

IN THE MATTER OF:

Commission of Inquiry into the Circumstances
Surrounding the Death of Phoenix Sinclair

CROSS-EXAMINATION OF: MICHAEL BEAR

CROSS-EXAMINATION BY: MR. G. SMORANG and
 MR. H. KHAN and
 MR. L. BERNAS

CROSS-EXAMINATION DATE: WEDNESDAY, MAY 30, 2012

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ORIGINAL

The Cross-examination on Affidavit of **MICHAEL BEAR**, viva voce, on oath, had and taken by Jill Proctor, an Official Examiner in this Honourable Court, at the offices of Aikins Law, in the City of Winnipeg, Province of Manitoba, on Wednesday the 30th day of May 2012 at 1:55 p.m.

APPEARANCES:

On behalf of the Witness:	Mr. J. Kroft, Ms B. Chisick,
On behalf of the Southern Chiefs Organization:	Ms J. Saunders
On behalf of MGEU:	Mr. G. Smorang
On behalf of CFS General, North, South, ANCR:	Mr. L. Bernas
On behalf of Intertribal Child and Family Service:	Mr. H. Khan, Mr. J. Benson
On behalf of Kim Edwards And Steve Sinclair:	Mr. J. Gindin, Mr. D. Ireland
On behalf of the Department Of Family Services and Consumer Affairs:	Ms T. Welsh

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EXHIBIT # 1 - AFFIDAVIT.

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WEDNESDAY, MAY 30, 2012, 1:55 P.M.

**MICHAEL BEAR, BEING FIRST DULY
AFFIRMED TESTIFIED AS FOLLOWS:**

CROSS-EXAMINATION

MR. SMORANG: Mr. Bear, my name is Garth Smorang, I am legal counsel for Manitoba Government Employees Union, which is one of the parties with standing in Phoenix Sinclair inquiry, and I have a number of questions on the affidavit you swore on May 11, 2012. You have in front of you an affidavit, if that is a clean copy we can mark that as an exhibit.

EXHIBIT # 1 - AFFIDAVIT.

MR. KROFT: Mr. Bear is not feeling well, we have told him he should let Mr. Smorang know if he feels he can't continue, and then you do that.

BY MR. SMORANG:

Q Any time. Okay. Once again, Mr. Kroft, Mr. Bear is not being tendered, his evidence is not being tendered in his capacity as an expert in any way?

MR. KROFT: Mr. Bear, I do not believe has given opinion evidence in his. He is an expert, I will submit, in, based on the qualifications set out in his affidavit, in respect of the administration of child welfare agencies in Manitoba. But I don't think I need to qualify him for that for anything that he has testified.

MR. SMORANG: Nor are you seeking to qualify him as an expert?

MR. KROFT: No. I am not seeking to qualify him as an expert.

BY MR. SMORANG:

Q So your affidavit, sir, is really provided to express your observations as a person who has been in the child welfare system in a variety of capacities over your career, is that fair?

A It is fair.

Q Okay. You are not a social worker by profession?

A Currently. No. No.

Q What is your education?

A My education?

Q Yes.

A I have a Bachelor of Arts degree from the

University of Winnipeg, and Project Management from York.

Q Project Management --

A It is a certificate through York and the U of W. It was a co-op program at the University of Winnipeg.

Q When did you get your BA?

A '93.

Q You are currently with the Southern Chiefs' Organization?

A Yes.

Q And the Southern Chiefs' Organization, you are aware, has Intervenor for status in the Phoenix Sinclair inquiry?

A Yes.

Q Your position is chief of staff?

A Yes.

Q How long have you been chief of staff?

A 29 months.

Q Were you hired as chief of staff?

A Yes.

Q I have looked at the website for the Southern Chiefs' Organization, and on that website it states a mission statement which I will read to you and ask whether you agree or

not that that is the mission statement of your employer.

It reads, An independent political forum, to protect, preserve, promote, and enhance First Nations people's inherent rights, languages, customs, and traditions through the application, and implementation of the spirit and intent of the Treaty-making process. Do you agree with me, sir, that that is the mandate of your organization?

MR. KROFT: Can you show it to him?

MR. SMORANG: You are frowning, sir, I will show you --

THE WITNESS: I mean --

MR. KROFT: Well, why don't you --

THE WITNESS: It is something that I don't --

MR. SMORANG: I am looking about three quarters of the way down under Mission Statement?

THE WITNESS: That is it. That is the one. Yes.

BY MR. SMORANG:

Q Would you agree that Southern Chiefs' Organization, is a political organization?

A It is -- yeah. Sure. Yeah.

<p style="text-align: right;">5</p> <p>1 15 Q I have also from the website of the 2 Southern Chiefs' Organization had a look at the 3 organizational chart, and based on what I can 4 see, there are approximately five positions 5 within the organization that report directly to 6 you?</p> <p>7 MR. KROFT: If you have a chart why don't 8 you show it to him?</p> <p>9 MR. SMORANG: If he needs it, I am happy 10 to. Do you need the chart to answer that question?</p> <p>11 THE WITNESS: No, we are good.</p> <p>12 BY MR. SMORANG:</p> <p>13 16 Q Five people?</p> <p>14 A Yeah. Five, ten.</p> <p>15 17 Q Five and ten, are completely different 16 numbers. Sorry. If you need the chart --</p> <p>17 MR. KROFT: Please show him the chart.</p> <p>18 MR. SMORANG: Do you need to see the chart?</p> <p>19 THE WITNESS: Sure.</p> <p>20 MR. KROFT: Perhaps you could ask him if he 21 is familiar with that chart. I have no problem if 22 he is. If he has seen it before, if he can't 23 identify the document --</p> <p>24 THE WITNESS: They are --</p> <p>25 MR. SMORANG: My question to you, sir, and</p>	<p style="text-align: right;">7</p> <p>1 A Well it is something that has gotten by 2 my, one of my staff, and I will instruct them 3 to update it in the near future.</p> <p>4 22 Q All right. But, I don't need to get 5 bogged down on this. My question was fairly 6 straight forward, I just need to know how many 7 people directly report to you?</p> <p>8 A Ten.</p> <p>9 23 Q Ten. Okay. I am going to show you sir, 10 a letter written by Funke, legal counsel to 11 Southern Chiefs' at the time Southern Chiefs' 12 were applying for standing in the Phoenix 13 Sinclair inquiry, this a letter that you 14 recognize?</p> <p>15 A No, I will have to review it.</p> <p>16 MR. KROFT: Okay. And, I am not sure 17 where this is going, but I want to be clear. Mr. 18 Bear is here as a witness having sworn an affidavit 19 and not as a representative of any organization. So 20 you are entitled to ask him, of course, about what he 21 does for a living, and those kinds of things, but I 22 will draw the line if you go beyond what is relevant 23 to this motion.</p> <p>24 MR. SMORANG: I fully expect you to draw 25 the line the moment I go beyond relevance.</p>
<p style="text-align: right;">6</p> <p>1 I thought it was fairly simple, are there five 2 positions that report to you? If this helps you 3 great, if you can tell me off the top of your head 4 great.</p> <p>5 THE WITNESS: These are five departments.</p> <p>6 BY MR. SMORANG:</p> <p>7 18 Q We have health policy analyst, is that a 8 department?</p> <p>9 A It is the Health Department. I have a 10 number of people in the Health Department.</p> <p>11 19 Q Well, the way I read an org chart, sir, is 12 that the people directly below you, with a 13 direct line to you, report to you; is that 14 correct?</p> <p>15 A Yeah.</p> <p>16 20 Q And the people below you, are a health 17 policy analyst?</p> <p>18 A You know what, this is dated. Extremely 19 dated. I will have to get back to my, one of 20 my staff to update it, we can get you an 21 updated org chart sometime in the next day or 22 two. This appears to be, this particular 23 chart is a little dated.</p> <p>24 21 Q Well, I got it off your website today. 25 But.</p>	<p style="text-align: right;">8</p> <p>1 MR. KROFT: So Mr. Bear has told you that 2 he is not familiar with this particular document I 3 think.</p> <p>4 THE WITNESS: I need a few minutes to 5 consult with my counsel.</p> <p>6 MR. SMORANG: You won't be able to consult 7 with your counsel.</p> <p>8 THE WITNESS: Why?</p> <p>9 MR. SMORANG: Because you are in the middle 10 of an examination.</p> <p>11 MR. KROFT: It is okay, let me read the 12 document. And Mr. Bear does have counsel here, 13 Southern Chiefs', so it may be that he is entitled to 14 talk to his counsel.</p> <p>15 MR. SMORANG: In the middle of an exam?</p> <p>16 MR. KROFT: Yes. That is not my issue. 17 It will be his counsel's issue.</p> <p>18 MR. SMORANG: Well you take the time to 19 read the letter, if you need to.</p> <p>20 MR. KROFT: Let me take the time, Mr. 21 Smorang.</p> <p>22 Mr. Smorang, there is nothing I can see in 23 this letter that is relevant to this motion. If you 24 have a particular question you would like to ask, I 25 will ask Mr. Bear not to answer it until you have</p>

9

1 asked it, and I have had an opportunity to consider
2 whether it is relevant or not. And you have had an
3 opportunity. Of course, to explain why you think it
4 is relevant to this motion.

5 **MR. SMORANG:** All right. As the chief of
6 staff of the Southern Chiefs' Organization, would you
7 operate similar to a CEO would in a corporation?

8 **THE WITNESS:** I need to consult with my
9 counsel.

10 **MR. KROFT:** Just wait, Mr. Bear, and how is
11 that relevant to this motion?

12 **MR. SMORANG:** He says that he is the chief
13 of staff of Southern Chiefs' Organization.

14 **MR. KROFT:** Yes.

15 **MR. SMORANG:** I am asking him whether in
16 this organization, he operates as would a CEO in a
17 corporation.

18 **MR. KROFT:** He has indeed sworn that he is
19 the chief of staff, and if you would like to ask him
20 what his duties are as chief of staff, you can ask
21 him that.

22 **MR. SMORANG:** Are you the highest ranking
23 employee in the office on a day-to-day basis?

24 **THE WITNESS:** I need a minute, I really do.

25 **MR. SMORANG:** Well, if you need a minute

10

1 for your health, that is fine, but if you need a
2 minute to talk to your lawyer, I am not going to let
3 you talk to your lawyer.

4 **MR. KROFT:** Can you answer the question?

5 **THE WITNESS:** Can I? I have some concerns
6 with the question.

7 **MR. KROFT:** I would suggest that if you
8 don't know the answer in terms of who is the highest
9 ranking, then you can certainly answer that you don't
10 know who the highest ranking.

11 **THE WITNESS:** I don't know, like, is -- I
12 am concerned that the Southern Chiefs' Organization
13 is, appears to be on trial, and I may need to also
14 bring in our corporate counsel, as well.

15 **MR. KROFT:** Okay. Well, just --

16 **THE WITNESS:** I am concerned, I gave an
17 affidavit from my previous experiences --

18 **MR. KROFT:** Stop talking. We are on the
19 record. Mr. Smorang has asked you a question which
20 is whether you report to any paid staff of the
21 Southern Chiefs' Organization, in effect, I think
22 that is his question. Or whether you are the highest
23 person. Can you answer that question?

24 **THE WITNESS:** Sure. Yes.

25 **MR. KROFT:** You are the highest paid staff

11

1 person?

2 **THE WITNESS:** Yes.

3 **BY MR. SMORANG:**

4 24 **Q** So, as chief of staff, you would oversee
5 the day-to-day running of the Southern Chiefs'
6 Organization offices?

7 **A** Administration.

8 25 **Q** Administration. Okay. I am not sure we
9 got that far, because you said you wanted to
10 read the letter, and I kind of noticed you
11 haven't read the letter, but my question was,
12 did you see the letter that Mr. Funke submitted
13 to the inquiry in conjunction with an
14 application for standing by the Southern
15 Chiefs' Organization before it went in?

16 **MR. KROFT:** I object to the question being
17 irrelevant to this motion.

18 **BY MR. SMORANG:**

19 26 **Q** In his letter, in the second paragraph on
20 the first page about four lines from the bottom
21 of the first page, Mr. Funke says, The SCO,
22 which is Southern Chiefs' Organization,
23 advocates on behalf of the political and legal
24 interests of its 32 member Southern Manitoba
25 First Nations, would you agree with that

12

1 statement?

2 **MR. KROFT:** Object to the question.

3 **MR. SMORANG:** On the basis of?

4 **MR. KROFT:** Relevance to this application.

5 **BY MR. SMORANG:**

6 27 **Q** Thank you. On the second page, top
7 paragraph, it is explained that although by
8 legislation the Assembly of Manitoba Chiefs,
9 Secretariat nominates board members to the
10 Southern Authority, in practice, AMC accepts
11 nominations for appointment to the Southern
12 Authority Board from SCO, and in turn appoints
13 those nominees to the Board. Do you understand
14 that to be the practice?

15 **MR. KROFT:** I object to the question.

16 **MR. SMORANG:** On what basis?

17 **MR. KROFT:** Relevance.

18 **BY MR. SMORANG:**

19 28 **Q** In the first lettered paragraph on page 2,
20 which is paragraph (a), in the first lettered
21 paragraph on page 2, Mr. Funke makes the
22 statement, and I am going to not use the
23 acronyms, Both the Southern Chiefs'
24 Organization, and the Assembly of Manitoba
25 Chiefs, and the Province of Manitoba are

13

1 currently being sued by the Southern Authority
2 Board of Directors over recent appointments to
3 the Board of the Southern Authority. Do you
4 understand that to be the case?

5 **MR. KROFT:** Objection to the question,
6 relevance. I invite you, by the way, Mr. -- and I
7 should have done that when I first said, Mr. Smorang,
8 to explain the relevance.

9 **MR. SMORANG:** For the question you have
10 just objected to, you are aware that the Southern
11 Authority is one party to the Phoenix Sinclair
12 inquiry?

13 **THE WITNESS:** I have --

14 **MR. KROFT:** I am sorry, I have objected,
15 and you were going to explain to me, why you think
16 the question is relevant. I am giving you that
17 opportunity, you don't have to, of course, but I have
18 objected to as to relevance.

19 **MR. SMORANG:** My position is that there is,
20 in this letter, information that is relevant to the
21 matter. If you don't think it is relevant, you can
22 object, and you can state your reasons which you
23 have. We will carry on after that.

24 **MR. KROFT:** Okay.
25

14

1 **BY MR. SMORANG:**

2 29 Q Certainly, sir, in your current position
3 that you have held for 29 months, you are the
4 not directly involved in child protection?

5 A No.

6 30 Q It is not part of your job?

7 A No.

8 31 Q Nor is it part of the day-to-day affairs
9 of Southern Chiefs'?

10 A Child protection?

11 32 Q Yes?

12 A No.

13 33 Q From 2004, to 2008 you were the Executive
14 Director of Southeast Child and Family
15 Services?

16 A Yes.

17 34 Q And that was, I am assuming by way of the
18 title, an administrative position?

19 A Yes.

20 35 Q And so I can assume, and you will correct
21 me if I am wrong, that you were not handling
22 actual files, or cases regarding children for
23 those four years?

24 A No.

25 36 Q From 1999 to 2004, you were involved with

15

1 the Children's Advocate Office?

2 A Yes.

3 37 Q And again, would I be fair to characterize
4 that as an administrative position?

5 A Not necessarily. No.

6 38 Q Certainly, you were not handling directly,
7 any files regarding children, or the
8 apprehension of children under the child
9 welfare system in that job?

10 A Children's Advocate?

11 39 Q Right.

12 A No.

13 40 Q And so it is fair to say, sir, that you
14 have not been directly involved with files
15 regarding children being placed in agencies
16 since 1999?

17 **MR. KROFT:** Being placed in agencies?

18 **MR. SMORANG:** Being apprehended or placed,
19 apprehended by agencies, or authorities since 1999?

20 **THE WITNESS:** Directly, hands on? No.

21 **BY MR. SMORANG:**

22 41 Q You would agree with me, sir, there have
23 been significant changes to the child welfare
24 system over the last decade?

25 A Yes.

16

1 42 Q And, you have been right out of the system
2 for at least the last four years, since you
3 took on your position with -- well you said 29
4 months, 29 months, take us back to 2010ish.
5 Did you go straight from Southeast to Southern
6 Chiefs'?

7 A Took a few months off.

8 43 Q Okay. So at least for the last four
9 years, since about May of 2008, you have been
10 right out of the child welfare system?

11 A Employed?

12 44 Q Yes.

13 A Fair.

14 45 Q Now, from '04, to '08, as executive
15 director of Southeast Child and Family
16 Services, you have indicated in your affidavit,
17 that one of the communities that you served, or
18 that Southeast served was Bloodvein?

19 A Yeah.

20 46 Q And, Bloodvein, is one member of the
21 Southern Chiefs' Organization as well, that you
22 currently serve?

23 A Excuse me?

24 47 Q Bloodvein is a member of Southern Chiefs'
25 as well?

17

1 A Mh-hmm.
2 48 Q In May of 2008, you were placed on
3 administrative leave by Southeast? Removed
4 from your position?
5 A Repeat the question.
6 49 Q In May of 2008 you were placed on
7 administrative leave by Southeast, you were
8 removed from your position?
9 A No.
10 50 Q Were you ever placed on administrative
11 leave by Southeast in 2008?
12 A No.
13 51 Q Let me show you a Winnipeg Free Press
14 article that appears to be dated May 3rd, 2008,
15 entitled Troubled Agency's Director on Leave..
16 A Okay.
17 52 Q Do you remember seeing this article?
18 A No. Any way.
19 53 Q Are you reading it or are you sure you
20 have never seen it?
21 A I don't think I have seen it.
22 54 Q It appears to be a Winnipeg Free Press
23 article, starts with the sentence, The
24 Executive Director of Southeast Child and
25 Family Services has been placed on

18

1 administrative leave during on ongoing
2 operational review of the troubled agency which
3 faced criticism over the suicide of a
4 14-year-old girl in its care. Elsie Flette
5 CEO of the Southern First Nations Child and
6 Family Services Authority said Michael Bear is
7 now on paid leave to help facilitate necessary
8 changes to the structure and governance of the
9 agency. Would you disagree with those
10 statements?
11 A No.
12 55 Q You would agree with them?
13 A Sure.
14 56 Q You were put on leave?
15 A I was on leave.
16 57 Q Well, when it says you have been placed on
17 administrative leave, do you accept that?
18 A Yeah. Sure.
19 58 Q And in fact, you never returned to the
20 Agency after that leave?
21 A No.
22 59 Q And in fact you were terminated by the
23 Agency?
24 A No.
25 60 Q Did you quit?

19

1 A No.
2 61 Q Okay. Well, I am a labour lawyer, I
3 don't know of any other options, quit or
4 terminated?
5 A Neither or. I mean, you are -- I had a
6 term contract, contract lapsed.
7 62 Q Okay.
8 A It wasn't renewed.
9 63 Q Okay.
10 A Is that quit, is that fired --
11 **MR. KROFT:** You have given the facts to Mr.
12 Smorang, and I think that is --
13 **BY MR. SMORANG:**
14 64 Q When did your term contract end?
15 A I don't know. November.
16 **MR. KROFT:** If you don't know, or don't
17 remember, you just say that.
18 **BY MR. SMORANG:**
19 65 Q If you go down a ways in that article, I
20 have put, I think, a yellow highlight around a
21 couple of paragraphs there. There is a
22 statement here, in the article, Bloodvein First
23 Nation Chief Craig Cook, when more than 100 of
24 the Reserve's 275 kids are in care said the
25 current structure at Southeast prevents the

20

1 First Nations themselves from having much input
2 in the system on how their families and
3 children were aided. Would you agree with that
4 statement?
5 **MR. KROFT:** Unless you can explain some
6 relevance that I am missing, I don't know how it is
7 relevant to this application.
8 **MR. SMORANG:** He goes on to say, The
9 Director of Operations of the Agency and other senior
10 managers make decisions all the time about how things
11 will be handled but know little about the communities
12 themselves. Would you agree with that statement?
13 **THE WITNESS:** No.
14 **BY MR. SMORANG:**
15 66 Q He says, They have never been in my
16 community or haven't been for five years, Mr.
17 Cook says that, would you agree with that?
18 A No.
19 67 Q He goes onto say that, They also do not
20 respond to input from First Nations. He said
21 that he spoke with Bear more than a year ago
22 about establishing a Positive Parenting Program
23 in Bloodvein, but 15 months later he hasn't
24 heard back. Would you agree with that
25 statement?

21

1 A No.
2 68 Q Two paragraphs down, In November,
3 Bloodvein voted to boot Southeast off the
4 Reserve over disputes about how the Agency was
5 working. The impasse was quickly resolved,
6 but the sentiment about Southeast still
7 remains. You agree with that statement?
8 A No.
9 69 Q Do you remember Bloodvein booting
10 Southeast off the Reserve?
11 A No.
12 70 Q The report into the Owen inquest done by
13 Judge Guy, you remember that, it is attached to
14 your affidavit?
15 A Mh-hmm.
16 71 Q That issued in January 2008?
17 A Okay.
18 72 Q Was your placement on administrative leave
19 related to that report, to the contents of that
20 report?
21 A I don't think so.
22 73 Q So, you would disagree, when I was --
23 right at the top of the article, that, There
24 was an ongoing operational review of the agency
25 facing criticism of over the suicide of a 14

22

1 year old girl?
2 A I can't recall.
3 74 Q Well, let me work it through
4 chronologically, January 2008 Judge Guy's
5 inquest report comes out?
6 A With 175 recommendations, yes.
7 75 Q It is critical of Southeast, right?
8 **MR. KROFT:** Why don't you refer him to a
9 portion --
10 **MR. SMORANG:** It is in your affidavit. I
11 guess he has read it.
12 **MR. KROFT:** Yes.
13 **MR. SMORANG:** Is it critical of Southeast?
14 **THE WITNESS:** A few of the 175
15 recommendations may have. But there was also some
16 positives in it.
17 **BY MR. SMORANG:**
18 76 Q As a result of some of those critical
19 recommendations, was, sorry, you are going to
20 have --
21 A I am just concerned, what electronic
22 devices are occurring here.
23 77 Q The one you have to be worried about is
24 right there, she is taking down what you are
25 saying, and we are all going to get copies, so

23

1 you should know that.
2 A We are good.
3 78 Q Was there an operational review of
4 Southeast as a result of recommendations made
5 by Judge Guy?
6 A Well, there may have been some concerns.
7 I don't think Judge Guy had made any
8 recommendations that there should have been a
9 Section 4 review.
10 79 Q You were involved -- well Southeast was
11 involved in the Owen inquest before Judge Guy,
12 correct?
13 A Yes.
14 80 Q You were in the thick of that, you were
15 Southeast's representative?
16 A I was aware of it. Yes.
17 81 Q You remember, sir, that, in the midst of
18 that inquest, the CBC, the Canadian
19 Broadcasting Corporation, sought access to all
20 of the exhibits that had been filed at that
21 inquest?
22 A Okay.
23 82 Q You remember that?
24 A I do.
25 83 Q You remember going to court, Queen's

24

1 Bench, and Court of Appeal, and having your
2 lawyer, Southeast lawyers participating in that
3 process?
4 A Yes.
5 84 Q The case was reported. The CBC case was
6 reported by our Manitoba Court of Appeal?
7 A Okay.
8 85 Q You remember that?
9 A Yes.
10 86 Q If we go to your affidavit, look at page
11 I. It is the beginning of the exhibit list
12 set out in the report of Judge Guy. It is
13 right near the beginning, right after the table
14 of contents?
15 A Okay.
16 87 Q As I understand it, sir, the media were
17 seeking access to all exhibits that had been
18 filed at the inquest, did you understand that?
19 **MR. KROFT:** Are you familiar with what it
20 was that the media was looking for, their motion?
21 **THE WITNESS:** No.
22 **BY MR. SMORANG:**
23 88 Q You don't know what the media was after?
24 You were involved in the inquest, and the
25 Queen's Bench?

25

1 A No, I would have to review. At the
2 moment, no.
3 89 Q As I understand it, sir, the media
4 essentially showed up one day with their
5 lawyer, Mr. Tapper, and they said to Judge Guy,
6 we want copies of all of the exhibits.
7 A Okay.
8 90 Q You remember that?
9 A No.
10 91 Q Not at all?
11 A Not at all.
12 92 Q This is all news to you.
13 A Sorry.
14 MR. KROFT: That is not what he said. He
15 said he doesn't remember.
16 MR. SMORANG: At all?
17 THE WITNESS: At all.
18 BY MR. SMORANG:
19 93 Q This is just brand new information?
20 A Well, if you say this occurred, I would
21 have to consult some files, but at this moment,
22 I do not recall, I am sorry.
23 94 Q My information, sir, is that the media
24 took the position, in front of Judge Guy, that
25 the moment a document had been filed as an

26

1 exhibit at the inquest, they had the right to
2 have a copy of it?
3 A Well, if you say so. Then I just, I
4 don't recall. I mean, if you are saying it is
5 fact, then it must be.
6 95 Q And I am not, I am simply --
7 A I am saying I don't recall. I am sorry.
8 96 Q Okay. Do you recall Southeast opposing
9 the Media's motion?
10 A No. I don't. I am sorry.
11 97 Q So, you don't recall Southeast arguing
12 against the disclosure of the exhibits?
13 A Not at all.
14 98 Q So, you wouldn't recall that Southeast
15 argued against disclosing the exhibits on the
16 basis that they were confidential?
17 A No. Sorry.
18 99 Q Did you attend that inquest?
19 A I attended the most of it, I believe.
20 Yes.
21 100 Q Would it be fair to say that the media did
22 not attend that inquest every day?
23 A I don't know. You know, there was media
24 there most of the time. I don't know if they
25 are there every minute, or every hour of each

27

1 day, I can't recall. You know, I don't --
2 101 Q My information, sir, is after the media
3 lost their motion to have copies of the
4 documents, they didn't come back. Do you know
5 whether that is true or not?
6 A No.
7 102 Q So, just so I am clear, before I leave
8 this area, you have no recollection of
9 Southeast child and family services taking a
10 position against the Media's motion to have
11 access to these exhibits?
12 MR. KROFT: Do you have a recollection?
13 THE WITNESS: No.
14 MR. KROFT: Of that motion?
15 THE WITNESS: No, I think I have mentioned
16 that about three times.
17 BY MR. SMORANG:
18 103 Q I just want to be clear. Okay. And I
19 won't ask you a fourth time.
20 A Good.
21 104 Q Would it be fair to say that in terms of
22 child protection services, Southeast primarily
23 served rural, and Reserve areas of Manitoba?
24 A When was this?
25 105 Q During your time there?

28

1 A No.
2 106 Q That would not be true?
3 A That would not be true.
4 107 Q Where did they primarily serve, in
5 terms --
6 A During my tenure at Southeast.
7 108 Q Yes.
8 A It was pre, and post AJI so it would have
9 been the Southeast communities, post AJI
10 would be urban. I had MGEU staff in my office,
11 I oversaw MGEU staff. I do recall escorting
12 an MGEU supervisor off the property. So it
13 was pre, and post.
14 109 Q Okay. Why were you escorting an MGEU
15 supervisor off the property?
16 A He wasn't doing his job.
17 110 Q You would agree with me that because you
18 have said in your affidavit that in paragraph
19 two, that Southeast provided child protection
20 services for nine First Nation communities, and
21 you list them.
22 A Can I list them?
23 111 Q You do list them. In your affidavit?
24 A Okay.
25 MR. KROFT: He is referring you to

<p style="text-align: right;">29</p> <p>1 paragraph two.</p> <p>2 THE WITNESS: Okay. Yes.</p> <p>3 BY MR. SMORANG:</p> <p>4 112 Q Those are accurate, you serviced all of</p> <p>5 those nine communities, Southeast did?</p> <p>6 A We did.</p> <p>7 113 Q And that would be a significant amount of</p> <p>8 the work that Southeast did?</p> <p>9 A Providing services to members from nine</p> <p>10 communities, whether they were -- well pre or</p> <p>11 post AJI?</p> <p>12 114 Q Would it have been significant pre AJI?</p> <p>13 A Well, it would have been members from</p> <p>14 those communities pre AJI.</p> <p>15 115 Q And that would be a significant amount of</p> <p>16 work that, of the work that Southeast did?</p> <p>17 A Yes.</p> <p>18 116 Q And post AJI, would that still have been a</p> <p>19 significant amount of Southeast's work?</p> <p>20 A It would have been Southeast members</p> <p>21 residing in Winnipeg, so it would, the numbers,</p> <p>22 it would have been most of the work -- well,</p> <p>23 it would have been work on and off reserve.</p> <p>24 The mandate was expanded.</p> <p>25 117 Q Would the work on reserves still have been</p>	<p style="text-align: right;">31</p> <p>1 me, in a First Nation community, for you not to</p> <p>2 know the people that are walking down the</p> <p>3 street?</p> <p>4 A No, that would be fair.</p> <p>5 125 Q Okay. And, so you would agree with me</p> <p>6 that a social worker's credibility in a small</p> <p>7 community such as a First Nation would depend a</p> <p>8 lot on their own reputation as a social worker?</p> <p>9 A I think it would be more on their</p> <p>10 presentation.</p> <p>11 126 Q Over time, though, would you agree with</p> <p>12 that?</p> <p>13 A Not necessarily.</p> <p>14 127 Q You say, in paragraph 10, if I can refer</p> <p>15 you to your affidavit. In the last two</p> <p>16 sentences, Attempting to keep staff identities</p> <p>17 unknown was not a useful risk management, I</p> <p>18 assume that should be tool, it was a social</p> <p>19 workers behavior in the field that was</p> <p>20 critical, not his or her identity.</p> <p>21 A Mh-hmm.</p> <p>22 128 Q Those are your words. The reason that</p> <p>23 keeping identities unknown was not a useful</p> <p>24 risk management tool was because it was</p> <p>25 impossible to keep their identities unknown?</p>
<p style="text-align: right;">30</p> <p>1 significant? A large part?</p> <p>2 A No.</p> <p>3 118 Q Maybe not a majority, but significant?</p> <p>4 A No.</p> <p>5 119 Q No. So, it became almost none? The vast</p> <p>6 majority of the work you did post AJI was</p> <p>7 Winnipeg?</p> <p>8 A Well, it would have been half.</p> <p>9 120 Q Half. So more than half before AJI, half</p> <p>10 after AJI?</p> <p>11 A Sure.</p> <p>12 121 Q Okay. You would agree with me, sir, that</p> <p>13 in rural communities and in small communities</p> <p>14 such as First Nations, social workers are all</p> <p>15 well-known in the community?</p> <p>16 A Yes.</p> <p>17 122 Q People know who they are, people know what</p> <p>18 they do for a living, correct?</p> <p>19 A Yes.</p> <p>20 123 Q And people have probably known them for</p> <p>21 years in a variety of capacities, classmate at</p> <p>22 school, friend on the school yard, neighbor,</p> <p>23 played on the same hockey team?</p> <p>24 A Sometimes, not all of the time.</p> <p>25 124 Q It is fairly rare, you would agree with</p>	<p style="text-align: right;">32</p> <p>1 A It was all based on presentation.</p> <p>2 129 Q What I am saying, though, in those</p> <p>3 communities, when the social worker comes to</p> <p>4 the door, the family recognizes the person even</p> <p>5 if they have never dealt with them?</p> <p>6 A No, it is all in the presentation. It is</p> <p>7 how you deal with the people at each and every</p> <p>8 one of those situations. If you are in</p> <p>9 crisis, it doesn't matter who the hell you are,</p> <p>10 it is how you deal with that person that is in</p> <p>11 crisis, it is your presentation.</p> <p>12 130 Q Okay. You say in paragraph 11 that you</p> <p>13 can't recall an incident of a physical attack</p> <p>14 on staff at Southeast. And you don't recall a</p> <p>15 physical attack on a social worker, or staff</p> <p>16 member when you were at Cree Nation. So,</p> <p>17 those are just your places of experience?</p> <p>18 A That is just my opinion. That is all, it</p> <p>19 might happen every day of the week, I don't</p> <p>20 know. Of all of the years I have worked in the</p> <p>21 system, I can't recall one incident, not one.</p> <p>22 131 Q At your place of work?</p> <p>23 A No. During my time in the system. You</p> <p>24 know, I interacted with people from Winnipeg</p> <p>25 Child and Family, and Awasis, and a number of</p>

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different agencies, and directors, I attended monthly directors meetings, I represented a very large part of most agencies in the Province of Manitoba, and I do not recall ever once, any of the directors, saying, oh, by the way. So, not, I think it just goes beyond my place of employment, so from my experience, and my knowledge, I have never known this to ever occur.

132 Q All right. In your affidavit, paragraph 11, you would agree with me that your statements in that paragraph are confined to the two places that you worked. Southeast, and Cree Nation? Do you do you agree with me there?

A No.

133 Q Let's read the words together, I do not recall any attack on staff of SECFS or as the executive director. Do you agree with me --

A Okay.

134 Q Let's carry on. I also do not recall any incident of physical attack upon a social worker, or other staff member during my employment with Cree Nation. You would agree with me you are talking about Cree Nation?

34

A No. No.

135 Q Let's -- there you are talking about the whole province? I am just --

A From my experience --

136 Q From your experience?

A While I worked at Cree Nation Child and Family. I wasn't referring specifically to staff members of Cree Nation Child and Family. But during my time at, employed with Cree Nation, I was not aware of this incident ever occurring.

137 Q Okay. You are certainly not saying that you would have been aware of every incident if it had happened?

A I mean it might have happened every day of the week. But just I personally was not aware of it.

138 Q In paragraph 14 of the affidavit, you say essentially that everybody in the community, regarding the Owen tragedy knew who the social service professionals were. You say, Given the nature of Reserve and other rural communities as described above, the community was already well aware of not only the tragedy, but the people; is that fair?

35

A Sure.

139 Q And so media coverage of the Owen tragedy would not have given anyone in the community any more information about identities? They already knew them?

A The community -- in Little Grand.

140 Q Yes.

A Yeah. I guess.

141 Q You call it the affected community, you are referencing Little Grand?

A Yes.

142 Q Media wouldn't have made a difference, in terms of giving out the identity of anyone, because the identity was already known?

A Yeah. Yeah, I guess you are right.

143 Q I you would agree with me, sir, in paragraph 15 you are not only speaking for yourself but you are speaking for others, in other words, in other words, you are saying, at the beginning of paragraph 15, Agency staff and other professionals were extremely upset. So you are telling us what other people felt in that first sentence?

A Okay.

144 Q Agreed?

36

A Sure.

145 Q And you are also telling us, in the second sentence, that it wasn't easy for others to scrutinize the case in hindsight. Again, you are speaking for others there? Right?

A Okay, sure.

146 Q And on the next page, second line down, it was no surprise to me, or my colleagues, you are speaking both about you, and your colleagues?

A Okay.

147 Q Have you read generally, the newspaper reporting of the Phoenix Sinclair inquiry that has happened over the last year? When articles have been in the paper?

A From time to time -- I don't follow it daily. I don't have home delivery, so if and when I have time, and there is -- yeah.

148 Q In your experience, would it be fair to say that no other inquiry, or inquest involving the death of a child has received the kind of media attention --

A God, no, this is nothing. Really, you need to just kind of reflect back to the Awasis Agency a few years ago. There was two inquests

37

1 that occurred from the children who died while
2 in care from Shamattawa, two inquests in one
3 year. So, the agency, the Awasis out of
4 Thompson, the executive director, David Monias,
5 all their staff. I mean this received daily,
6 daily, a lot of attention. So, this one
7 probably received fair coverage, but I don't
8 know if it is any larger, or any less than any
9 other inquest where a child may have been
10 harmed while in care of Child and Family
11 Services.
12 149 Q I am going to read you some statements
13 that have appeared on websites for the Winnipeg
14 Sun, and the Winnipeg Free Press. I am going
15 to assume you haven't read them previously, I
16 am going to read them to you.
17 A Sure.
18 150 Q I am going to ask you some questions. So
19 I am going to ask you to accept, sir, on the
20 Winnipeg Sun website are the following comments
21 regarding Phoenix Sinclair, and regarding this
22 issue of the social workers. Useless
23 assholes, they don't give a shit about a little
24 child's life. CFS equals home and family
25 wreckers. Whoever was the case worker that

38

1 took that poor kid back should be shot. It is
2 only dead and abused kids, right? Not a fat,
3 overpaid CFS worker, we worry about getting
4 made responsible for their action ie job. If
5 the social worker responsible for this child
6 would have made home visits and checked on her
7 well-being, they wouldn't be in this position.
8 What position is that? Being held accountable
9 for their actions, let's get on with it and let
10 heads roll, and firing begin. I am telling
11 you those comments have appeared, I am assuming
12 you probably haven't seen them.
13 MR. KROFT: Can you just, please put to the
14 witness, when you say those comments have appeared,
15 appeared where?
16 MR. SMORANG: On the websites, I thought I
17 said, on the websites of the Winnipeg Free Press, and
18 Winnipeg Sun?
19 THE WITNESS: Those are comments made by
20 government officials, lawyers?
21 MR. SMORANG: Some are made by citizens,
22 some are made by journalists. But in any event,
23 they appear.
24 THE WITNESS: Okay.
25

39

1 **BY MR. SMORANG:**
2 151 Q And my question to you, sir, is can you
3 tell us whether any comments of that nature of
4 that emotion, have been made in previous
5 inquiries, or inquests that you are aware of?
6 A I think we need to kind of step back, and
7 look at, a child has died. I am assuming
8 people had concerns when Gage Guimond died or
9 any other child dies, there are emotions. I am
10 assuming if we have the opportunity to go back
11 and look at the website of any of these media
12 outlets, when any child dies you are going to
13 find emotion.
14 152 Q You can't tell me sir, under oath that you
15 have ever seen those kinds of comments before?
16 A I don't know.
17 153 Q You can't tell me you have?
18 A I can't tell you.
19 154 Q Certainly over the years you were a case
20 worker, no comments of your work ever appeared
21 in any media source such as a website, that can
22 you tell us about?
23 MR. KROFT: Do you know, I think, Mr.
24 Smorang is asking if you know whether there were
25 comments about your work posted on --

40

1 **THE WITNESS:** Has anybody ever called me a
2 fat pig? No. I don't know. I don't know.
3 **BY MR. SMORANG:**
4 155 Q Your name has never been published in
5 conjunction with case work you have done?
6 A Case work?
7 156 Q Yes.
8 A You know what, it was probably named in
9 the Tracia Owen to, I don't know, we would have
10 to review the websites, I don't know in what
11 context.
12 157 Q Let's be clear, you weren't a case worker
13 in Tracia Owen?
14 A I can't be -- case worker?
15 158 Q Yes.
16 A No.
17 159 Q I am talking about your work as a front
18 line case worker, your name has never been
19 published?
20 MR. KROFT: Can you answer that?
21 **THE WITNESS:** No. I don't think my, I was
22 ever associated with a file, or a case where a child
23 may have unfortunately died while in care. So, no.
24 I don't think so.
25 MR. SMORANG: Okay. Thank you, sir. I

41

1 believe these gentlemen may have some questions, but
2 I am finished.

3 **BY MR. KHAN:**

4 160 Q Hello, Mr. Bear, my name is Hafeez Khan, I
5 am counsel for Intertribal Child and Family
6 Services. I have a few questions for you, not
7 as many as Mr. Smorang.

8 A That's good.

9 161 Q I think a few simple questions. Would
10 you agree that the work of front line social
11 workers, is essential in the CFS system?

12 A Sure. Yes.

13 162 Q Because front line social workers
14 apprehend children? Right?

15 A Right. Yeah.

16 163 Q They make decisions on whether to leave a
17 child in the home or not?

18 A Yes.

19 164 Q Right? Investigate allegations of abuse?

20 A Sure.

21 165 Q So, if a social worker cannot operate
22 effectively it could put children at risk?

23 A I don't understand the question.

24 166 Q Okay. No problem. I will ask it a
25 different way. It is important that social

42

1 workers do their jobs well, front line workers
2 do their jobs well?

3 A Sure.

4 167 Q Right? If they don't do their jobs well,
5 they are dealing with, they are the front
6 lines, dealing with family and children, it
7 could put children at risk?

8 A If they are not doing their job.

9 168 Q Right. You would agree?

10 A Doing their jobs right.

11 169 Q That's right.

12 A Okay.

13 170 Q Great. Thank you. Would you say you
14 have a good recollection of the Owen inquest?

15 A No.

16 171 Q No. Do you remember testifying during
17 the inquest?

18 A I remember being there.

19 172 Q It was a long time ago?

20 A It was a few years ago.

21 173 Q Do you remember who testified from
22 Southeast during the inquest?

23 **MR. KROFT:** Are you asking him off the top
24 of his head? He does have the document, or are you
25 asking him to look --

43

1 **MR. SMORANG:** The document, I don't think
2 the document would have all of the names of the
3 people who testified.

4 **THE WITNESS:** You know what, I remember
5 maybe one person. You know, I have no idea. I
6 cannot recall, I am sorry, who or how many staff may
7 have, or may not have testified. I am sorry.

8 **BY MR. KHAN:**

9 174 Q That is okay. That is okay.

10 A Sure.

11 175 Q Do you remember if, if social workers,
12 testified, front line social workers testified
13 during the inquest?

14 A That is not who I am thinking of off the
15 top of my head. I am assuming there would
16 have been a community social worker. I am
17 assuming, might have been Glenda. The child
18 was in care of Neecheewam, so there would have
19 been child care staff involved. I am pretty
20 sure there was representatives from Project
21 Neecheewam testified, I know they were there in
22 the gallery.

23 176 Q Glenda, what is Glenda's last name?

24 A Keeper.

25 177 Q Now, and I am referring only to front line

44

1 social workers from Southeast?

2 A It wouldn't even have been her. She was
3 a supervisor at the time.

4 178 Q You can't recall which ones testified?

5 A Front line being?

6 179 Q Being the people who would have been
7 dealing with Owen --

8 A I don't think so.

9 180 Q You, when you say you don't think so you
10 don't remember?

11 A You know what, both, I don't remember.
12 Probably could get that information for you.

13 **MR. KROFT:** If, would you like the witness
14 to take a moment, and review the exhibit.

15 **MR. KHAN:** I don't have an issue with that
16 at all. I could take a health break at the same
17 time.

18 **MR. KROFT:** If you want that that is fine.

19 **MR. KHAN:** Okay. Thank you.

20 **(CROSS-EXAMINATION RECESSED BRIEFLY).**

21 **BY MR. KHAN:**

22 181 Q Have you had, did you have time to go
23 through the report?

24 A The answer is no.

25 182 Q No recollection?

1 **MR. KROFT:** Just a minute, so maybe you
2 should just ask the question. It was limited to
3 Southeast?
4 **BY MR. KHAN:**
5 183 Q Limited to Southeast. So do you recall?
6 A No.
7 **MR. KROFT:** Any front line social worker.
8 **THE WITNESS:** No.
9 **MR. KAHN:** Testifying --
10 **THE WITNESS:** At the Tracia Owen inquest.
11 **MR. KAHN:** That's right. And the answer
12 is no?
13 **THE WITNESS:** The answer is no.
14 **BY MR. KAHN:**
15 184 Q Now, you have gone through the report at
16 some point, the Tracia Owen report?
17 A Some -- recently?
18 185 Q Well --
19 A Since it has been written?
20 186 Q Well, have you, when you put your
21 affidavit together was, did you go through it?
22 A Yes.
23 187 Q Okay. Thanks. Did you, do you
24 recognize any Southeast front line workers
25 mentioned in this report? Did you recognize

1 any?
2 A No.
3 188 Q No. And you have gone through the
4 report?
5 A (WITNESS NODS HEAD).
6 189 Q Okay. Thank you.
7 **MR. KROFT:** Are you done?
8 **MR. KAHN:** No, no. But thank you.
9 **BY MR. KHAN:**
10 190 Q Now, I think there is one more thing I
11 wanted to clarify, and that is at your
12 paragraph 11, about not recalling any incident
13 of a physical attack on staff of Southeast?
14 Right?
15 A Okay.
16 191 Q You didn't recall, right, if I remember
17 correctly?
18 A Yeah.
19 192 Q Okay. Now, would a shooting, would you
20 consider a shooting being a physical attack?
21 Or are you referring to person-to-person?
22 A Shooting?
23 193 Q If I shot at you, would you consider that
24 to be a physical attack?
25 A I suppose so. Yeah.

1 194 Q Okay. Do you recall --
2 A Being shot?
3 195 Q No, I am sure you would recall that. But
4 do recall any of your, any of the Southeast
5 staff telling you that they had been shot at?
6 A Shot at? No. I am pretty sure I would
7 remember that. I am sorry.
8 196 Q That is okay. Now, what I have here
9 as -- I have a copy of that Section 4 report
10 that was mentioned. For the purposes of
11 today, I don't really want to enter the entire
12 report as an exhibit. I have a portion of it
13 that is just relevant for the question I asked.
14 **MR. KROFT:** Section 4 report.
15 **MR. KHAN:** Take a look.
16 **MR. KROFT:** For Tracia Owen.
17 **THE WITNESS:** No, this is Section 4 Review
18 of Southeast Child and Family Services February 2010.
19 **MR. KROFT:** So, this is not a document I
20 have seen before? Could I see the whole document?
21 **MR. KHAN:** Of course you can.
22 **THE WITNESS:** We will get back to you in a
23 couple of days.
24 **MR. KAHN:** Do you mind if I put something.
25 Then don't answer the question. I am going to put

1 something to you.
2 **MR. KROFT:** Go ahead.
3 **MR. SMORANG:** I have made a couple of
4 copies, it is copies of pages 48, and 49. Here, Mr.
5 Bear, and the only reason I have page 48 copied is
6 that it deals with the heading Safety, and Security,
7 and that is the only reason page 48 is there. And
8 now on page 4 I will just read the top. Workers
9 safety was raised as an issue in each community.
10 The lack of a consistent police presence, and working
11 with high risk families leaves most staff feeling
12 vulnerable. And then there is quotations. The
13 only quotation I am going to bring to your attention,
14 is, here, "Everyone knows where we live. I have
15 been threatened. I have been shot at, shot at twice
16 at night." And, my question is, to you, is do you
17 recall anyone telling you that, and that is all, Mr.
18 Kroft. Here is a copy of that. Of that excerpt.
19 **MR. KROFT:** He has asked you a question.
20 Do you recall, do you know what, who said this, or
21 what it is referring to?
22 **MR. KHAN:** The question was, do you recall
23 anyone telling you that?
24 **THE WITNESS:** No.
25 **MR. KROFT:** Any social worker telling him

1 he has been shot at?
 2 **MR. KHAN:** He or she.
 3 **MR. KROFT:** Sorry.
 4 **MR. KHAN:** That is the only question.
 5 **MR. KROFT:** Do you remember a social worker
 6 telling you they had been shot at? Do you remember
 7 someone telling that to you?
 8 **THE WITNESS:** No, no I do not recall that.
 9 **MR. KAHN:** That is fine. So you don't
 10 know what this is in reference to?
 11 **THE WITNESS:** No, it could be fifty years
 12 ago, or last week, I have no idea. Sorry.
 13 **MR. KAHN:** That is fine. Mr. Kroft, I
 14 thought I would just enter the excerpt as an exhibit,
 15 as opposed to the entire document. If you want me
 16 to put in the entire document.
 17 **MR. KROFT:** I guess the question for me is
 18 can you put in any of it? I don't think you have
 19 laid a foundation to put it certainly for the truth
 20 of anything that is said in here, to this witness.
 21 **MR. KAHN:** Do you recognize the document?
 22 **THE WITNESS:** Where did this come from.
 23 **MR. KHAN:** Do you recognize the report?
 24 **MR. KROFT:** Have you read that report
 25 before?

1 **THE WITNESS:** I have not.
 2 **MR. KHAN:** You have never read the report?
 3 **THE WITNESS:** No.
 4 **MR. KAHN:** Okay. Then I won't tender it.
 5 That is fine. Thank you for your time, those are my
 6 questions.
 7 **MR. BERNAS:** Mr. Bear, my name is Luke
 8 Bernas, I represent the Northern Authority, Southern
 9 Authority, General Authority, and ANCR. I have a
 10 few questions for you following on what these
 11 gentlemen were asking you.
 12 **MR. KROFT:** Just before we do that. Do
 13 you need a break?
 14 **THE WITNESS:** No, I am good. You are with
 15 D'Arcy Deacon?
 16 **MR. BERNAS:** That's correct.
 17 **BY MR. BERNAS:**
 18 197 Q You appreciate in a general manner what
 19 the application, the applications that have
 20 been brought in this proceeding relate to, in a
 21 general sense, it relates to a publication ban
 22 with respect to among other things the
 23 identities of certain witnesses at the inquiry,
 24 including social workers, is that fair to say?
 25 A Sure.

1 198 Q And if you were, if you were called at
 2 this inquiry, would you be okay with your
 3 identity being public, and your face being
 4 public?
 5 A Sure.
 6 199 Q You would be?
 7 A Sure.
 8 200 Q And, my understanding is that for a period
 9 of time, you were a front line social worker
 10 with Cree Nation agency? You have to say yes
 11 or no?
 12 A Yes.
 13 201 Q And, my understanding is, is that Samantha
 14 Kematch, Phoenix Sinclair's mother was a
 15 permanent ward of Cree Nation; is that correct?
 16 A That is my understanding.
 17 202 Q A permanent ward means that the agency is
 18 her legal guardian?
 19 A Yes.
 20 203 Q And my understanding is that you were her
 21 social worker when you were working at Cree
 22 Nation?
 23 A I would have been one of many over the
 24 years, yes.
 25 204 Q You would have worked on her file?

1 A Yes.
 2 205 Q Have you approached the Commission with
 3 respect to your involvement with Ms Kematch?
 4 A Have I approached?
 5 206 Q Yes.
 6 A No.
 7 207 Q Have they approached you about your
 8 involvement?
 9 A No.
 10 208 Q Have you been interviewed by anybody from
 11 the Commission?
 12 A No.
 13 **MR. KROFT:** I am just, this is, can you
 14 explain how this is relevant to the motion? I don't
 15 have knowledge of the other matters. Is this
 16 relevant to the motion that is before us?
 17 **MR. BERNAS:** Yes.
 18 **MR. KROFT:** That would be how?
 19 **MR. BERNAS:** Well, he swore an affidavit
 20 and just answered the question that he would be okay
 21 with his identity being revealed at the Inquiry. So
 22 this, there is a possibility he might become a
 23 witness, so these questions relate to that.
 24 **MR. KROFT:** Okay. I am not aware, Mr.
 25 Bernas, of the various undertakings and orders, and

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1 things that have been made, with respect to things
2 that have been filed. And I don't have a problem
3 with the topic myself, but I do know that Ms Walsh
4 has been concerned about some of the things that have
5 been filed, or potentially filed, and I am not in a
6 position to be any kind of a gatekeeper with that.

7 **MR. BERNAS:** All it has to do with is the
8 answers to the previous questions he gave which
9 confirmed his involvement with Ms Kematch. And I
10 think having said that those are all of my questions.

11 **MR. KROFT:** I think that is it, anyone else?

12 **(CROSS-EXAMINATION RECESSED BRIEFLY).**

13 **MR. KROFT:** Okay, we are done.

14
15
16 **(CROSS-EXAMINATION CLOSED).**

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17 
18 **JILL PROCTOR**
19 **Official Examiner Q.B.**

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