June 1<sup>st</sup> for an eight-day appeal.

8 MR. VICKERY: Yes.

9 THE COMMISSIONER: Because that  
10 does take in a part of what will be Part 2 or the  
11 policy review conducted by the Commission.

12 MR. VICKERY: Yes, and I am  
13 sensitive to that, Mr. Commissioner.

14 I can tell you that -- obviously  
15 Mr. Pratte has referred to the difficulties he has  
16 had in rearranging other matters and I, in fact,  
17 was called upon to rearrange the appeal date on  
18 that matter. And that's the problem; we're all  
19 busy practitioners and we all have those issues.  
20 It's simply a question of attempting to find a way  
21 of pushing forward.

22 THE COMMISSIONER: Listen; talk  
23 about rearranging matters. I've got a daughter  
24 who's getting married this summer. That can't be  
25 rearranged.

1 MR. VICKERY: Oh, dear, that  
2 cannot be rearranged, and I'm enormously  
3 sympathetic to that problem.

4 In any event, I simply raise it  
5 because of course my clients on the appeal have an  
6 interest in having me lead that appeal. So that -  
7 - there are difficulties if we don't ---

8 THE COMMISSIONER: I appreciate  
9 that and I know the case that you're talking  
10 about. It's an important case.

11 MR. VICKERY: Yes, and so that I  
12 would hope that with the matter proceeding  
13 hopefully in the very near future, we'll be in a  
14 position to complete the Phase 1 evidence by May  
15 22<sup>nd</sup>.

16 Those are my comments,  
17 Commissioner. Thank you.

18 THE COMMISSIONER: All right.  
19 Thank you very much.

20 Mr. Auger?

21 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. AUGER:

22 MR. AUGER: Thank you,  
23 Commissioner. Good morning.

24 On behalf of Mr. Schreiber, the  
25 position is quite simple, and that is that Mr.

1 Schreiber supports the position advanced by your  
2 counsel, Mr. Wolson, that we start on March 30<sup>th</sup>  
3 and continue on March 31<sup>st</sup> with brief but important  
4 background witnesses, and then reconvene on April  
5 14<sup>th</sup> for the purpose of preparing and reviewing  
6 documents.

7 Mr. Pratte advances the position  
8 as well that there's a need for the adjournment  
9 for the request for clarification. I'm not going  
10 to get into that but simply put, it's our position  
11 that that's not an appropriate reason for the  
12 adjournment. Mr. Mulroney is of course entitled  
13 to know the rules before we begin, and you've made  
14 that ruling and we know the rules as we speak, and  
15 Mr. Schreiber is anxious for the Inquiry to  
16 proceed.

17 THE COMMISSIONER: All right.

18 MR. AUGER: Subject to any  
19 questions, those are my submissions.

20 THE COMMISSIONER: I have no  
21 questions.

22 MR. WOLSON, Q.C.: Mr.  
23 Commissioner, I would like to make a comment, if I  
24 could please.

25 THE COMMISSIONER: Sure.

1 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WOLSON,  
2 Q.C.:

3 MR. WOLSON, Q.C.: And it deals  
4 with the issue of disclosure because I should put  
5 on the record the issue regarding disclosure.

6 I can tell you, sir, that I have  
7 been involved in other public inquiries where in  
8 one instance a wrongful conviction, and in another  
9 an injustice where reputations of lawyers have  
10 been involved as well as police officers, and I  
11 know the importance for all counsel to have all  
12 material and be familiar with all disclosures.

13 The difficulty has been in this  
14 Inquiry and in others. I think it's the  
15 difficulty seen in, if not all, most inquiries.  
16 Documents have to be obtained. And I'm not  
17 critical of anybody because all have been diligent  
18 in that regard. Third parties, government, we  
19 have received a huge amount of material and your  
20 counsel, as I said before, have not just been  
21 burning the midnight oil on one or two days but  
22 everyday, often seven days a week. So we  
23 certainly understand the enormous difficulty in  
24 terms of reviewing disclosures that we've received  
25 and then getting them out to the parties, but I --

1 as Mr. Pratte has indicated, and he didn't do so  
2 in a critical way, it's -- I say to you, it's a  
3 very, very difficult task in any inquiry for the  
4 parties to have full disclosure well in advance  
5 and sometimes disclosures are given as the inquiry  
6 is in progress.

7 I can tell you that -- I can speak  
8 for Commission counsel and I'm sure for you -- we  
9 don't want any injustice here at all. I want to  
10 ensure that the parties are well prepared and are  
11 able to have the benefit of any document that we  
12 have or that -- documents that are relevant to  
13 this Inquiry.

14 In the early days, if you were to  
15 adopt my recommendation, a witness is called and  
16 documents later become available that impact that  
17 witness, I would find a way to remedy that  
18 situation because I wouldn't want it said that  
19 because a witness is called early that some party  
20 has been disadvantaged. That's certainly not the  
21 route that we want to take and we want to ensure  
22 fairness, absolute fairness from the beginning to  
23 the end of this Inquiry, and I know that you would  
24 support that view for sure.

25 THE COMMISSIONER: I take it that

1 when you say what you just did, that you are  
2 talking about the prospect of perhaps recalling a  
3 witness if necessary.

4 MR. WOLSON, Q.C.: If we had to, I  
5 would do that or find a way to remedy the  
6 situation.

7 THE COMMISSIONER: Yes. Okay.

8 MR. WOLSON, Q.C.: I don't  
9 anticipate that, and that's why the witnesses --  
10 if you were to accept my recommendation -- that's  
11 why the witnesses that we would call early, as I  
12 said before, while important, certainly they in  
13 part are for the unfolding of the history of the  
14 matter, the Bear Head matter, that's before this  
15 Inquiry.

16 I just wanted to speak to the  
17 issue of disclosure. No one has made accusations,  
18 but the problem is a very difficult one and one  
19 faced in other inquiries.

20 Thank you, sir.

21 THE COMMISSIONER: All right.

22 Thank you.

23 MR. PRATTE: Sir, I'm sorry, may I  
24 have one minute of your time?

25 THE COMMISSIONER: Absolutely.



1 --- REPLY BY/RÉPLIQUE PAR MR. PRATTE:

2 MR. PRATTE: As I said, my  
3 application stands even if Mr. Vickery's position  
4 and Mr. Auger's position on the ruling stands and  
5 ---

6 THE COMMISSIONER: Oh, you've made  
7 it clear; even if nothing changes.

8 MR. AUGER: The issue that my  
9 friend, Mr. Wolson, just raised and the  
10 possibility of having to recall witnesses, the  
11 reality is that while he may say those are  
12 background witnesses and so on, I have to look at  
13 this ruling, these witnesses, from the perspective  
14 of their relevance in the totality of this Inquiry  
15 and of the propriety of the conduct gauged, for  
16 example, from the *Financial Administration Act*,  
17 and that goes back to 1984.

18 And what Commission counsel  
19 intends to do with those witnesses may not be what  
20 other parties will do. And I have to do that in  
21 respect of every witness from every perspective as  
22 it may inform your ultimate decision, whether it  
23 be the 1985 *Ethics Code*, the Guide to the  
24 Ministers, the *Income Tax Act*, the *Criminal Code*,  
25 the *Excise Tax Act*, the *Financial Administration*

1           *Act, the Parliament of Canada Act.*

2                           All I'm telling you, Mr.  
3           Commissioner, is that if we were to adopt the --  
4           if you were to adopt the request I'm making of  
5           you, it would be unlikely you'd have to recall any  
6           witnesses because we would have been able, from  
7           our perspective, to put the evidence we've got so  
8           far, the 25,000 pages or so, the evidence expected  
9           from the 20-plus witnesses, in the context of the  
10          overall exercise that you will be engaged in and  
11          will have to report on ultimately.

12                           So while I appreciate -- and I say  
13          this with genuine appreciation -- Mr. Wolson's  
14          attempt at balancing the equities here, as we  
15          would say in the vernacular, in my respectful  
16          submission, the potential harm to my client's  
17          interests here balanced as against the need to  
18          just start on the 30<sup>th</sup> while the balance tips in my  
19          client's favour, in my respectful submission.

20                           Grateful for giving me the  
21          opportunity to address a couple of those points.

22                           THE COMMISSIONER: Thank you.

23                           We'll take a brief adjournment  
24          until 10:45. I want to just gather my thoughts,  
25          read my notes and I'll deliver a decision on the

1 application then.

2 Thank you.

3 THE REGISTRAR: All rise.

4 Veuillez vous lever.

5 --- Upon recessing at 10:23 a.m./

6 L'audience est suspendue à 10h23

7 --- Upon resuming at 10:42 a.m./

8 L'audience est reprise à 10h42

9 --- **RULING BY THE COMMISSIONER/DÉCISION PAR LE**  
10 **COMMISSAIRE:**

11 THE COMMISSIONER: I have before  
12 me an application by counsel for the Right  
13 Honourable Brian Mulroney to adjourn the  
14 commencement of this Inquiry from March 30<sup>th</sup> to  
15 April 14<sup>th</sup>.

16 The application is supported by a  
17 three-pronged argument, made very well as usual by  
18 Mr. Pratte.

19 First of all, that the issue  
20 revolving around the standards of conduct may not  
21 be resolved by March the 30<sup>th</sup>.

22 Secondly, that the adjournment  
23 would give more time that is required for  
24 preparation.

25 And last of all, that the public

1 interest substantively would not be adversely  
2 affected by the granting of the adjournment  
3 sought.

4 Commission counsel, through Mr.  
5 Wolson, has taken the position that the  
6 commencement should be kept at March the 30<sup>th</sup>; that  
7 we will proceed by hearing the evidence of several  
8 witnesses who will give evidence of what is  
9 referred to as "background evidence" that will  
10 lead up to the answering of the questions that I  
11 am required to answer by virtue of the mandate  
12 given to me government.

13 Mr. Vickery, for the Government of  
14 Canada, does not take a position with respect to  
15 the application but has indicated that there could  
16 be some difficulties encountered if we don't  
17 complete our work on the day scheduled and that an  
18 adjournment at the back end may be required.

19 Mr. Auger, on behalf of Mr.  
20 Schreiber, supports the proposal made by  
21 Commission counsel, Mr. Wolson. And Mr. Houston,  
22 who is not here today, supports an adjournment as  
23 requested by Mr. Pratte.

24 Let me say that this Inquiry is a  
25 public inquiry involving the public interest.

1 While I recognize that it is somewhat unique in  
2 terms of inquiring into the conduct of a former  
3 Prime Minister of this country, it is still a  
4 public inquiry and is being conducted in the  
5 public interest.

6 So that is first and foremost in  
7 my mind, but a close second comes with the  
8 interests of Mr. Mulroney and the need to be fair  
9 to him, and to ensure that a reputation is not  
10 damaged by anything that this Commission does or  
11 does not do.

12 As I indicated, the submission of  
13 Mr. Pratte rests on three foundations. One is a  
14 concern that the resolution of the standard of  
15 conduct question won't be resolved. The  
16 Commission received notice, I think, March the 25<sup>th</sup>  
17 of the request -- was it March the -- okay, March  
18 the 16<sup>th</sup>, I'm sorry, March, yes it's not March the  
19 25<sup>th</sup>, March the 16<sup>th</sup>, that Mr. Pratte wanted me to  
20 consider some issues raised by him with respect to  
21 the ruling. I convened a hearing for that purpose  
22 for Tuesday, March the 24<sup>th</sup> at 9:30 a.m. at 111  
23 Sussex Drive.

24 Let me say in terms of delivering  
25 reasons -- and Mr. Pratte mentioned from the

1 January 7<sup>th</sup> hearing that it wasn't until February  
2 25<sup>th</sup> -- that my reasons were ready well in advance  
3 of the 25<sup>th</sup> of February but we ran into  
4 difficulties with editors and translators.

5 I'll just tell you the process is  
6 that I write; it's edited by an English editor,  
7 not substantively but it's edited. Then it goes  
8 to French translation, it's translated; then it  
9 goes to a French editor and the French translation  
10 is edited, and that all takes time. And I don't  
11 apologize for that because we have an *Official*  
12 *Languages Act* that requires everything to be in  
13 both official languages.

14 But what I intend to do here  
15 because of the concern and out of an abundance of  
16 concern for fairness to the parties, I will hear  
17 the submissions on the application and if I am  
18 convinced that clarification is required and ought  
19 to be given, and there are two sides to that  
20 argument, but I will give my decision orally one  
21 way or the other and I propose to do so Thursday  
22 of next week, which gives me one day to do the  
23 decision.

24 So talk about burning midnight  
25 oil. I'm prepared to do that and I've done it

1 before where I've worked right through a whole day  
2 and a night to do it, but you'll have your  
3 decision one way or the other and whatever way the  
4 decision goes you would have -- if I decide to go  
5 March the 30<sup>th</sup>, you'd have from Thursday right  
6 through till Monday to consider your approach to  
7 the evidence on this Inquiry which leads me to the  
8 second argument that was made.

9 And that had to do with the volume  
10 of evidence that is given, and I've heard what Mr.  
11 Wolson has had to say in his proposal; we would  
12 start on March the 30<sup>th</sup> and hear evidence from  
13 certain witnesses who will testify about events  
14 that lead up to the events that require  
15 investigation by this Commission and answers to  
16 questions raised.

17 My understanding of the process is  
18 that with respect to each of the witnesses, all  
19 counsel are given books that indicate what the  
20 witness is expected to say, or if there's a  
21 transcript from an interview that has been  
22 recorded, a transcript, as well as the documents  
23 to which reference will be made. I understand  
24 that that is done so that counsel presumably are  
25 prepared to deal with the evidence of witnesses.

1                   In any event, the witnesses that  
2                   would be called first -- and I'm not sure who they  
3                   are, but I know the area that will be covered and  
4                   it is, indeed, background.

5                   And I think with respect to the  
6                   third part, and that is the substantive public  
7                   interest, I've made my views known.

8                   So I am going to dismiss the  
9                   application to adjourn to April the 14<sup>th</sup>. The  
10                  Commission will commence its hearings on the 30<sup>th</sup>  
11                  of March at 9:30 in the morning and we will  
12                  proceed as proposed by Mr. Wolson on behalf of the  
13                  Commission.

14                  MR. WOLSON, Q.C.: Just one  
15                  comment, Mr. Commissioner.

16                  You had indicated that we will be  
17                  preparing books as to what witnesses are going to  
18                  say. If I may just clarify that, sir.

19                  If a witness has consented to an  
20                  interview, we would -- if the interview is  
21                  recorded, we would provide a recording.

22                  THE COMMISSIONER: Yes.

23                  MR. WOLSON, Q.C.: If the  
24                  interview is not recorded, and that's the option  
25                  of the witness, we will provide a will say from



1           that interview. That being said, the book that we  
2           would provide would be a book of documents which  
3           we may refer to or which we believe other counsel  
4           may refer to. We don't intend, for instance, to  
5           refer to every document.

6                           THE COMMISSIONER: No.

7                           MR. WOLSON, Q.C.: So that would  
8           be the position that we'll take and provide  
9           witnesses -- or provide counsel at least with  
10          either a will say or a transcription.

11                          THE COMMISSIONER: Yes, that's  
12          what I meant to say and all I wanted to do is make  
13          it clear that my counsel are doing everything in  
14          their power to give full disclosure in a timely  
15          way to counsel for all other parties with respect  
16          to the documents involved with each of the  
17          witnesses and the recorded statement, if one is  
18          recorded, or a will say and that merely indicates  
19          what is expected will be the evidence of a  
20          witness.

21                          You never know, of course, what a  
22          witness is going to say, but in any event, it's my  
23          view that accepting your proposal, Mr. Wolson, we  
24          strike an appropriate balance in ensuring that the  
25          interests of the public are attended to as well as

1 all of the principles of natural justice and  
2 fairness to all of the parties.

3 Thank you.

4 THE REGISTRAR: All rise.  
5 Veuillez vous lever.

6 The hearing is adjourned.

7 --- Upon adjourning at 10:53 a.m./

8 L'audience est ajournée à 10h53

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## C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sean Prouse, CR