

**THE WESTBANK INQUIRY:
MANAGING THE RESPONSE OF THE
DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS**

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The comments and findings of this discussion paper are the responsibility of the author and, as such, have not been endorsed by the Department of Indian and Northern Affairs.

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EXECUTIVE SUMMARY

The Westbank Inquiry was established by the Government of Canada on August 12, 1986, to investigate serious allegations of wrongdoing made against the Department of Indian Affairs and Northern Development (DIAND) and the former Chief and Council of the Westbank Indian Band. These accusations were made by members of the Band and the larger community, and by Members of Parliament. The Inquiry was the result of a controversy which had developed within the community over a period of 12 years and had escalated to the point where it was debated in Parliament. During that period, the former Chief had been accused of murder, extortion, fraud and abuse of office. The Department had been accused of maladministration and attempting to cover up its wrongdoing. A number of earlier departmental and RCMP investigations had failed to defuse the controversy.

Public inquiries are exercises of executive, not judicial, power. They are usually responses to political pressure and are established to search for solutions and quell controversies. Inquiries such as this one, which was established under Part I of the Inquiries Act, authorize the Commissioner(s) to inquire into "any matter connected to the good government of Canada or any part of the public business...". This provision has resulted in two types of inquiries: one being the information gathering/analytical inquiry, and the other being investigative. The Westbank Inquiry is of the latter type.

It is important for inquiries be seen as independent, impartial and fair; particularly when they are investigating allegations of wrongdoing. The accused department must present an effective defense, in order to protect its reputation and its longer-term interests. The department's capacity to respond to the demands of a public inquiry will influence its ability to achieve this objective.

This report is a case study of DIAND's response to the Westbank Inquiry - the Department's first experience with this type of investigation. Its purpose is to document the complexities of managing a department's response to an investigative public inquiry. The report deals with planning, organizational and management concerns. It deals with internal administrative matters as well as the important factors in the larger environment. These include the applicable legal provisions and certain aspects of the operation of the Commissioner's office. DIAND established the Liaison Office - Westbank Inquiry (WLO) to coordinate the Department's activities; therefore, this report focuses on the operations of the WLO.

The Order in Council (OIC) which established the Inquiry set out the Commissioner's terms of reference. It identified the general areas of investigation and named most of the parties, although the allegations were not identified. The Commissioner was given 10 months to conduct the investigation and report to the Prime Minister.

(ii)

The status of DIAND during the Inquiry was that of an accused. It was obliged to comply with the Commissioner's requests for information and to supply the necessary documents and witnesses. DIAND was also required to protect the interests of the Crown and third parties by ensuring that protected information was not inappropriately released.

The Order in Council gave the Commissioner the authority to establish his own policies and procedures. However, there is legislation which sets out a number of procedural requirements to ensure that public inquiries are conducted in a fair and reasonable manner. These requirements are set out in the Inquiries Act, the Canada Evidence Act, the Privacy Act and in administrative law. They determine the powers, rights and obligations of the Commissioner and the inquiry participants.

The report outlines in some detail the legal requirements which apply to public inquiries. The Inquiries Act gives the Commissioner the power to compel the production of evidence, and witnesses can be required to give evidence under oath. It recognizes the right of accused persons to be represented by counsel, and prohibits the Commissioner from making adverse findings against anyone without first giving that person reasonable notice of the charges of misconduct, and providing a full opportunity to be heard in his/her defense.

Administrative law deals with the procedural requirements of administrative tribunals (of which public inquiries are one type) which are imposed to ensure fairness. There is a prohibition against bias in the decision-maker, there must be reasonable notice of the proceedings and allegations, there must be reasonable disclosure of the evidence, there is a right to be heard in one's own defense (in person or by counsel), and to cross-examine one's accusers. The provision of intervenor or participant funding is one of the means to ensure the exercise of the right to be heard. While there is flexibility in how these requirements can be met, the objective is to ensure that the procedures are reasonable in the circumstances.

The Canada Evidence Act applies to public inquiries and it determines what is and is not admissible or compellable as evidence. There are specific provisions dealing with the use of government records, some of which set out the types of information which are protected. These include: Cabinet confidences, matters affecting national security, privileged solicitor-client communications, etc.. There are also provisions for (seven days) notice to affected parties of an intention to produce evidence adverse to their interests, and for disclosure of that evidence.

Protected documents are not compellable and a subpoena could be successfully resisted in court. However, it is better to negotiate a resolution to this type of confrontation rather than to litigate. The issuance of a subpoena to DIAND would have created the impression of a refusal to cooperate, and would have reinforced the suspicions of an attempted cover-up. This was something DIAND wanted to avoid.

(iii)

The Privacy Act applies specifically to public inquiries and DIAND was required to obtain authorization before releasing information protected by this Act. This issue arose shortly after the appointment of the Commissioner and took three months to resolve. The Commissioner then issued an Order under S.8(2)(c) of the Act which provided DIAND with its necessary authority.

The transactions under review had involved several branches of DIAND, in Headquarters (HQ) and in B.C.. DIAND had to determine its resulting obligations and the role it would be expected to play. With no prior experience with public inquiries, the coordination of DIAND's response was a significant challenge. The WLO was established to coordinate these activities and to meet the needs of the Department throughout the Inquiry. The establishment of a public inquiry reflected the seriousness with which the government viewed the controversy, and DIAND considered this to be one of its top priorities.

In addition to the usual obligations of an accused, DIAND was expected to cooperate with the Commissioner to the fullest extent possible and to be seen to be cooperative. DIAND also established a number of its own objectives for its participation in the Inquiry:

1. to ensure DIAND received a fair opportunity to present its defense and that its role, generally and with respect to specific transactions, was understood;
2. to ensure that DIAND witnesses were properly prepared to testify;
3. to provide comprehensive, accurate and rapid responses to requests for information; and
4. to present its defense in a low-key and non-confrontational manner.

The WLO was established shortly after the Commissioner was appointed. It was headed by the Liaison Officer (LO) who reported directly to the Associate Deputy Minister of DIAND. The major decisions regarding DIAND's participation in the Inquiry were made by the Associate Deputy Minister in consultation with the Director of Legal Services and the LO. The LO was responsible for identifying DIAND's obligations, and establishing and operating a unit which would allow DIAND to fulfill its responsibilities. This required two offices - located in HQ and B.C.

The tasks of the WLO included: the organization of documents and witnesses, the coordination of legal representation, communications, and support to departmental counsel. The WLO was the main contact for DIAND, within the government, on all matters associated with the Inquiry. Departmental counsel were the main contacts with Commission counsel on the substance and procedures of the Inquiry.

(iv)

Records management was one of the most significant and challenging tasks. It represented the largest controllable expenditure and was the most labour intensive. The WLO collected 100,000 potentially relevant departmental records to make them available as evidence. To facilitate this function the WLO developed an automated bibliographic data base called the Westbank Liaison Office Information Retrieval System (WLOIRS). After removing the duplicates, the data base was comprised of 33,000 original documents, which were distributed unequally between HQ and B.C. This task required more than 30 people, hired in short term positions or on contract - to collect, sort, index and file the documents and do the data entry. The system cost approximately \$300,000 to establish. It was functional in four months and took ten months to complete.

WLOIRS met all of DIAND's requirements for speed, accuracy and comprehensiveness in the retrieval of documents. The average speed to fill requests for information was three days in B.C., and five to six days from HQ due to distance and delivery time. (Before WLOIRS was operational the average speed was 15 days.) Only .003% of the documents requested were not found within 21 days. The sophisticated cross-indexing capacity, and the production of lists of documents, allowed for more comprehensive searches than would have been available with a manual approach. This system was significantly more effective and less expensive than the best manual system, and was the best automated system available in the time available, in terms of risk, capacity, cost, and overall benefits.

It was necessary to review all of the documents to identify the protected information and to ensure the proper level of security and access. This was done on an ad hoc basis at first and delayed the response time by two to three weeks. Once WLOIRS was on stream, a comprehensive review began, which took four months to complete. This involved the Privy Council Office (PCO), the Department of Justice (DOJ) in HQ and B.C., and several branches of DIAND. The process was time consuming and difficult to coordinate but was necessary in order to meet DIAND's obligations and to ensure an effective defense.

The WLO established procedures for responding to requests for information which ensured that each party received the appropriate level of access to the records. Protection for some information is mandatory (Cabinet confidences) while it is discretionary for others. Where the protection was discretionary, the information was released to Commission counsel. While only 1% of the collection was protected, 9% of the documents requested were. (This did not include Privacy Act protection). There were 13 Westbank-related court actions at the time of the Inquiry, involving some or all of the participants. The inappropriate release of documents could have prejudiced DIAND's interests in those cases, or other interests of the Government of Canada. Security requirements were taken seriously by the WLO and they were taken into consideration in developing procedures, designing the systems, and dealing with accommodation and staffing.

(v)

Private counsel were retained by DOJ to represent DIAND, and the WLO provided support throughout the Inquiry. The fees were established by DOJ, but instructions were given and fees paid by DIAND. The WLO identified the appropriate witnesses and made the relevant documents available as issues arose during the Inquiry. Two major briefing sessions were prepared for the Commissioner which involved some of DIAND's most senior officials. Two DIAND employees were provided with independent counsel during the Inquiry. DIAND received requests for funding from the two Indian groups participating, but these were referred to the Commissioner who eventually agreed to contribute to their legal costs.

The WLO was responsible for maintaining internal and external communications. It did so by coordinating departmental meetings, writing briefing notes and correspondence, and preparing daily summaries of the testimony and briefing sessions for the Commissioner. The WLO also monitored the media coverage of the hearings.

The policies and procedures of the Commissioner had major impacts on the operations of the WLO and influenced the manner in which DIAND participated in the process. These are reviewed in chapter 6 in relation to the legal requirements. While notice of the proceedings was given by the Commissioner and the Government of Canada, no procedures were established to provide notice of the specific charges of misconduct, disclosure of the evidence, or reasonable notice of demands for documents or witnesses. As a result, these matters were handled in an ad hoc manner and occasionally resulted in unreasonable demands being made of DIAND. DIAND was never able to assess whether its presentations/testimony adequately met the case against it. Scheduling was based on the availability of counsel more often than on an assessment of the volume of evidence and the needs of the parties to prepare. All parties were given the opportunity to be heard and to cross-examine witnesses, but this was impaired by the approach taken with respect to participant funding and by the failure to ensure the attendance of some of the accusers.

The report concludes that these problems resulted from the Commissioner's unrealistic reporting deadline, organizational weaknesses in the Commissioner's office, and a failure to understand the role of DIAND as an accused. The ad hoc approach also exacerbated the WLO's lack of experience with public inquiries and led to delays. These problems affected all of the participants. It is suggested that the Commissioner and his counsel, by failing to meet the legal requirements for procedural fairness, took the risk that one of the parties would apply to the courts to challenge the Commissioner's jurisdiction or have the proceedings declared a nullity.

Nevertheless, the WLO effectively managed its operations and coordinated DIAND's activities. The centralization of these responsibilities allowed DIAND to focus its efforts to achieve greater efficiency, and minimized the disruption of ongoing departmental operations.

(vi)

The total expenditures of the WLO were \$1,081,743 over 16 months, of which 44% was for legal fees. The records management function used 29% of the budget and 82% of the WLO's 17 person-years. In the face of such costs, it was important to ensure the operations were efficient. Wherever savings could be achieved, they were sought.

As a result of the steps taken by DIAND to respond to the Westbank Inquiry, it was able to fulfill all of its responsibilities as an accused and to achieve most of its objectives. DIAND cooperated to the fullest extent possible without neglecting its other obligations. However, a significant amount of frustration developed due to the initial confusion regarding the protected information, and the time required to set up the systems and review the documents. This frustration became evident when the Commissioner threatened to subpoena a collection of DIAND documents. It was clear from this that DIAND had not succeeded in appearing to be cooperative. It is suggested that this was the result of poor understanding on the part of all parties of the role, rights and obligations of DIAND, and a lack of knowledge of the capacity and time requirements of the system.

In spite of the difficulties, DIAND succeeded in presenting an effective defense and was exonerated of wrongdoing.

The report finishes with a series of recommendations aimed at PCO, DOJ and future accused departments. These are the parties who will be responsible for managing the government's response to future investigative, Part I inquiries. It is recommended that there be greater involvement by PCO and DOJ in preparing the departments and Commissioners for their responsibilities. This should be done through initial meetings and the preparation of an operations manual or procedural guidelines. An arbitrary deadline should not be set and the Commissioner should be given an opportunity to determine his reasonable time requirements.

The Commissioner and his counsel should be properly prepared to assume their responsibilities. It is recommended that they have some experience in administrative law, establish adequate research capacity, and take the opportunity to assess the time required to complete the exercise. The Commissioner and his counsel should plan for the hearings, and ensure that the proceedings are fair, by conducting organizational meetings to assess the needs of the participants and the volume of evidence. They should establish clear rules for handling documents, witnesses, notice, disclosure, scheduling and intervenor funding. The objective of these recommendations is to improve the process, save time and money, and reduce the chance of misunderstandings.

A number of general recommendations are aimed at the accused department. It is recommended that the time be taken to plan the response, and determine the role and obligations of the parties, before making commitments regarding systems or timing. A centralized coordinating unit is recommended and steps should be taken immediately to collect, secure and organize the documents. Departmental counsel, preferably with administrative law experience, should be retained and instructed as soon as possible. Potential departmental witnesses should be identified at an early stage and advised of the availability of

legal counsel. The volume of documents and number of witnesses are essential pieces of information for planning the department's workload and selecting systems. Regardless of the system selected for the records management function, it should be based on the clearest understanding of the demands to be placed on the department. The coordinating officer should be knowledgeable of the issues under investigation, and of the policies, procedures and objectives of the department. The role of the coordinating officer, in relation to the Legal Services unit and departmental counsel, should be clearly stated at the outset.

A considerable amount of information is provided in the appendices to describe the operations of the WLO and administrative concerns such as personnel, computer systems, security, accommodation and budgets. This information provides an indication of resource requirements, logistical concerns and solutions which could be helpful in planning a new unit.

1.0 INTRODUCTION

The purpose of this management report is to document and explain the complexities of an investigative public inquiry, and to describe the experience of the department of Indian and Northern Affairs in preparing, for the first time, to respond to such an inquiry. It describes the key influences which generally determine the role of a department in these circumstances, and provides detailed information about the management problems and solutions experienced in this case. The descriptions, analysis, conclusions and recommendations in this case study may be useful to others who will be given the responsibility for responding to a similar type of public inquiry on behalf of the Government of Canada.

2.0 METHODOLOGY

The focus of this report is on the planning, organizational and management concerns of the Department of Indian and Northern Affairs (DIAND) in preparing its response to the Westbank Inquiry. To a large extent, the report is organized chronologically, describing the events and issues as they unfolded.

The report does not focus solely on the internal administrative concerns of the Department. Rather, it takes a global perspective and includes a review of the important influences in the environment in which DIAND was operating. This includes certain aspects of the organization and operations of the Commissioner's office, and the legislation, regulations and guidelines which govern the proceedings.

The Department chose to centralize the responsibility for managing these activities by establishing the Liaison Office-Westbank Inquiry (WLO). Consequently, the report on DIAND's response to the Inquiry is essentially a report on the operations of the WLO.

The key management issues are dealt with in this report. The policies and procedures are described and analyzed. An evaluation of the performance of the WLO is provided, with an emphasis on the most resource-intensive aspect of the work - the records management operations. An assessment is also made of the extent to which DIAND met its obligations and objectives. The report concludes with a number of recommendations aimed at improving the management of the public inquiry process.

A considerable amount of detail is provided, in the form of appendices, regarding the various operational and administrative aspects of the work of the WLO. This is made available to provide an accounting for the expenditure of resources, but also as reference material for use in the future.

The information contained herein is derived from various sources, some of which are referred to in the bibliography attached. The primary sources were the diaries and files of the Liaison Officer, developed during the lifetime of the WLO. The opinions contained in this report are those of the author and do not necessarily reflect the opinions of other Departmental officials or other participants of the Inquiry.

3.0 BACKGROUND

3.1 The Westbank Controversy.

The Westbank Indian Band is located in the Okanagan Valley, in central southwestern British Columbia. At the time of the Inquiry, the Band was comprised of approximately 250 members. In comparison with many other Indian Bands in B.C., the Westbank Band is considered to be quite wealthy. A number of Band members have leased their land and, as a result, have realized substantial incomes. Non-Indian lessees have developed large tracts of these reserve lands into trailer parks.

During the period from 1975 to 1986, while Ron Derrickson was Chief, a number of events took place within the Band which raised concerns by members of the community. These concerns were raised with the Minister at the time, and with Members of Parliament for the region. As the years went by and the concerns were not satisfactorily resolved, the controversy intensified and increasingly serious allegations were made against the former Chief and the Department of Indian and Northern Affairs (DIAND). A number of investigations were conducted by the Department but the controversy persisted, and by 1983 demands were being made for the Government to establish a public inquiry into the matter.

The complaints and allegations against the Band and the Department came from a number of different sources, each one representing a particular schism between the affected parties.

The earliest complaints came from disaffected Band members who were opposed to the direction the Band Council was taking in its land use planning. This reflected a schism between pro- and anti-development factions within the Band. Chief Ron Derrickson represented the pro-development faction. He viewed the reserve land as a valuable economic development base, and he aggressively pursued land development. Consequently, the reserve land is now occupied by 3,500 non-Indian residents.

Another source of friction within the Band is the land holding pattern. Individual Band members can acquire certificates of possession (CP) which entitle them to exclusive possession of a parcel of land. These CPs can be bought, sold and inherited by Band members. Over the years, certain members of the Derrickson family have accumulated large tracts of reserve land in this way. Where the land has been successfully developed or leased, the CP holder (or locatee) has often been able to realize a substantial income. Consequently, Ron Derrickson has amassed significant wealth which he displays openly. This has resulted in resentment, jealousy and suspicion on the part of other Band members, the non-Indian reserve residents and other members of the community.

Another schism existed between the Chief and the non-Indian residents. When the land was first made available to non-Indians the property values and rents were low, relative to the surrounding communities. The land could not be purchased so it was made available by way of lease. Development on Indian land did not require a substantial capital investment as a result, and it was not subject to the regulations and constraints which normally prevail in municipalities. These factors, plus the proximity to growing centres of commercial activity, made the reserve land very attractive. However, the initially low rents and freedom from regulation created expectations on the part of the lessees which were difficult to change.

Chief Ron Derrickson was determined that the Westbank Band was going to grow and prosper in step with the surrounding communities. He was also intent upon establishing physical and regulatory infrastructures which would be conducive to orderly development. As the rent review periods on the leases came up for renewal, he represented many of the Band members in negotiating the new rents. In each case he insisted on market rents which meant substantial increases for the lessees. (This was mainly due to rapid increases in land values.) He was also working closely with DIAND to develop by-laws which would govern land development on the reserve. The combination of rapidly increasing rents and the imposition of a regulatory framework led to a great deal of antagonism from the lessees. The lessees in turn substantially increased the rents charged to their own tenants, who objected strenuously. This led to an extensive letter writing campaign by the non-Indian residents who complained to their MPs and to the Minister.

In the early 1980's, the Regional Director General for B.C. approved a grant for the Westbank Band to purchase an interest in an economic development project on the reserve which was at risk. This project was owned by the Chief's brother who was known (rightly or wrongly) in his community as a wealthy man. This grant aggravated an existing schism within the Department between officials in the B.C. Region and those in Headquarters. A dispute arose, about the purpose and authority for providing this grant, which spilled out into the political arena.

The grant also set up a series of events in which a dispute between a local business man and the Chief's brother was exacerbated, and into which DIAND was drawn. This transaction added fuel to the fire as the MPs took up the cause of one more of their constituents.

As the controversy was first developing, the MPs who represented the interested communities were members of the Opposition. They frequently raised their complaints and criticisms in the House of Commons and in the Parliamentary Standing Committee, partly to embarrass the Minister and the government of the day. This reflected the fourth schism among the players.

3.2 Earlier Departmental Investigations

In the early 1970's, the Department of Justice prepared a report on the Band's land holding patterns in response to complaints by dissident Band members. The exercise did not uncover any wrongdoing or illegal conduct.

In 1983, in response to the increasing demands of the MPs and the non-Indian residents, the Minister of Indian Affairs and Northern Development launched a two-part review of the issues. One part was conducted by a Vancouver law firm, which produced the Lawson, Lundell Report, and the other was conducted by a Departmental official at Headquarters (resulting in the Hobbs Report).

Both of the reports produced by this review suffered from the weakness that their authors did not have access to all of the relevant records and did not interview all of the appropriate individuals. Both reports created the impression that there was something seriously wrong with the Department's administration at the regional level and/or within the Band administration. However, both reports were seriously flawed by the procedures that had been followed.

The Lawson, Lundell Report recommended that the government establish a public inquiry to thoroughly review the issues. This encouraged the MPs to press their demands, but the Minister refused because no evidence had been produced to actually support the allegations. (An RCMP investigation also took place at this time, but failed to find any evidence of criminal conduct.)

In September of 1984, there was a change of government and the MPs became part of the government in power. They continued to make demands of the new Minister for an inquiry but agreed to another Departmental review. This produced the Singleton Report. A number of the problems with the earlier reviews were avoided but the MPs would not accept the findings and labelled the report a whitewash. They renewed their demands for a public inquiry in the Parliamentary Standing Committee and the House of Commons - even against their own government - all of which reached a crescendo in the Spring of 1986. In the House of Commons, one MP accused the Clerk of the Privy Council of a cover-up of government misconduct which allegedly occurred during the period when he was Deputy Minister of DIAND (1979-82).

4.0 THE WESTBANK INQUIRY

4.1 Types of Inquiries

A public inquiry is usually initiated in response to political pressures and is, therefore, essentially a political exercise. It is an exercise in executive power, not judicial power. Inquiries are often demanded by members of the Opposition or critics of the government, as a means of exposing an undesirable situation. It is one of the procedures which render the government administration accountable to Parliament for the way in which it conducts its business. It is also a means for the government to defuse a controversy, and to be seen to be taking steps to clarify a situation and search for solutions to a problem.

Due to their political nature, inquiries are vulnerable to the criticism that they will be conducted in a partisan or partial manner. The independence of the Commissioner and the impartiality and fairness of the proceedings are essential to the credibility of the inquiry. In turn, the credibility of the inquiry is crucial to the achievement of the government's objectives, including that of defusing the controversy.

The Inquiries Act provides for two types of inquiries, although they are also authorized under a number of other statutes which give Commissioners investigative powers in relation to specific subjects. The Westbank Inquiry was established under Part I of this Act, which provides for a more arm's length procedure than a departmental investigation established under Part II, because it is beyond the control of the Minister of the department being investigated.

Part I authorizes inquiries into "any matter connected to the good government of Canada or the conduct of any part of the public business...". There are basically two types of inquiries which can be established under this part. One is the information gathering/analytical inquiry (e.g. the Mackenzie Valley Pipeline Inquiry or the Royal Commission into the Economic Union and Development Prospects of Canada). The other involves an investigation into allegations of wrongdoing within government (e.g. the McDonald Inquiry into RCMP wrongdoing or the Westbank Inquiry).

Inquiries deal with specific matters, rather than the ongoing business of government. As a result, they are temporary structures. Their temporary nature and the wide variety of the issues they address mean that each inquiry will approach its subject in a unique manner.

Even though public inquiries are not an exercise of judicial power, as administrative tribunals they are bound by certain procedural requirements. Particularly when allegations of

wrongdoing are being investigated, the Commissioner must ensure that the proceedings are fair and reasonable.

4.2 The Establishment of the Hall Commission

On June 27, 1986, the government announced that it would establish an inquiry into the controversy surrounding the Westbank Indian Band and the Department of Indian and Northern Affairs.

The Inquiry was actually established on August 12, 1986, with the appointment of John E. Hall as sole Commissioner. This was done by Order in Council pursuant to the Inquiries Act, upon the recommendation of the Prime Minister.

4.3 The Commissioner's Mandate

The Terms of Reference were set out in the Order-in-Council. They were prepared by senior officials from the Department of Justice (DOJ), the Privy Council Office (PCO) and DIAND on the instructions of the Ministers.

The Commissioner's mandate was to "inquire into and report on the circumstances of, and factors contributing to" the controversy, allegations and concerns. In order to provide some focus, the Terms of Reference set out four areas for inquiry (see Appendix A). The first three parts determined the issues which were to form the investigative stage of the inquiry. They refer to the major parties to be investigated: DIAND, the Band government, and lessees and residents of the Westbank Indian Reserves. The Commissioner was directed to deal with specific areas of concern with respect to each party, covering the period from 1975 to "the present". (The definition of this term was the subject of debate during the hearings, as defense counsel attempted to limit the Commissioner's investigation to the period up to the date of the Order in Council.)

Part IV of the Terms of Reference directed the Commissioner to review the Indian Act and Departmental policies and procedures as they related to the relevant issues, and to recommend changes. This part was seen to provide an opportunity for positive and constructive work by the Commissioner which could contribute to the longer term goals of the Department and the Government of Canada.

The Order in Council provided the Commissioner with his authority to set his own procedures, to engage staff and counsel, and to acquire accommodation necessary for the conduct of the inquiry. (These are powers authorized by Part I of the Inquiries Act.) There are references to the financial constraints imposed by Treasury Board, which are a necessary part of fiscal management and good government.

The Commissioner was directed to report to the Governor-in-Council on or before June 30, 1987. This deadline allowed only a few months to conduct the Inquiry and prepare the report, since it was estimated that the translation, editing and printing of the report would itself require 2-3 months. As it turned out, this was not a realistic timeframe and the deadline was extended to April 30, 1988. Once the hearings were concluded in September of 1987, it took a further 7 months to write, edit, translate and print the report.

4.4 The Allegations

This Inquiry was the culmination of intense efforts by three Members of Parliament (MPs) from British Columbia who had been lobbying the Government for several years to address the complaints and allegations of a number of their constituents. These complaints and allegations had focussed primarily on the Chief of the Westbank Indian Band and on various transactions dealing with Westbank reserve lands. The Department was also criticized for the role it had played (or failed to play) in these transactions, and a former Regional Director General had been singled out for criticism.

During the period that Ron Derrickson was Chief of the Westbank Indian Band, he had been accused of various types of unethical or criminal behaviour. These allegations were made by dissident Band members, non-Indian residents of the reserve, local businessmen and politicians, and were so serious in nature that an RCMP investigation was launched at the time the Inquiry was established. It was alleged that he had been involved in murder, attempted murder, corruption, fraud, extortion, abuse of office, and conflict of interest. The allegations were aired by the media locally, regionally or nationally, were contained in letters to Ministers and MPs, or were expressed in the House of Commons and in the Parliamentary Standing Committee on Aboriginal Affairs and Northern Development.

The Department was also the subject of a number of allegations, including: showing favouritism to certain Indian leaders, mismanagement of government funds, maladministration, conspiracy, and cover-up. These allegations were made by Members of Parliament in the House and in Standing Committee (see Appendix B). DIAND was also accused of condoning and encouraging the Chief's behaviour, and there were insinuations that Departmental officials were taking bribes and embezzling government funds.

Although these allegations had been widely published over a number of years, they were not referred to in the Commissioner's Terms of Reference, and counsel for the Hall Commission did not articulate or identify the allegations at any time during the Inquiry. This was done by Commission counsel for the Parker Commission at the beginning of that inquiry. The allegations were organized into discrete categories which provided the basis for the direction and focus of those hearings. It was not until counsel for DIAND gave his final submissions on the evidence that some of the allegations were stated on the record.(1)

4.5 The Context

There were two significant factors which contributed to the context in which the Inquiry was conducted. Two months before the Westbank Inquiry was announced, the Parker Commission began its work to investigate the allegations of conflict of interest against Sinclair Stevens. Ms. Shirley Walker had just recently given her testimony, claiming that she had not understood her obligation to tell the whole truth while under oath. This "confession" alerted DIAND to the need to ensure that its witnesses were properly prepared to testify.

In view of the proximity in time, and the investigative nature of the Parker Commission, a number of comparisons will be made between these two inquiries throughout this report.

The other factor was the highly litigious nature of the Westbank Band administration. There were in excess of one dozen court actions which had been commenced against the Department, the lessees and others, relating to the controversy. Most of these actions dealt with rent reviews, but at least two actions were for defamation - naming one of the MPs for comments made in Standing Committee, and naming the Department for its role in the Lawson, Lundell Report. The environment was already highly charged due to the seriousness of the allegations, and this factor contributed to the tensions.

4.6 The Parties to the Inquiry

The Terms of Reference for the Commissioner largely determined who were to be the parties to the Inquiry. Parts I-III specifically named DIAND, the Band government (Chief and Council during 1975-1986) and the lessees and residents of the reserve.

On October 23 and November 6, 1986, the Commissioner held two "organizational hearings" in Kelowna and Vancouver respectively. These hearings primarily provided the opportunity for interested parties and their counsel to step forward and identify themselves.

(1) Only the allegations which had been made against the Department were set out there.

The Department was represented by counsel at both of these hearings and throughout, as were Ron Derrickson and the former Band Council members. The lessees appeared at all of the hearings but were never represented by counsel. The incumbent Band Council was represented separately throughout the hearings. (Ron Derrickson chose not to run again in the election of August, 1986.) It was their position that their interests, and those of the other Band members, were not the same as those of the former Chief and Council.

Two DIAND officials were initially represented by their own independent counsel, to ensure that their interests were properly represented in case they diverged from those of the Department. Very shortly after the hearings began, it became apparent that only one Departmental official would require independent counsel. Throughout the hearings, it was made clear that this counsel was representing the individual interests of his client and not those of the Department.

One other party was represented at the hearings. During the period under review, Chief Ron Derrickson had invested a substantial amount of the Band's capital in the Northland Bank, through the purchase of bank shares. The Band had been involved in a number of transactions with the bank before it failed in the Summer of 1985. The claims between these two parties had not been resolved by the time the Westbank Inquiry was established, so the liquidator for the Northland Bank became a party to the proceedings.

At no time during the Inquiry did any of the MPs participate in the proceedings. They were not represented by counsel, nor did they appear as witnesses. They were not subpoenaed, and when Commission counsel invited them to give evidence they declined.

These were the parties to the investigative stage of the Inquiry (Parts I-III) which took the bulk of the time, with over 90 days of hearings. Part IV received considerably less attention, absorbing less than ten hearing days. A number of Indian organizations and interested people were invited to make representations pursuant to Part IV, but fewer than five appeared.

4.7 The Composition of the Commissioner's Office

As soon as the Commissioner was selected he was contacted by the Management Branch of Privy Council Office. This unit is responsible for administrative matters associated with Part I inquiries, and will provide guidance and support to Commissioners as they establish and staff their offices.(2)

The Commissioner's office was established in Vancouver, B.C.. With a staff of 14, including counsel and other experts, the staff complement was relatively small. In comparison, the composition of the Parker Commission was quite different.

The Hall Commission

Commissioner (1)	Private Investigator (1)
Commission Counsel (3)	Administration (3)
Forensic Accountant (1)	Report Production (5)

The Parker Commission

Commissioner (1)	Researchers (4)
Commission Counsel (3)	Technician (1)
Administration (3)	Hearing Officer (1)
Assistants to	Assistant Hearing Officer (1)
Commission Counsel (3)	Secretaries (7)
Investigator (1)	Editors (English) (3)
Forensic Accountants (5)	Editors (French) (2)
Legal Advisor (French) (1)	Clerks (3)
Security Guards (5)	

The most significant difference, other than size of staff, is the absence of a research unit in Commissioner Hall's office.

(2) For example, the Financial Administration Act applies to Commissioners' operations. The Management Branch, PCO, will explain the constraints and administrative procedures imposed by this Act and will provide guidance in the preparation of the Commissioners' budgets and the required Treasury Board submissions. The Management Branch of PCO, not DIAND, was the Commissioner's main contact with the federal government. (DIAND was one of the main subjects of the investigation and therefore was required to maintain an arm's length relationship with the Commissioner and his staff.)

The primary role of associate counsel was to provide research support. The first associate counsel constituted the only research resource for Parts I-III. Several months into the proceedings, an additional counsel was retained to do the research and preparation for Part IV. It was anticipated that this would be the more substantial part of the Inquiry, but its significance diminished as the hearings progressed.

The number of hearing days for the Hall and Parker Inquiries were comparable. However, in the case of the Parker Commission the issues under investigation were restricted to a period of three to four years, whereas the Hall Commission reviewed a number of issues covering twelve years or longer. The relevant departmental records for the Parker Inquiry were considerably fewer in number than in this case.

4.8 Policies and Procedures of the Hall Commission

While Commissioners have considerable leeway to establish their own procedures, there are a number of legal requirements which must be met. These are found in various pieces of legislation and in the body of Administrative law.

The specific provisions are outlined and discussed in Appendix C. They are also discussed in the next section of the report, with the focus being on their applicability to accused departments. These provisions provide the legal framework within which the public inquiry process is managed.

The policies and procedures adopted by the Hall Commission are set out later in this report, and are analyzed in light of the legal requirements. Their impacts on DIAND and the operations of the WLO are also reviewed, in the Analysis and Conclusions section.

5.0 THE LIAISON OFFICE - WESTBANK INQUIRY

5.1 The Establishment of the Liaison Office

The Westbank Inquiry was the first public inquiry to involve the department of Indian and Northern Affairs, and it represented a significant new challenge to the Department. Many of the requirements were unknown, and these had to be identified and dealt with. The investigation covered a period of twelve years and potentially a vast number of transactions. There was a substantial amount of work involved in gathering the necessary information to respond to the Commissioner's investigation, and to prepare DIAND's defense. A number of branches of the Department had been involved in these transactions, at HQ and in B.C., and they were called upon to assist. To coordinate these activities, a unit was established which reported directly to the Associate Deputy Minister. It was called the Liaison Office - Westbank Inquiry (WLO).

The establishment of a public inquiry reflected the seriousness with which the issue was viewed by the government, and DIAND considered its resulting responsibilities to be among its highest priorities. The Department was expected to cooperate with the (federally appointed) Commissioner to the fullest extent possible, in a manner consistent with its status as a defendant/accused in the proceedings. In large measure, this involved providing access to all relevant documents and witnesses.

The responsibility to disclose was tempered by DIAND's other responsibilities to the Government of Canada and to third parties. The Department's documents contained information that was protected by various pieces of legislation, and DIAND was responsible for ensuring that they were not released improperly. As one of the defendants in the Inquiry, DIAND was entitled to exercise various rights, and was expected to present a full answer and defense to all allegations, thereby protecting the reputation of the Department and the Government of Canada.

The basic objectives of DIAND were as follows:

1. to provide comprehensive, accurate and rapid responses to demands for DIAND records;
2. to ensure that DIAND received a fair opportunity to present a full defense, and that the role of DIAND (generally and in relation to specific transactions) was understood by the Commissioner and other participants;

3. to ensure that DIAND witnesses were completely aware of their rights and obligations, and were properly prepared to give their evidence; and
4. to present DIAND's defence in a low-key and non-confrontational manner.

The WLO was responsible for indentifying and meeting DIAND's responsibilities, and reconciling any inconsistencies. It was also expected to perform its tasks in a manner which would minimize the disruption to ongoing departmental operations. The Terms of Reference in Appendix D set out, in detail, its functions and responsibilities.(3)

It should be kept in mind that the WLO was responsible to the Deputy Head of DIAND (in this case, the Associate Deputy Minister) and not to the Commissioner. It was established to serve DIAND and not to function as a research unit for the Commissioner or other participants.

This part of the report will examine the role of the WLO and will describe its operations. It will begin with a review of the legislative, regulatory and other provisions which set out DIAND's rights and responsibilities in these circumstances.

Detailed information on the administrative concerns is provided in Appendix E. Matters such as Personnel and Staffing, Budgets and Expenditures, Electronic Data Processing, Security and Accommodation are dealt with there. This information is provided, in part, to document and account for the use of resources, but it may also be helpful in planning and setting up a similar type of office.

(3) These Terms of Reference were not written up until after the hearings were concluded, so they are descriptive rather than directive.

5.2 Legislation, Regulations and Guidelines

A number of different sources set out the rights and obligations of a defendant/accused in a public inquiry. As is the case with Commissioners, there is no operations manual for federal departments who find themselves in this situation. There are very few direct references to federal departments in the relevant legislation, so it is necessary to extrapolate from the existing provisions.

For the most part, the same sources govern the involvement of the department and the Commissioner. They will be reviewed here, but the focus will be on their specific application to the department. (This list of sources does not purport to be all-inclusive, and inquiries established under other statutes are likely to be governed by their own regulations).

5.2.1 Inquiries Act

This Act is the primary source of the Commissioner's authority. It also deals with some of the rights and obligations of defendants.

The Commissioner's power to compel DIAND to produce documents and witnesses by issuing a subpoena is set out in section 4. The subpoena power enhances the department's obligation to disclose. However, it was viewed by DIAND as a power of last resort - only to be used by the Commissioner in the face of blatant resistance - because a subpoena would be seen by the public as evidence of a lack of cooperation by the Department. In the face of allegations of cover-up, DIAND strongly wished to avoid such an event.

Section 4 also provides for witnesses to give evidence under oath, so departmental witnesses would have to be properly informed of the associated obligations.

It was assumed from the outset that DIAND would be entitled to counsel, as would individual employees who may be affected by the Inquiry. This right is confirmed by s.12, and the WLO was involved in making the arrangements.

DIAND and affected employees were entitled to receive reasonable notice of the charges of misconduct and a full opportunity to be heard. This right is set out in s.13. It was expected that the department would receive notice of the specific actions which constituted the alleged improprieties, and a reasonable amount of time to organize its documents and witnesses and prepare its defense.

5.2.2 The Order in Council

The Order in Council (Oic) provides the details for this particular inquiry. The preamble states the purpose, and identifies the nature of the inquiry by referring to allegations of impropriety. This reference raises the question of the applicability of the rules of natural justice and procedural fairness.

While the specific allegations are not identified, the Oic names the parties and the general subject areas to be investigated, and sets out the period under review. This was the starting point for the WLO to begin to identify the witnesses and records which would be required.

5.2.3 Canada Evidence Act

This Act sets out some of the most specific references to federal departments involved in public inquiries. As its title indicates, it governs the introduction and use of evidence during certain legal proceedings. It sets out, among other things, who is a competent and compellable witness, the manner in which evidence is to be submitted, the type of evidence which can be tendered and which is exempted or protected from the Commissioner's power to compel production.

The sections of particular concern to departments are sections 19 to 36.3. These deal with the use of documentary evidence, and they include specific references to government records. Provisions for notice are set out in sections 28 and 30(7). (See Appendix C). They state that documentary evidence cannot be introduced until the party intending to produce it has given reasonable notice to the party against whom it will be used. A minimum of 7 days notice is required, and the records must be made available for inspection within 5 days of the notice.

The notice period is intended to give the parties the opportunity to prepare for cross-examination or to present rebuttal evidence. In such situations, the WLO would assist departmental counsel by identifying the appropriate DIAND witnesses and collecting the relevant documents. This Act contains no provisions for providing parties with notice of demands to produce documents or witnesses.

The various types of protected information are set out in sections 30(10) and 36.1 to 36.3 of the Act. With some types of information the protection is mandatory (Cabinet confidences), while with others it is discretionary (privileged solicitor-client communications). The WLO was required to ensure the appropriate level of protection for this information. It is not compellable, and such attempts can be successfully resisted in court, if necessary. However, there are drawbacks to a government department litigating this issue, and efforts should

be made to negotiate an acceptable approach to dealing with these documents when disputes arise.

If the protection is discretionary, the department can waive its protection and release the document to Commission counsel. However, this information is often sensitive and its release may jeopardize the department's defense or adversely affect its other interests. It is, therefore, necessary for departmental counsel to review these documents and consult with the appropriate government officials before making the decision to release. This review process must be built into the department's procedures.

5.2.4 Access to Information
 and Privacy Acts

The Access to Information Act does not apply to public inquiries. Departments under investigation have a general responsibility to release relevant information to assist the Commissioner, and the Canada Evidence Act sets out the protections for specific types of government information.

The Privacy Act prohibits the release of personal information by federal institutions to unauthorized third parties. It specifically deals with the release of information to commissioners of inquiry, although there was some confusion about this at the outset of this Inquiry.(4) Due to the nature of the Department's work, a large proportion of the documentary evidence contained personal information, and DIAND was particularly concerned about the application of this Act.

During the summer of 1986, a number of bands in Alberta sued DIAND to prevent the release of material which had been requested under the Access to Information and Privacy Acts. Their argument was that the material contained personal information which was protected. The Federal Court agreed with this and found in favour of the Bands. (The reasons for judgment were first given in the case of The Montana Band of Indians v The Minister of Indian and Northern Affairs and Wendy Smith, Fed. Ct., Edmonton registry, 15 April, 1988.)

Some of the individuals associated with the Inquiry were highly litigious, and DIAND did not want to risk provoking court action on this issue which might have interrupted the progress of the Inquiry. For the reasons outlined above, DIAND was opposed to the use of the subpoena power, except as a last resort.

- (4) The Access to Information and Privacy Acts were proclaimed into force on July 1, 1983. Between then and the establishment of the Westbank Inquiry, nine commissions of inquiry had been initiated.

The question of the applicability of the Privacy Act had arisen earlier, with the Deschênes Inquiry into War Criminals. Their approach was to have the Commissioner added to the list of investigative bodies in the Schedule to the Act, pursuant to s.8(e). However, this had to be done by regulation and the new regulatory review procedures came into effect before the issue was resolved with the Westbank Inquiry. It would have taken four months to comply with those requirements, and this was considered impractical. (It may not be a practical option for any future inquiry).

The approach available under s.8(2)(m), the public interest section, was considered to be too awkward because it would require a constant flow of correspondence to the Privacy Commissioner, and possibly also to the affected individuals. This type of irritant was not desirable.

After a number of consultations between DIAND, PCO and DOJ, Mr. Hall was advised to issue an Order pursuant to S.8(2)(c), which he did on 31 October, 1986. Apparently, this was the first time that such an "order" had been issued by a commissioner of inquiry. The solution reached in this case offers a quick and low-key method of providing federal institutions with the authorization they require.

5.2.5 Administrative law

Administrative law deals specifically with the procedural requirements of administrative tribunals and identifies the rights of individuals interested in or affected by their findings. It is essential for all parties to a public inquiry to be familiar with these legal principles.

1. Bias:

The essential aspect of this rule is that persons who have a personal interest in the outcome of the proceeding should not be in a position to determine the outcome. It is not necessary to demonstrate an actual bias in order to disqualify a Commissioner or nullify the proceedings; it is sufficient if there is a reasonable apprehension of bias. The existence of a pecuniary interest will automatically be seen as bias.

2. The "audi alteram partem" rule contains three basic elements:

a) Notice:

Affected persons are entitled to reasonable notice of the proceedings and of the issues and allegations to be addressed. The specific circumstances will determine if the notice given is reasonable, but the objective is to ensure that the affected person has sufficient opportunity to provide a full answer and defense. (This rule is embodied in S.13 of the Inquiries Act.)

Notice also should be given of the procedures and policies to be adopted by the Commissioner. An inquiry cannot be fair if the affected persons are not aware of the rules of the proceedings, or if these rules change without notice.

b) Disclosure:

In order to effectively present a defense, the affected person must be aware of the case to be met. This requires clear and unambiguous disclosure of the nature of the evidence which will be presented during the inquiry. These disclosures should be made by Commission counsel at the beginning of the proceedings, to the fullest extent possible. If new evidence becomes available and new issues emerge during the course of the inquiry, which will substantially affect the interests of the parties, the information should be disclosed as soon as possible. (This rule is embodied in S.28 and S.30(7) of the Canada Evidence Act.)

c) The Right to be Heard:

With many types of administrative functions, it is not necessary to hold an oral hearing. Representations can be obtained from the interested parties in writing. This is also true for public inquiries, either in whole or in part.

However, where the issues are serious and allegations of wrongdoing have been made, an oral hearing would most likely be required. In such a case, the right to be heard entitles parties to be present when evidence is being given which is against their interests, and to respond to that evidence either in person or through counsel. (This rule is also embodied in S.13 of the Inquiries Act.)

The right to be heard includes the right to question or cross-examine those who are adverse in interest, particularly where there have been allegations of wrongdoing.

Generally, the expectation is that the procedures will ensure that all parties will be treated equally and that they will be given a reasonable opportunity to consider and prepare their cases. If any differences are to be built in, it should be recognized that the rights of persons who are accused of wrongdoing are to be given higher priority.

Intervenor or Participant Funding:

Participant funding is one of the means for ensuring that parties can exercise their right to be heard. It is not uncommon for public inquiries to provide intervenor or participant funding for parties who have legitimate and substantial interests in the outcome, but do not have the means to pay for legal representation. The funds are provided to the Commissioner as a component of his budget. As with other aspects of his budget, the quantum is subject to the approval of Treasury Board.

However, the Commissioner establishes the criteria for the use of these funds, and his office retains administrative responsibility.

Reasonableness:

The reasonableness of the notice and the procedures will be measured in relation to their effects on the parties. This can only be determined by discussing with the participants their needs and limitations. The Canada Evidence Act provides some indication of what minimum notice would be with respect to certain hearing procedures. It could be argued that anything less would be unreasonable.

Regardless of the procedures adopted, they should ensure:

1. sufficient particularity of the actions which constitute the alleged misconduct;
2. sufficient time to prepare a defense to each allegation;
3. sufficient disclosure of the evidence to be introduced in support of the allegations; and
4. sufficient time to respond to demands for documents and witnesses.

The material which sets out the powers of the Commissioner and the obligations of the parties, also informs the department of the types of demands which will be made during the inquiry. The rights of accused persons set clear limits to these demands and, in turn, impose obligations on the Commissioner and his staff. These obligations and limits will provide some guidelines to departments when establishing their procedures and operations.

The rules dealing with the provision of legal counsel are set out later in the report. There are several other statutes, regulations, directives and guidelines which governed the operations of the WLO, such as the Financial Administration Act and the Public Service Staff Relations Act, but these will not be dealt with here. They apply to the normal operations of any federal department and are not unique to activities associated with public inquiries.

5.3 The Role of the Liaison Officer

The Liaison Officer (LO) was responsible for all aspects of the work of the WLO. These included the managerial and administrative responsibilities associated with the operation of the two offices. In each of these areas, the LO maintained daily, hands-on involvement in the operations, except for the area of records management. A large proportion of this function was under the control of the Research Coordinator. However, The LO and Research Coordinator worked together to ensure that the records management system and procedures were designed and implemented to meet the demands imposed by the Inquiry.

The Liaison Officer was a special projects officer with the Executive Services branch of DIAND. As such, her role was to deal with serious but temporary "corporate DIAND" concerns. The Westbank Inquiry was considered to be such a concern. It was considered essential to select a Liaison Officer who was familiar with the issues, but who had not been directly involved in the controversy itself. It was also considered important that the person coordinating these activities be knowledgeable of DIAND's overall objectives and priorities, and be able to work effectively with DIAND's senior executives.

5.4 The Vancouver Liaison Officer

The Vancouver Liaison Officer (VLO) acted as administrative overseer for the WLO (Van) while the LO was in HQ or Kelowna. During these periods of absence, it was necessary for someone to perform a basic supervisory function and to approve various small budgetary expenditures. The VLO also provided internal support to the WLO in facilitating requests made of the BC Regional Office.

5.5 Reporting Lines

The LO reported directly to the Associate Deputy Minister for the duration of the Inquiry. The Associate Deputy Minister was available whenever advice was sought or a matter had to be discussed; and the LO was given considerable leeway to determine the organization, policies and procedures of the WLO and to manage its operations. This provided an environment which allowed for considerable flexibility, and enabled the WLO to react quickly and with the informed support of the Associate Deputy Minister, as new demands arose.

5.6 Decision-making

The Associate Deputy Minister was responsible for the Department's overall response to the Inquiry. He was advised by the Director of Legal Services and the LO with respect to legal, policy, and procedural matters. If, from time to time, the subject for discussion involved a specific branch of DIAND, others were consulted as required.

Generally, decisions which involved relations with the Commissioner and his staff, central agencies, the Minister's office or senior management, were made by this group of three. Decisions regarding logistics or the daily operations of the WLO were made by the LO independently, unless they involved the expenditure of significant resources.

5.7 Links to Departmental Counsel and Commission Staff

When the Inquiry was first announced, the LO was the primary contact for DIAND, for all parties. When Departmental Counsel were retained 2 months later, they rapidly assumed this role with respect to counsel for the other participants and Commission staff on matters of evidence and Inquiry procedures.

The WLO became virtually the sole source of DIAND's Westbank-related documents, so it continued to have direct contact with the parties in responding to requests for documentary evidence. In addition, the WLO continued to be the main contact point for anyone within DIAND or other Federal departments.

The LO worked very closely with Departmental counsel throughout the Inquiry. Officially, the Director of Legal Services was the person to provide instructions; however, the LO frequently filled this role due to her constant contact with counsel.

5.8 Records Management

Throughout the Inquiry, the WLO was the custodian of all of DIAND's records dealing with the Westbank Band during 1975 to 1986. The WLO was responsible for organizing the records and providing the appropriate level of access to the various interested parties. These parties included DIAND officials who required ongoing access to perform their day-to-day duties.

The records management function was one of the most important tasks of the WLO. It was the most time consuming and one of the most costly functions. In the face of allegations of cover-up, DIAND recognized the need to build the capacity to produce all relevant documents for the Commissioner. DIAND's documents were to a large extent "the paper trail" (although not exclusively) and the Commissioner and his counsel would depend on them to form the basis of their investigation. It was felt that DIAND's

ability to respond quickly and accurately to requests for information would, in large measure, demonstrate its competence and level of cooperation.

When the WLO first began its operations, it collected approximately 100,000 potentially relevant departmental records (many of which were duplicates). After several months of work, the WLO had developed an automated data base of approximately 33,000 originals. A brief description of each record was entered in the data base, and was retrievable within minutes.

The records management function includes the management of the data base, as well as the management of the documents themselves. The automated system was called the Westbank Liaison Office Information Retrieval System (WLOIRS). It was based on modified Minisis software, and was loaded onto a mini-computer. The data base was centralized, but the records themselves were stored in two locations (HQ and B.C.) and each constituted a unique collection (i.e., no overlap).

The WLOIRS was DIAND's first attempt to create a bibliographic data base - other automated systems in the Department were based on numerics. As a result, the department had no previous experience on which to assess the time required to set up the system, its capacity or quality of outputs. However, it was expected that the results would be significantly better than with a manual search and retrieval system.

Procedures were established by the WLO, as part of the records management activity, to ensure the proper level of security for protected documents. The fulfillment of this Departmental obligation was an important aspect of the work of the WLO. At first, WLO used the term "screening" to describe the document review process, with unfortunate results. It created the impression that the WLO was censoring the documents.

Commission counsel had not built any provision for the review of documents into the Inquiry procedures, nor was there a notice period provided for demands to produce documents. As soon as WLOIRS was able to produce any type of print-out, Commission counsel expected to receive responses to their requests within 1-2 days. By mid-January, they no longer had any tolerance for DIAND's wish to review its documents before release. The delays, and the perception of censorship, caused resentment and seriously damaged DIAND's image of being cooperative.

The situation came to a head during the third set of hearings, when Commission counsel refused to give DIAND time to review some documents protected by solicitor-client privilege. The Commissioner threatened to issue a subpoena if they were not delivered immediately. In the face of this threat, departmental counsel agreed to have the WLO release all documents immediately upon request. Commission counsel agreed not to publish privileged documents without first notifying DIAND of his intention to do so. If, after examination of the document, DIAND considered the contents to be too sensitive to publish,

Commission counsel would be asked to use other means to prove the facts at issue. In cases of dispute, the issue was to be resolved by the Commissioner.

While 1% of the collection was protected by the Canada Evidence Act, 9% of the documents requested were so protected. Out of thousands of documents which were potentially privileged, less than ten were considered to be too sensitive to be published during the Inquiry. Of these, only 2 to 3 were requested by Commission counsel and he agreed not to publish them.

The WLO established standard procedures for handling the requests for information from the various user or "client" groups. These procedures were designed to maximize the speed and efficiency of the responses, ensure the proper level of security, ensure proper follow-up, and to keep track of the flow of documents.

At the end of the Inquiry, all documents provided to independent counsel were returned to the WLO and destroyed. This was done because of the high volume of personal information contained in the documents. Once the Inquiry was over, there was no need or justification for independent counsel to retain the information.

The documents received by Commission counsel were turned over to PCO, as required by the Terms of Reference, to be forwarded to the National Archives in Ottawa.

The records management function represented the most significant logistical problem for the WLO, due to the volume and distribution of the documents. Appendix F provides a detailed description of the records management task, WLOIRS, the document review procedures, and the procedures established to deal with requests for information. It includes details on the timing, costs and capacities of the hardware, software and personnel. The Analysis and Conclusions section provides a detailed analysis of the performance of WLOIRS.

5.9 Preparation of Witnesses

The preparation of the witnesses is as important as the assembly and organization of the documentary evidence. Both are vehicles for the delivery of information to the Commissioner about the issues of the Inquiry.

One of the main objectives of DIAND was to ensure that its witnesses were fully prepared to give their evidence. This not only required preparation in terms of the substance, but also required a proper understanding of the rights and responsibilities related to testifying under oath before a public inquiry. Departmental counsel were primarily responsible for ensuring the achievement of this objective; however, the WLO provided the organizational support.

The role of the WLO was to identify the appropriate witnesses, facilitate their access to the necessary documentary evidence,

and to advise them of the progress of the hearings. The first step was to prepare a list of all potential witnesses and match them to the issues to be investigated. Once the potential witnesses were identified, departmental counsel would be expected to meet with each, assess the amount of time required to prepare the department's case, and to advise Commission counsel of these requirements. This information would then be incorporated into the planning and organization of the hearings. Unfortunately, this is one area in which the WLO was not very successful.

In order to compile the list of potential witnesses, a request was sent from the Associate Deputy Minister to all DIAND senior managers asking them to name their past and present employees who had had significant direct involvement in Westbank Indian Band matters during the period of 1975-1986. The tone of the letter was particularly important because there had been many rumours during the preceding years and a certain amount of paranoia was being expressed within the department. It contained assurances that the names of potential witnesses would be kept strictly confidential, if they so wished, and that DIAND employees would be provided with independent legal advice if it were required. Most of the responses were received within two weeks.

The WLO received the names of dozens of potential witnesses, and the task of compiling the list would have required considerable follow-up. However, after spending several weeks trying, the task was abandoned. The hearings began early in November, before the list had been compiled. The timing and the ad hoc approach of the Inquiry soon made the list irrelevant.

If Commission counsel had identified the allegations prior to the hearings, the WLO could have matched the witnesses with the issues, identified the associated documentary evidence and planned its work accordingly. Without this, departmental counsel were unable to anticipate their workload and, consequently, did not have the opportunity to develop a rational assessment of the time required to prepare. However, once the hearings were underway they developed a momentum which swept everything along - you either caught the bus or not, there wasn't time to count your change first.

In order to mitigate the problems with notice, departmental counsel took the initiative to lead the hearings dealing with the role and activities of DIAND. Departmental counsel led the evidence for the one week session in December on the structure and organization of the department; for one week in March on the activities of DIAND employees with respect to specific transactions; and for two weeks in June and September on Part IV of the Commissioner's Terms of Reference. Commission counsel agreed that departmental counsel could select the witnesses and the specific issues to be covered during these hearings, leaving Commission counsel to cross-examine. Under these circumstances, DIAND witnesses received a full opportunity to prepare.

Throughout the Inquiry, the LO worked with departmental counsel to identify the appropriate witnesses as the issues arose, and to

establish the agendas or lists of issues to be addressed during the briefing sessions. The witnesses were selected for their knowledge of specific departmental policies or procedures or because of their personal involvement in the transactions under review.

5.10 Legal Representation

The issue of legal representation for DIAND arose immediately upon the announcement of the Inquiry. During the weeks that followed, representation for 3 other groups also became an issue:

- ° DIAND employees who may be called to testify or may be affected by the outcome of the Inquiry,
- ° the incumbent Chief and Council of the Westbank Indian Band, and
- ° the former Chief of the Westbank Indian Band (Ron Derrickson) and his Council.

Requests from each of these groups came to the office of the Associate Deputy Minister and were dealt with there in consultation with the Director of Legal Services and the LO. Each group is covered by different rules which govern the use of public funds for legal representation.

5.10.1 Legal representation for DIAND

The Department of Justice (DOJ) has the mandate to provide legal advice and representation to departments of the Government of Canada. Counsel will be assigned from the litigation section of the DOJ to represent a department or government official during an inquiry, unless there are exceptional circumstances. In this case, there was a concern about a potential conflict of interest between the DOJ and DIAND with respect to one of the transactions to be investigated. Consequently, it was decided that the DOJ would retain private counsel to represent DIAND. This decision was made on August 18, 1986 and the selection of counsel took a further seven weeks.

Both the DOJ and DIAND were involved in the selection of counsel. However, the determination of fees, the terms of the retainer and general instructions were the responsibility of the DOJ. The DOJ retained a senior counsel and associate counsel from a Vancouver law firm to represent DIAND during the Inquiry.

Specific instructions on the conduct of the defense were prepared by DIAND in consultation with the Director of Legal Services, and delivered by the Associate Deputy Minister at a meeting in Vancouver on October 20, 1986. The first organizational meeting took place that week and the hearing of evidence began three weeks later.

The payment of legal fees was the responsibility of DIAND. The funds were drawn from the Deputy Minister's reserve and incorporated into the budget of the WLO. The taxation of bills was the responsibility of the Regional General Counsel (DOJ-BC), and the WLO took the necessary administrative steps to arrange for payment. The LO also reviewed the bills after they had been taxed to ensure that they accurately reflected the work performed and disbursements made. During fiscal year 1986/87, DIAND spent approximately \$171,000, and \$148,000 in fiscal year 1987/88, for a total cost of \$319,000 for departmental counsel.

5.10.2 Legal representation for DIAND employees

It is a policy of the Government of Canada to provide legal services at public expense to Federal public servants who, as a result of the performance of their duties, may be charged with an offence, sued or threatened to be sued in a civil court, or questioned or interviewed in other circumstances which would warrant the engagement of legal counsel. (Refer to Treasury Board Circular 1983-52.)

The DOJ may provide the necessary legal advice itself, or it may authorize the payment of legal fees and disbursements to independent counsel if there is a potential conflict of interest. If it is the latter, the fees are determined by the DOJ's fee schedule.

In this case, departmental counsel was responsible for advising the Associate Deputy Minister of the need for independent counsel. Generally, this need would arise if the evidence indicated that there might be a divergence of interests between the employee and the department, which would prevent departmental counsel from defending both. Funding is not available, however, in situations where a departmental official has wrongfully acted beyond his/her authority or scope of duties. The TB circular clearly states that employees in such circumstances are not covered.

The TB circular authorizes the payment of fees and disbursements, up to a maximum of \$10,000, with the approval of the Deputy Minister of the department in question. Until February 20, 1986, Treasury Board authority was required for amounts in excess of \$10,000. At that time, Treasury Board transferred to Ministers (and their Deputies) direct authority to approve expenditures beyond this amount. (The Risk Management branch of Treasury Board attends to the details of this policy.)

5.10.3 DIAND's approval process

Shortly after the Inquiry was announced, the Associate Deputy Minister held meetings with the senior managers in HQ and in the BC Regional Office and advised that independent counsel would be available if required. This information was passed on to the potential witnesses, and two requests were subsequently received. After consulting with the Director of Legal Services, these requests were granted on the basis that the individuals had been

directly involved in transactions which were at the heart of the controversy. Any costs incurred beyond the \$10,000 maximum had to be approved by the Associate Deputy Minister, based upon the advice of departmental counsel as to the needs of the individual employee and the progress of the hearings.

The funds for these legal fees were drawn from the Deputy Minister's reserve and were included in the budget for the WLO. The WLO assumed administrative responsibility for the payment of these bills once they had been taxed by the Director of Legal Services. During 1986/87 DIAND spent approximately \$91,500.00, and a further \$60,000.00 in 1987/88, for a total expense of \$151,500.00 for independent counsel.

5.10.4 Legal representation for the incumbent
 Chief and council

There is no specific authority for DIAND to make payments to an incumbent Chief and Council for legal representation at a public inquiry. Normally, the Band would have to designate a proportion of its annual "Band Support" budget for such purposes. However, an attempt was made to obtain some funding on this occasion. It was felt that, as an interested party, the Band Council should be able to participate fully without suffering significant financial hardship.

Initial discussions with the Commissioner indicated that he was not prepared to provide contributions to the Inquiry participants, and he referred the Band's request back to DIAND. DIAND then prepared a submission to Treasury Board requesting authority to make an ex gratia payment to the Band as a contribution towards its legal costs. However, before the request was submitted to Treasury Board, DIAND was advised by PCO that it would be inappropriate for one subject of an inquiry to provide funding to another. PCO also advised that the more appropriate approach would be to refer the request to the Commissioner who could fund the Band as an interested party.

5.10.5 Legal representation for the former
 Chief and council

The former Chief and Council, no longer the elected representatives of the Band, were in the same position as any of the other members of the Band. DIAND has no authority to provide funding for such purposes, notwithstanding the fact that Ron Derrickson and his council had been accused of wrongdoing during their tenure as elected representatives. This request was immediately referred to the Commissioner for consideration, but again, the Commissioner referred the request back to DIAND.

The question of funding for these two groups of participants had still not been resolved when the hearings began. As a result, the former Chief and Council were not represented during the first few days of evidence. When counsel did appear, his first involvement was by way of a submission to the Commissioner for

funding.(5) The previous day, the Commissioner and his counsel had been advised of PCO's comments regarding participant funding. This combination of events persuaded the Commissioner to change his mind. He subsequently agreed to make contributions to both groups.

Commissioners receive their funds from the Government of Canada. Funding for participants is a common component of a Commissioner's budget, and it is something which should be addressed by Commission Counsel at a very early stage in the proceedings. Failure to do so could result in delays; and a lack of access to legal representation could interfere with the rights of interested parties to procedural fairness.

5.11 Communications

The word "communication" could be used to describe most of the activities of the WLO since its purpose was, in a sense, to coordinate the flow of information to, from and through DIAND in relation to the Inquiry. Communication is the grease which keeps operations running - this included everything from staff meetings and media monitoring to the preparation of the daily hearing summaries. Excluding the flow of documents, which is described above, the communications activities will be described below and are categorized as "internal" or "external".

5.11.1 Internal

The WLO was the central clearing station for DIAND for all information relating to the Inquiry. The WLO was responsible for setting up departmental meetings and the preparation of Ministerial correspondence and briefing notes, on all aspects of the Inquiry. The LO attended most of the hearings and prepared daily summaries of the evidence.

Initially, it was intended that the LO would attend each day of the hearings, to monitor the proceedings and report back to the Associate Deputy Minister. This was not always possible, but she attended approximately two thirds of the hearings. The LO kept note of the significant aspects of the evidence and the emergence of new issues - procedural and evidentiary.

(5) This submission can be reviewed on pages 394 to 422 of the transcript for November 17, 1986. In essence, counsel submitted that the Commissioner's failure to provide for participant funding amounted to a breach of the rules of natural justice and the Charter of Rights, and was of such a serious nature it could invalidate the proceedings. Counsel stated that he would seek an injunction to prevent the hearings from going any further if the issue was not addressed.

There were several purposes for this monitoring:

- to provide immediate on-site assistance to departmental counsel;
- to provide immediate feedback to the Associate Deputy Minister and DIAND senior management;
- to ensure rapid responses to emerging issues or problems; and
- to identify any gaps or problems in the evidence as they arose and to initiate and facilitate the preparation of responses by the appropriate officers of DIAND.

Departmental counsel were private practitioners and had had little or no previous experience representing DIAND or the Federal government. It was, therefore, particularly important for the LO to attend the hearings and to provide support to counsel. The LO was able to provide immediate background information on emerging issues, or could quickly contact the appropriate DIAND official to obtain what was required. The LO was also better able to assess the likely impact of the evidence on the media and to take steps to prepare responses.

Daily summaries of the proceedings were prepared by the LO each day she attended the hearings, and were delivered to the Associate Deputy Minister within the next 1 or 2 days. Copies of the summaries were also distributed to DIAND senior managers, other interested DIAND officials and to the Minister's office. The transcripts themselves were generally not available for 5 to 10 days after the evidence was given, and were not an efficient means of communicating the essential aspects of the testimony.

This function was an important part of the work of the LO. It ensured the necessary form and level of support to departmental counsel, and the flow of current information to the Associate Deputy Minister.

5.11.2 External

The WLO played a significant role in communications with other federal departments and agencies. To a large extent, however, these were handled by the Associate Deputy Minister.

The WLO was the primary contact with the Commissioner's office until departmental counsel were retained. After that time, the WLO's main contact with the Commissioner's office was in response to requests for information. The WLO did not initiate contact with the other parties to the Inquiry, preferring to maintain a low profile. However, it provided assistance when it was requested.

Early in the project, it was decided that DIAND should monitor the public response to the Inquiry, as reported in the media.

This information would alert DIAND to any problems or misperceptions which would require a response or clarification by the Department.

Media monitoring services were arranged through DIAND's Communications Branch and were provided for the duration of the Inquiry. The monitoring covered local, regional and national press and broadcast media. The WLO prepared an analysis of the media coverage, which is attached as Appendix G. It appears that the Inquiry maintained a fairly low profile throughout.

In the first few weeks after Commission counsel began their work, it became obvious that a briefing session would be required to explain the structure, organization, mandate and history of DIAND. These issues could not be explained by supplying documents alone; and, it was important for the Commissioner and his counsel to have an understanding of the context in which the controversial transactions occurred. The first briefing session took place in November over a five-day period, and involved some of DIAND's most senior managers. A full month of preparation was required, and involved several program areas in B.C. and HQ.

The purpose of the briefing was to provide a comprehensive overview of DIAND from an historical perspective and to describe the current situation. It included: the financial framework of the Department - current and historical, the structure and organization, Indian land management issues, and a review of major policy issues. This information could not have been supplied to the Commissioner in any other way - most of it did not exist in an encapsulated form prior to this briefing.

This briefing session also functioned as a "dry run" for the hearings in December, when the same sort of information was presented for the record. Not only was this intended to reinforce the information the Commissioner had already received, but it served to raise the level of understanding among the other parties and the public.

A two day briefing session was held in HQ in June of 1987, dealing with the issues to be covered in Part IV of the Commissioner's terms of reference. During this session, DIAND reviewed its current policy initiatives which were relevant to the Inquiry. This also involved some of DIAND's most senior managers, as well as the individuals working directly on the details of the policies. Similar briefings were held in B.C..

These briefing sessions were very well received by the Commissioner and his counsel, and provided an efficient means of exposing them to an enormous volume of new information.

6.0 ANALYSIS AND CONCLUSIONS

This part of the report provides a comprehensive analysis of the management aspects of the Westbank Inquiry. The focus is on the performance of the WLO, and the extent to which this allowed DIAND to meet its obligations and objectives. However, there is also an analysis given of certain aspects of the Inquiry procedures and a discussion of their impacts on the WLO. These procedures influenced the way in which the Department participated in the process.

This section begins with a review of the policies and procedures of the Hall Commission, and is followed by the discussion of the performance of the WLO and DIAND.

6.1 The Procedures and Policies of the Hall Commission

This section analyzes the extent to which the Hall Commission followed the procedural requirements established by law.

6.1.1 The rule against bias

Shortly after the Inquiry was announced (June 26, 1986), the search for the Commissioner began. This was conducted primarily by the Department of Justice, in consultation with DIAND and PCO. The Commissioner was carefully selected to ensure that there would be no real or apparent bias. Mr. Hall is a lawyer who is respected by his peers, practises in the region where the Inquiry took place, and was selected for his competence and neutrality. At no time during the Inquiry was a concern raised about actual or apparent bias.

6.1.2 The "audi alteram partem" rule

(i) notice: The selection of the Commissioner was publicly announced on August 12, 1986, along with his terms of reference.

Formal public notice of the Inquiry was given on a number of occasions by the Government of Canada and by the Commissioner. The establishment of the Inquiry and the selection of the Commissioner were announced through press releases issued by the Government of Canada. The Commissioner placed ads in local newspapers setting out his terms of reference and advising of the times and places for the two organizational meetings.

The Commissioner's staff provided DIAND with written notice of the organizational meetings one week before the first meeting occurred. These meetings allowed interested parties the opportunity to identify themselves and their counsel. They did not deal with procedural issues, nor did they refer to the allegations or the issues to be addressed during the Inquiry.

Although there were numerous requests made by all counsel, the allegations were never identified during the Inquiry. Commission counsel refused even to state his concerns about the various transactions to be reviewed.

At no time during the Inquiry were procedures established to ensure reasonable notice of the schedule of hearings, the witnesses and documents to be produced, or the specific issues to be addressed.

(ii) disclosure: No procedures were put in place to provide disclosure of the evidence before the documents and witnesses were presented at the hearings. There were no procedures established to ensure reasonable time to respond to demands to produce documents or witnesses.

(iii) the right to be heard: For the most part, the hearings were conducted in the adversarial style common to court proceedings. All parties were entitled to be present and represented by counsel while the evidence was being adduced and to cross-examine witnesses. The participants were given the opportunity to present their cases and to call their witnesses, albeit within the limitations resulting from the problems with notice and disclosure.

There were, however, two policies adopted by the Commissioner which affected the rights of certain participants to be heard. During the introductory meetings between DIAND and the Commissioner, the issue of participant/intervenor funding was raised. The suggestion was made that the Commissioner establish a fund to ensure that interested parties could be represented by counsel. Instead, the Commissioner referred the two requests he had received to DIAND. DIAND was later advised by PCO that it would be inappropriate for one accused to fund another accused, and the Commissioner should establish his own fund. He eventually did so, but no meetings were held to discuss criteria for eligibility or quantum, nor were the criteria ever promulgated to the participants. One major group of participants (the lessees) was never represented by counsel.

The other policy adopted was that only original evidence would form part of the record. Consequently, all reports resulting from earlier investigations were excluded. This policy was also relied upon to deny the requests of certain counsel to subpoena the Members of Parliament who had publicly made allegations against DIAND and the former Chief. Instead, they were invited to appear if they had any original evidence relevant to the Inquiry, but they declined the invitation. Consequently, the individuals who had been accused of wrongdoing were denied the opportunity to face some of their accusers, to test the veracity of the case against them and to ensure that all relevant evidence was made known.

6.1.3 Reasonableness

The absence of standard procedures will not in itself deny fairness if actual notice and disclosure are reasonable in the circumstances. The objective is to ensure that affected persons have a fair opportunity to present their cases.

The lack of standard procedures resulted in Commission counsel taking an ad hoc approach to things like notice, disclosure and scheduling. The schedule of hearings was established from time to time in 2 to 3 week blocks. Counsel for the participants were consulted, but details were not always given of the witnesses to be called or the issues to be addressed. Consequently, the scheduling was based upon the availability of all counsel more often than on a rational assessment of the time required to prepare.

On several occasions, counsel were given little or no notice of the specific issues to be raised by Commission counsel during the day's hearing. Usually, counsel received their copies of the documents on the day they were to be tendered as evidence. The notice provisions of the Canada Evidence Act were never applied during the course of the Inquiry.

Demands were frequently made of DIAND to produce witnesses or documents with only a few days' notice, and the Department was not always advised of the issues which the witnesses would be expected to address. While the Canada Evidence Act does not provide for notice for demands for the production of documents, it is argued here that the notice should be reasonable in the circumstances. The 7 days required for tendering documentary evidence should be taken as the minimum requirement for reasonableness, unless all parties agree to a shorter period.

6.1.4 The Impacts on DIAND

The direct consequence of the failure to identify the allegations was that DIAND was unable to ascertain what it was defending itself against, and consequently was never sure if it had been able to establish an effective defense.

One of the consequences of the lack of standard procedures was that additional time had to be taken to deal with each procedural matter, and this was inefficient. Due to the pressure to complete the hearings as quickly as possible, procedural matters were raised by defense counsel only if they were considered to be particularly serious. Under these conditions, many issues fell by the way-side.

The ad hoc approach led to wide variations in the amount of notice given and the level of disclosure. When notice was inadequate, counsel and witnesses did not receive a fair opportunity to prepare. Preparations were made under pressure and without a sense of confidence that the right issues were being addressed. Counsel often had insufficient time to prepare

properly for cross-examination or to prepare evidence in rebuttal; and, from time to time, new issues were raised during cross-examination by Commission counsel without warning.

One of the greatest concerns to the WLO was the lack of procedures dealing with documents. Issues such as access by participants, notice to produce, and the protection of confidential, privileged or sensitive information were never dealt with in an organized, rational way. These issues did come up regularly, but they were handled in an ad hoc manner, and they were usually not addressed until the last minute.

6.1.5 Conclusions

There were a number of problems faced by the Commissioner and his staff which had direct effects on the participants to the Inquiry. The imposition of the June 30, 1987, deadline provided an insufficient amount of time to complete the Inquiry, in view of the volume of information and complexity of the issues. The Commissioner seemed intent on finishing as close to the deadline as possible and keeping his staff to a minimum. The resulting time pressure left Commission counsel without the luxury to collect and review the information and establish procedures before the hearings began. As a result, many procedural issues were left by the wayside. With only one associate counsel for the bulk of the Inquiry, Commission counsel had insufficient research capacity. These pressures no doubt led to the problems with notice and disclosure.

Throughout the Inquiry, Commission staff had difficulty understanding the different roles of DIAND and PCO. They appeared to view the two as indistinguishable parts of "the Federal Government". This was reflected in the demands made by the Commissioner's staff which were not appropriately made of an accused. There would have been more appropriate interaction between the Commissioner's staff and the WLO if PCO had clearly explained the differences at the outset and if the Commissioner had established an adequate research unit.

Admittedly, the Commissioner was given considerable flexibility in determining his own procedures. However, no standard procedures were established, nor were the existing legal requirements always met. As a result, the rights of the individuals who had been accused of wrongdoing were infringed. While this may not have affected the outcome of the Inquiry, by failing to meet the requirements for fairness, the Commissioner left himself vulnerable to a court challenge, and possibly a finding that his proceedings were a nullity.

The lack of procedures undermined the ability of the WLO to manage its operations, and its relations with the Commissioner's staff suffered. The ad hoc approach frequently forced the WLO into a state of crisis management.

If Commission counsel had met with counsel for the participants to discuss and establish procedures before the hearings began,

many of these problems would have been avoided. As the hearings progressed and the circumstances required changes, the procedures should only have been changed after discussions with all counsel had taken place and agreement had been reached.

The practical aspects of notice and disclosure should have been dealt with during the organizational meeting(s). Although Commission counsel and others were not immediately able to compile comprehensive lists of witnesses and documents, the procedures for the provision of such lists should have been established at that time. To the fullest extent possible, the parties should have been advised of the specific issues to be addressed, in order to identify and organize the witnesses and the documents they would be relying upon.

The nature and volume of the evidence will determine the amount of preparation time required and the likely duration of the hearings. These issues should have been discussed at the organizational meeting(s) to provide the Commissioner and his counsel with the information they required to assess the interests, needs and limitations of the parties. This information is required to manage the inquiry process effectively, and to ensure that the proceedings are fair and reasonable.

6.2 The Performance of the Liaison Office

This part of the report will address the successes and failures of the WLO. In large part, they determined the degree to which DIAND fulfilled its responsibilities as a subject of the Inquiry, and achieved its objectives. The analysis covers each group of tasks of the WLO. However, the emphasis is on the records management function, because it represents the largest controllable budgetary expenditure and was one of the most important responsibilities.

6.2.1 Coordinating and Managing the Process

The responsibility for coordinating DIAND's response to the Inquiry was centralized in the WLO. A great deal of work was handled by various branches of the Department, as they prepared background material and conducted research to respond to demands for information on specific subjects. However, the WLO coordinated these activities and managed the overall response.

This centralized unit allowed DIAND to focus its efforts and to set up its operations more quickly than would have been possible if responsibility had been scattered throughout the Department. This approach allowed for greater consistency in the responses, and ensured the necessary follow-up to each demand. With staff working full-time to meet the demands of the Inquiry, each step was completed and the operations were set up with a minimum of disruption to the Department. The direct reporting line to the Associate Deputy Minister allowed for rapid decision-making,

allowed the WLO to respond quickly to emerging issues, and reduced the chances of miscommunication.

The WLO faced a specific set of logistical problems as a result of the volume and distribution of the documents. This necessitated the establishment of 2 geographically distant offices, and complicated the work of setting up the WLOIRS.

The range of the LO's responsibilities was sufficiently wide and demanding to justify additional personnel. Experienced administrative assistants should have been hired for both offices. This would have left the LO with more time to deal with the key operational and management concerns.

6.2.2 Records Management

The WLO became a specialized records management office for the duration of the Inquiry. It was responsible for collecting and organizing these documents, and providing the appropriate level of access. In order to protect the evidence, it was necessary to collect and secure the documents as soon as possible, to review and identify the protected information, and to establish procedures to ensure the material was released only to authorized individuals.

The measures taken to deal with Westbank material were significantly different from those normally implemented in departmental records management offices, due to the nature of the proceedings. One result of centralizing the responsibility for the documents was to ensure consistent treatment of the entire collection. The WLO worked closely with the security and records management staff, and consulted various federal departments and agencies to identify the security requirements. All of the WLO's systems and procedures were designed to ensure the proper level of protection and access.

In order to meet DIAND's needs for speed, accuracy and comprehensiveness in the search and retrieval function, the WLO developed WLOIRS. A detailed analysis of this system is provided in Appendix H.

The system selected provided the WLO with the most effective, efficient, and low cost approach to records management available at the time. It met all of the expressed requirements of DIAND and Commission counsel. The statistics demonstrate that WLOIRS performed at a considerably better level than a manual search method.

The main difficulty associated with WLOIRS was the amount of time required to set up. Due to inexperience, the WLO was unable to forecast its time requirements, and therefore was unable to temper the unrealistic expectations of the clients. However, WLOIRS was functioning within 4 months, and was being relied upon almost exclusively after 6 months - no longer than an enhanced manual approach would have taken. Unfortunately, the Inquiry schedule did not accommodate the preparation time required.

One major problem was the lack of government policies on the key issue of protection of information. This problem lingered for too long, due to the time it took for the appropriate departments to make their decisions. It then took several months to review all of DIAND's records to ensure the proper level of protection. Due to the confusion which had prevailed at the beginning of the Inquiry, there was very little tolerance for DIAND's desire to review its documents before releasing them, nor for the resulting delays. The unwise use of the word "screening", to describe the review period, contributed to this problem.

The comprehensive document review took 4 months to complete and required the involvement of several Federal departments. This process was essential to the fulfillment of DIAND's responsibilities to protect Crown and third party interests and to ensure it presented an effective defense. These requirements were not well understood by the parties. Due to the serious implications, the amount of time required, and the number of participants to coordinate, this task should have been given a higher priority.

The review of the records was not as well organized as might have been. Again, the time requirements were not well understood and there were no provisions built into the Inquiry procedures.

6.2.3 Support to Counsel

The WLO provided support to counsel in a variety of ways: organization and retrieval of documents, identification of witnesses, coordination of departmental research and preparation of briefings, and monitoring the hearings. The one task which was not fully met was the preparation of a comprehensive list of witnesses. However, over the course of the hearings, the LO played a major role in identifying witnesses and matching them to the issues and documentary evidence.

The main problem faced by DIAND in preparing its witnesses was the lack of adequate notice and disclosure. It was always difficult to deal with such situations because of the concern that resistance or delays (in order to prepare) would be interpreted as an attempt to cover something up. This was one of the accusations to which the department was particularly sensitive.

The WLO faced a number of problems in its relations with departmental counsel. Counsel were unfamiliar with government matters and did not fully understand the extent of the interconnections between the various transactions, nor the effects that inappropriate disclosures might have had on other government interests. This was particularly apparent from their failure to insist on proper Inquiry procedures for handling protected DIAND documents.

There were some difficulties with respect to the delivery of instructions to counsel. Counsel had been advised that the Director of Legal Services would be giving instructions.

However, the LO more frequently performed this function due to her constant involvement in the proceedings. Departmental counsel resisted this informal arrangement, and this affected their level of accountability. A clarification of the role of the LO would have ameliorated this problem.

Due to the lack of disclosure, and the absence of a comprehensive hearing schedule, it was impossible to assess the need for independent counsel and the likely costs. The initial \$10,000 limit was quickly exceeded and the costs accumulated steadily.

6.2.4 Communications

The presence of a central coordinating unit, reporting directly to the Associate Deputy Minister, shortened the communication lines and increased the speed with which DIAND could respond to emerging issues. The WLO performed a range of communications functions, functioning as the Department's "switching station" for information about the Inquiry.

The attendance of the LO at the hearings allowed DIAND to quickly identify and deal with a number of problems with the evidence or with procedural matters. DIAND was thus able to successfully explain or contradict the adverse evidence of witnesses, to fill in gaps, and to ensure greater overall coherence and continuity of its own evidence. By maintaining an overall knowledge of the progress of the hearings, the LO was also able to anticipate many of the needs of departmental counsel and to initiate the preparation of material.

6.2.5 Expenditures

The operation of the WLO represented a significant expenditure of resources. The total expenditures, over a 16 month period, were \$1,081,743 and 17 Person Years (PYs). In the face of such costs, it is important to ensure that operations are as efficient as possible. This was one of the objectives of the WLO.

The most significant expenditures were for legal fees which used 44% of the total budget, and the records management function which used 29% of the funds and 82% of the PYs. The Operations and Maintenance costs represented 10% of the total, of which 50% (5% of total) was for travel and 28% (2.8% of total) was for transcripts.

The largest controllable expenditure was for WLOIRS. The LO selected the records management system on the basis of its capacity, low risk and availability. These considerations were balanced against cost. The cost/benefit comparisons of the available manual and automated systems indicate that the choice of WLOIRS was reasonable in the circumstances.

Wherever efficiencies could be achieved they were pursued, such as hiring data entry staff on contract rather than in term positions. However, many potential savings were lost because of insufficient information on matters such as scheduling. This

made it difficult to build in certain savings and to control certain expenditures

A number of adjustments to planned expenditures occurred in the first fiscal year. The allocation of funds to acquire the computer hardware and software, and the subsequent decision of another branch to purchase this equipment, provided the necessary flexibility. Budgeting in the 2nd fiscal year was easier, because the WLO had acquired experience in operating and it was moving into a stable organizational structure.

The operation of the WLO was an expensive exercise. However, the WLO took steps to realize efficiencies and savings wherever possible. In both fiscal years, the WLO was able to return a surplus to the Department.

6.2.6 Conclusions

The WLO fulfilled each of the responsibilities with which it was charged during the course of the Inquiry. Its systems, policies and procedures were designed to meet the demands of the Inquiry and to observe the applicable legal requirements.

Overall, the WLO effectively coordinated the Departmental activities associated with the Inquiry. The existence of a central coordinating unit enabled the department to focus on the requirements of the Inquiry and to pursue its objectives in the most efficient manner. Without such a unit, these efforts would have been scattered across several branches of the department with potentially disruptive effects on ongoing operations.

The records management function represented the most significant task of the WLO, in terms of total controllable expenditures. It was also significant in the extent to which it enabled DIAND to meet its obligations as an accused in the Inquiry. The most difficult logistical challenges were associated with this function, and it became the main source of contention between the parties.

Although there were a number of problems experienced by the WLO in performing its records management tasks, and in its relations with counsel, all of its responsibilities in these areas were successfully met.

The LO established and maintained effective internal communications, ensuring that the appropriate departmental officials were fully informed of issues as they arose, and of the progress of the hearings. External communications were maintained by the LO, departmental counsel and the Associate Deputy Minister.

6.3 DIAND's Role in the Westbank Inquiry

Throughout this Inquiry, DIAND had the status of an accused. As such, it was entitled to all of the rights and protections normally extended to an accused, and was subject to the constraints and requirements outlined in the relevant legislation and guidelines. However, DIAND faced additional constraints and obligations because it is a department of the Federal Government. To cooperate as fully as possible, and to be seen to be cooperating, may be good common sense and a good strategy in many instances, but it was also an obligation for this participant.

This section of the report analyzes the extent to which DIAND met its obligations as an accused and its objectives as a participant in the proceedings.

6.3.1 Disclosure of Information

DIAND was required to disclose all relevant Departmental records and information to the Commissioner and his counsel, in order to assist in the investigation.

DIAND established the WLO and WLOIRS specifically to ensure that it met this responsibility. During the course of the Inquiry, DIAND supplied in excess of 6,000 documents and many witnesses. In so doing, it provided virtually all of the information requested which was in its possession. Some of the most senior members of the department gave evidence at the hearings. Even where documents were protected by the Canada Evidence Act, they were released to Commission counsel when the protection was discretionary.

Conclusion:

DIAND met its responsibility to disclose all relevant material.

This obligation required DIAND to provide comprehensive, accurate and rapid responses to demands for DIAND documents.

WLOIRS was used in responding to 82% of all requests for information. DIAND was able to provide responses, on average, within 3 days from Vancouver and 5 to 6 days from HQ, once the search capacity was automated. If one accepts that the Canada Evidence Act requirements (for a minimum of 7 days notice) apply to demands for the production of documents, then DIAND's average response time was well within reasonable expectations for speed.

The WLO was able to provide a catalogue of all of DIAND's relevant documents, and was thus able to ensure comprehensive responses. The ability to produce lists of documents, organized by various means, enabled counsel to make better informed and more precise demands. In addition to the records in the data base, DIAND supplied substantial amounts of information during the hearings and during briefing sessions.

The accuracy of the searches was considerably higher than it would have been for a manual approach, or for an automated system based on files alone. Only .003% of all documents requested could not be found within 21 days of the request, once WLOIRS was on stream, and all of these documents were found before the hearings were concluded.

Conclusion:

DIAND achieved its objective of providing rapid, comprehensive and accurate responses to requests for information.

6.3.2 Protection of Crown and third party interests.

To a large extent this obligation was expressed in terms of protecting certain types of information in the possession of the Department.

The WLO worked closely with the appropriate federal departments and agencies to identify and clarify these obligations. It established systems and procedures which applied to every aspect of the records management function to ensure the appropriate levels of protection.

This responsibility was jeopardized at times, however, as a result of efforts to be cooperative with Commission counsel. The demands of Commission counsel forced DIAND to take risks with its documents before the document review was completed and automated security measures were operational. This was not in the best interests of DIAND or the Commissioner. The inappropriate release of information could cause harm in the long term, and in the short term could have triggered reactions which would have interrupted the Inquiry.

Conclusion:

Overall, DIAND fulfilled this obligation to protect Crown and third party interests by ensuring that protected information was not improperly released to unauthorized parties.

6.3.3 Cooperation with the Commissioner

The LO expressed this as "cooperation to the fullest extent possible, in a manner consistent with its status as an accused in the proceedings".

As stated above, a major aspect of the work of the WLO was to respond to the demands of the Commissioner. DIAND dedicated significant resources to ensure that this responsibility was met. All requests were fulfilled, and delays only occurred to ensure that its other obligations were also met. DIAND responded to a number of requests that were not appropriately made of an accused, and occasionally set aside its rights in order to cooperate.

Conclusion: This responsibility was met.

The related obligation was "to be seen to be cooperating". Several months into the Inquiry, it appeared as though DIAND had failed to meet this objective.

The use of the word "screening" to describe the document review process, the initial confusion regarding DIAND's responsibilities in relation to the release of information, and the delays to conduct the review, all contributed to an impression that DIAND was reluctant to release material to the Commissioner. This became apparent when the Commissioner threatened to subpoena certain privileged documents - an action which would have been public testament to DIAND's resistance or refusal to cooperate.

To a large extent, this problem resulted from factors beyond DIAND's control. However, DIAND and its counsel should have done more to ensure that the Commissioner understood the department's rights and obligations with respect to the protected documents.

Conclusion:

It cannot be said that this objective was successfully achieved, in spite of the efforts of the Department and its counsel.

6.3.4 Preparation of DIAND witnesses

Shortly after the Inquiry was announced, DIAND advised all potentially affected employees of the availability of legal advice. Legal advice was provided by departmental counsel or by independent counsel, as the circumstances warranted.

The WLO worked with departmental counsel to ensure that DIAND presented its best witnesses, in terms of their knowledge of the issues and transactions under review and their communications skills. These witnesses included some of DIAND's most senior officials. The WLO ensured that they had access to the records they might need, and steps were taken to mitigate the problems with notice and disclosure.

Conclusion:

This objective was achieved, to the extent possible in view of the problems with notice and disclosure.

6.3.5 Presenting DIAND's defense

The effective presentation of the Department's defense was related to the obligation to protect the Crown's interests. (The outcome of the Inquiry, one way or the other, would affect the reputation of the Federal Government.) It was also expressed as a Departmental objective. The existence of fair Inquiry procedures was seen by the WLO as an important condition to achieving this objective.

The lack of standard procedures, and the resulting ad hoc approach of Commission counsel, resulted in the imposition of unreasonable demands on several occasions. The failure of Commission counsel to give notice of the specific actions which allegedly constituted misconduct, to ensure reasonable

disclosure, and to ensure sufficient preparation time, amounted to a denial of fairness. These failings were largely beyond the control of DIAND, but departmental counsel failed to ensure that existing legal provisions were observed. It appears that this occurred because the responsibility to be cooperative was given greater priority. Fortunately, the Department was exonerated at the conclusion of the Inquiry.

The desired outcome of the Inquiry was that the role of the Department would be understood, generally and with respect to the specific transactions under review. Few of the participants had had exposure to Indian issues prior to these proceedings. However, the submissions of all counsel at the end of the hearings reflected considerable understanding of the role of the department and the circumstances surrounding each event at issue. The report of the Commissioner provides a good review of the history and development of Indian-Federal Government relations; it sets out the context of the events at issue, and details the current policy concerns and initiatives.

Conclusion:

Although there were difficulties with the Inquiry procedures, this objective was achieved. This was one of the most successful and important achievements of the Inquiry.

One of DIAND's related objectives was to present DIAND's defense in a low-key and non-confrontational manner. The Inquiry was completed and DIAND's defence was delivered without a deterioration in the department's relations with the other parties.

The media monitoring indicates that the Inquiry maintained a low public profile and received little attention other than in the local press. The Commissioner's report received little public attention when it was published, and it appears that the controversy has been defused.

Conclusion: This objective was achieved.

General Observations

The Commissioner's report was published in May of 1988, and the conclusion was that there was no evidence of impropriety or criminal conduct on the part of DIAND or the former Chief and Council. However, it did refer to problems within the Department and with the legislation that sets out DIAND's mandate. Mr. Hall made a number of recommendations for improvements with respect to both, in a manner that was positive and helpful. For these reasons, DIAND considered that the outcome of the Inquiry was successful - the department had been exonerated of wrongdoing, and the Commissioner had provided a number of very useful recommendations regarding its ongoing work.

It is not surprising that there were difficulties and that some objectives were not achieved. This resulted in large measure

from lack of experience, the absence of clear comprehensive guidelines, and the organizational difficulties of the Commissioner's office. Overall, DIAND considers the Inquiry to have been a success - both in terms of its own participation, and in terms of the outcome.

Public inquiries are not court proceedings, and they should not be bound by the same procedural requirements as courts. This would be counter to the aims of flexibility and expediency, which are two reasons for choosing this approach.

Public inquiries are usually expensive exercises, and it is a worthwhile objective to keep the costs to a minimum. However, short cuts in staffing, the inquiry procedures, and in the management of the process may prove to be false economies in the long run. The costs will rise if problems lead to court action to challenge the jurisdiction of the Commissioner. The Government will not achieve its objectives if a court finds that the proceedings are a nullity, nor will it benefit if one of its departments is unfairly found to be at fault.

7.0 RECOMMENDATIONS

The following recommendations are based upon the experiences of the WLO. They are aimed at other federal departments who may find themselves in similar circumstances, and at PCO which is responsible for the overall management of Part I inquiries. These recommendations reflect what has been learned during the course of the Westbank Inquiry, as a result of the successes and the failures.

These recommendations would be most applicable to inquiries dealing with allegations of misconduct. While each inquiry will be different, there are some basic requirements which should be met.

It is recommended that:

1. a **reporting deadline not be imposed** on the Commissioner arbitrarily. The Commissioner and his staff should be given an opportunity to assess their workload and consult with counsel for the participants before setting the reporting date. A 2 to 3 month period should be provided for such planning, with the Commissioner or his Executive Officer being required to report back to PCO on their financial and time requirements after that time.
2. if **the allegations** are not clearly set out in the terms of reference, Commission counsel be directed to identify them for other counsel before hearings begin, and to put them on the record at the outset.
3. the Commissioner or one of his counsel have **experience in administrative law**.
4. **introductory meetings** take place between PCO, the DOJ and the Commissioner and his staff soon after the appointment. During this meeting, PCO should clearly explain the roles of the parties, the rights and responsibilities of the Commissioner, the legal and procedural requirements, as well as budgetary and administrative matters.
5. a meeting take place between PCO, the DOJ and the accused department(s) soon after the inquiry is established, to advise the department(s) of the applicable legislation, policies and procedures, and the rights and responsibilities of a defendant in a public inquiry.
6. any **unresolved issues** regarding the rights and responsibilities of the parties be attended to immediately, with the full involvement of PCO, the DOJ, and other relevant departments or agencies.

7. the requirements of the **Privacy Act** be met at an early stage. An Order under S.8(2)(c) is recommended as the speediest means to provide departments with the necessary authorization to release information.
8. Commission counsel or the Executive Officer hold at least one **organizational meeting** to discuss the issues, allegations and procedures. The discussions should deal with matters such as notice, disclosure, document handling procedures, the needs and capacities of the parties, participant funding and scheduling.

At least 2 weeks notice of this meeting should be given, with a full explanation of its purpose.

9. **the Commissioner establish a research unit** with the capacity to provide an adequate level of in-house research support.
10. specific procedures be established to handle **protected information**.
11. **the schedule** provide adequate time to ensure that all parties receive a full opportunity to present their cases.
12. an **operations manual or set of procedural guidelines** be developed by PCO for use by the Commissioner's staff and defendant departments, covering all aspects of a public inquiry.

The following recommendations deal specifically with the role and participation of a (defendant) department. The demands of each inquiry will be different, and the department's response must be appropriate in the circumstances. Therefore, these recommendations are aimed at general, rather than specific concerns.

It is recommended that:

1. before committing the department to particular undertakings or systems, the time be taken to fully understand the purpose of the inquiry, the role of the department, and the rights, powers and obligations of each party.
2. the department **retain and instruct counsel as soon as possible**. Counsel from the DOJ would be preferable, due to their familiarity with federal government concerns. If private counsel are retained, they should be experienced in administrative law, preferably with prior experience in representing the government.
3. the department maintain **ongoing communications with PCO** regarding the department's role and participation.

4. **a coordinating unit be established** to be responsible for the department's participation. The centralization of these functions will result in more orderly, focussed activity and will reduce the disruption to the department's ongoing work. If the unit reports to the Deputy Minister or other appropriate senior executive, this will provide the necessary clout to ensure that departmental resources are made available quickly.
5. **the volume of documentation** and number of **potential witnesses** be identified as soon as possible. This will largely determine the department's workload and time requirements. Needless to say, this will be based to a large extent on the list of allegations and issues identified by Commission counsel.
6. the department firmly negotiate with Commission counsel to ensure that the **procedures and schedule for the hearings** provide a full opportunity to present its defense.
7. the coordinating unit immediately ensure **the security of the documents**, and establish procedures to provide the appropriate level of access to those entitled to receive the information.
8. departmental employees be advised as early as possible of the **availability of counsel**, and that they be encouraged to speak to departmental counsel first if they are approached by Commission counsel for information.
9. carefully select the **records management system**. Ensure it is based upon the clearly expressed needs of Commission counsel and the department. Whether the system is manual or automated, counsel will have to understand its capacities and limitations so that they do not impose unrealistic demands.
10. the **document review process** begin as soon as possible and involve PCO and the DOJ. Sufficient time must be built into the Inquiry schedule to allow the department to fulfill this responsibility.
11. the **coordinating officer** have a good knowledge of the issues, the affected branches of the department, and the department's administration and support services. The establishment of a **Core Group**, to handle the logistics of setting up the unit, is recommended.
12. **the role of the coordinating officer** be clearly defined. (S)he should work closely with the department's Legal Services unit throughout the inquiry, and responsibility for issuing instructions to counsel should be clearly and consistently assigned.

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9. Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982
10. The Inquiries Act R.S.C. 1970, Ch. I-13
11. The Privacy Act, S.C. 1980-81-82-83, Ch. III, Schedule II
12. "Provision of Legal Services to Public Servants" Treasury Board Circular No. 1983-52, Treasury Board, Canada, October 5, 1983 as amended by Decision of Treasury Board February 20, 1986.



PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by Her Excellency the Governor General on the 12th day of August, 1986.

WHEREAS certain matters associated with the Westbank Indian Band of Kelowna, British Columbia have been the subject of public controversy;

WHEREAS there have been allegations of impropriety on the part of officials of the Department of Indian Affairs and Northern Development (DIAND) and of Councillors of the Westbank Indian Band (Band) in connection with the affairs of the Band;

AND WHEREAS three reviews of these matters have been conducted and the resulting reports have been submitted to Ministers of Indian Affairs and Northern Development without resolving the concerns relating to these matters.

THEREFORE, the Committee of the Privy Council, on the recommendation of the Prime Minister, advise that a Commission do issue under Part I of the Inquiries Act and under the Great Seal of Canada appointing Mr. John E. Hall of Vancouver, British Columbia to be Commissioner to inquire into and report on the circumstances of, and factors contributing to, the above-mentioned controversy, allegations and concerns and, without limiting the generality of the foregoing, to inquire into and report upon

(1) the manner in which DIAND, in headquarters and in the regional and district offices, has carried out its responsibilities and functions in relation to the Band and to lessees and residents on reserves of the Band from 1975 to the present, particularly in relation to:

- the financial arrangements and transactions including Indian moneys, with the Band,
- the use of Band lands by Band members, lessees and other residents,
- the review by the Department of all by-laws made by the Band,

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Rcd - 08/18/86

Mr. King: addressing Mr. Walchi,

"... you have several trailer courts now that are privately owned and that are nearly in bankruptcy because of actions that, apparently, the department is condoning. ... a great many people who entered into contracts with the Crown are now being left out by the Crown, left hanging out to dry"

Mr. Greenaway: addressing Mr. Walchli,

"The books we have here indicate there is a good deal of money missing ... most of this money has disappeared since you have come (to B.C.)".

Private Members Business 15 April, 1986 Hansard
dealing with Mr. Greenaway's motion for production of documents.

"... there has been a well constructed plan to keep these papers from seeing the light of day ...

In 1982 members of the Standing Committee ... became aware of irregularities in funding and management of the Westbank Indian Band.

... I have recently come into possession of part of a secret internal document ... on transactions of the Westbank Band and the role played by DIAND. It is a sad tale of mismanagement of government funds, corruption, fraud, attempted murder, extortion and worst of all, a coverup by departmental officials up to the level of deputy minister The cover-up is still going on; even the present Minister openly admits it. ... we believe that the conduct of certain officials of the department has been at the worst corrupt, or at the very least, unacceptable. ... In this secret document, I have material in there that would just curl your hair, things that the department officials have allowed to happen and have concurred with. We do not know whether departmental officials have been taking bribes. We do not know whether they have been intimidated by someone

... /3.

The Department was required to observe these obligations and could not unnecessarily prejudice the interests of these individuals in its efforts to cooperate with the Commissioner and to defend itself. When the normal protections could not be maintained, the Department was required to minimize the potential risk to such interests and act in accordance with the letter and spirit of the law.

Consequently, the Liaison Office was expected to perform the following tasks:

- to ascertain the legal obligations of the Department relating to the release of departmental records during a public inquiry and to fulfill these obligations;
- to collect, organize and safeguard all departmental records associated with the Westbank Indian Band during the period from 1975 to the present, in a manner that is consistent with departmental practices, procedures and systems;
- to respond rapidly, accurately, and comprehensively to requests for information by the Commissioner, his counsel or any other party to the Inquiry;
- to identify sources of relevant information beyond the Westbank records collection and to make this material available, as requested; and
- to act as the central clearing point for the collection and distribution of all departmental information associated with the Westbank Inquiry.

2. Internal Communications

The Liaison Officer was required to monitor the progress of the Inquiry and to report back to the Associate Deputy Minister and relevant departmental officials, in Headquarters and B.C., on all matters.

The Liaison Officer was also required to:

- prepare briefing notes, summaries, departmental and Ministerial correspondence, and reports;
- coordinate the activities of departmental officials in preparing evidence, briefing material and briefing sessions;
- monitor the reaction to the Inquiry in the media and to report back to appropriate departmental officials; and
- monitor all Westbank-related issues within the Department and to advise the Associate Deputy Minister and counsel of any development likely to have a bearing on the issues before the Inquiry, and to advise departmental officials of the likely effects of the hearings on the day-to-day work of the Department.

The Committee further advises that

- (a) the Commissioner be authorized
 - (i) to adopt such procedures and methods as he may consider expedient for the proper conduct of the inquiry and to sit at such times and at such places within Canada as he may decide;
 - (ii) to engage the services of such staff and counsel as he may consider necessary or advisable, at such rates of remuneration and reimbursement as may be approved by the Treasury Board;
 - (iii) to engage the services of such experts and other persons as are referred to in section 11 of the Inquiries Act who shall receive such remuneration and reimbursement as may be approved by the Treasury Board;
 - (iv) to rent office space and facilities for the Commission's purposes in accordance with Treasury Board policy; and
- (b) The Commissioner be directed to submit a report to the Governor in Council embodying his findings, and recommendations on or before June 30, 1987, and to file with the Clerk of the Privy Council his papers and records as soon as reasonably may be after the conclusion of the inquiry.

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CLERK OF THE PRIVY COUNCIL - LE GREFFIER DU CONSEIL PRIVÉ

to determine whether these responsibilities and functions were carried out in accordance with law, established policy and generally accepted standards of competence and fairness;

- (2) the exercise of Band government from 1975 to the present, and in particular:
 - whether there has been abuse of office by chiefs or councillors of the Band,
 - whether there have been conflicts of interest on the part of chiefs or councillors of the Band and whether any conflict should or could have been avoided,
 - consider the impacts of these practices, if any, on the members of the Band and on lessees and other residents of the Westbank Indian Band reserves;
- (3) the activities of lessees and residents of Westbank Indian Band reserves in relation to the Band, the Band Council and Band members, and in particular:
 - whether these lessees and residents met their obligations to the Crown and to the Band,
 - whether the activities of these lessees and residents contributed to tensions and conflicts with the Band; and
- (4) to recommend any changes to the Indian Act relating to the management of lands, Indian moneys and by-laws, or to the policies or the procedures of DIAND in relation to the said matters, or any remedies to specific problems, that may seem appropriate having regard to the Government's established policy of supporting and strengthening Indian self-government on Indian lands.

Summary of allegations

Standing Committee on Indian Affairs & Northern Development
26 May, 1982. Hansard

Oberle: addressing Mr. Walchli,

"... the situation that many of us felt was peculiar to that part of the world (B.C.) the impression that there was something wrong with the administration of the Dept's affairs in British Columbia ...

I would like you to cast your mind to the so-called, as we call it, "Westbank caper" ... (referred to the \$300,000 contribution)

So here is an old Derricksan, obviously one of the favourite sons of paternalists in Vancouver.

... the money that is being paid to allow the band to buy into this incredibly lucrative enterprise would, of course, be used to retire the department's obligation in the first place.

If that is true and it coincides with the facts - or even if it is close - ... this is highly irregular - if not illegal in terms of the constraints of the Financial Administration Act... .

You have, no doubt, a bunch of favoured sons out there who have helped you out of all kinds of political problems by collaberating with you in this Regional forum ...

... this is only one horror story. If you want us, we could tell you more horror stories out of British Columbia ...

I am just telling you that the administration out there stinks".

... /2.

House of Commons Debates 6 June, 1986 Hansard

Greenaway:

"In 1982 ... I became aware of a very serious case of impropriety involving the B.C. Regional Office of (DIAND) and the Westbank Indian Band

... the chief of the Band, Ron Derrickson and his brother Noll, were involved in some very questionable transactions and were receiving large amounts of money through the B.C. Regional Office We wanted more information to determine if the Department was acting in an irresponsible manner and if, indeed, brothers Ron and Noll Derrickson were ... favourite sons of B.C. Regional Director General Fred Walchli ... "

King:

"... the breaking of such guarantees as 'the peaceful enjoyment of the occupancy' are not just casually accepted by persons acting on behalf of the Crown, but in numerous cases are actually aided and abetted by departmental action or inaction. Is it any wonder that people cry foul and suspect cover-up, conspiracy, collusion and worse. ... situations which various inquiries have identified as immoral, illegal and which have been described in other equally damaging terms."



LEGAL REQUIREMENTS FOR PUBLIC INQUIRIES

There are a number of pieces of legislation which set out some of the procedural requirements for public inquiries. These are: The Inquiries Act RSC 1970, The Canada Evidence Act RSC 1970, and certain provisions of the Privacy Act. The relevant clauses are reproduced at the end of this appendix.

There is also a considerable body of judicial opinion - known as Administrative law - which deals specifically with the procedural requirements of administrative tribunals, of which public inquiries are one type.

The Inquiries Act RSC (1970) c. 154

Parts I and III of this Act set out the relevant provisions. This legislation authorizes the establishment of federal public inquiries and sets out the commissioners' powers (sections 2 and 3). Commissioners have the power to summon witnesses to testify under oath, and to compel the production of documents (sections 4 and 5).

This Act also provides that investigated persons may be represented by counsel (s.12) and prohibits the Commissioner from publishing adverse findings against any person without first providing reasonable notice of the charge of misconduct and a full opportunity to be heard (s.13).

The Inquiries Act does not set any procedural guidelines or limits for commissioners except to the extent that it acknowledges the right of affected parties to be given reasonable notice (of possible adverse findings), to be represented by counsel, and to be heard in their own defense.

The Canada Evidence Act R.S.C. 1970 Ch. E-10

This statute sets out the rules and procedures to be followed when dealing with evidence during certain legal proceedings, including public inquiries (see section 2). It sets out, among other things, who is a competent and compellable witness, the manner in which evidence is to be submitted, the type of evidence which can be tendered, and which documents are exempted or protected from the commissioner's power to compel production.

The provisions dealing with documentary evidence are set out in sections 19 - 36.3. Sections 28(2) and 30(7) state that a minimum of 7 days notice must be given of a party's intention to produce a document as evidence against another person, and the document must be made available for inspection within 5 days of the notice. The types of documents which are not admissible, and therefore not compellable by the Commissioner, are described in Section 30(10) and sections 36.1 - 36.3.

The Privacy Act states:

- S.8(1) personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.
- (2) ... personal information ... may be disclosed
- c) for the purpose of complying with a subpoena or warrant issued, or order made by a court, person or body with jurisdiction to compel the production of information ...
 - e) to an investigative body specified in the regulations, on the written request of the body, for the purpose of ... carrying out a lawful investigation ...
 - (m) for any purpose where, in the opinion of the head of the institution
 - i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure ...
- (4) The head of a government institution shall retain a copy of every request received by the government institution under paragraph (2)e) ... and shall make copies available to the Privacy Commissioner
- (5) The head of a government institution shall notify the Privacy Commissioner in writing of any disclosure under (2)(m), prior to disclosure ... or forthwith upon the disclosure, and the Privacy Commissioner may notify the individual to whom the information relates.
- S.77 (1) The Governor-in-Council may make regulations
- (d) specifying investigative bodies for the purposes of paragraph 8(2)e)...

Administrative Law

Administrative law deals specifically with the procedural requirements of administrative tribunals, of which public inquiries are one type. This body of law deals with the interpretation and application of the rules of natural justice.

The case law covering the past eighty years reflects wide swings in judicial opinion regarding the applicability of the rules of natural justice and procedural fairness to administrative or executive functions. Initially, these rules were deemed to apply to all executive acts or decisions, but the courts later held that this was only so if the decision-maker fulfilled a quasi-judicial function. (It has not been easy to establish a

clear definition for this function, but the concept was applied by the courts in a manner which greatly restricted the applicability of these rules.) During the past decade, Canadian courts have been moving away from this view and have held that all administrative or executive actions are bound by the duty to be fair. Consequently, the characterization of the function as quasi-judicial or administrative has become less important.

A number of factors will be considered in determining if a proceeding is quasi-judicial:

1. the seriousness of the allegations, and the possibility that criminal charges may result;
2. whether or not the Commissioner is expected to make findings of fact and apply established legal principles;
3. whether or not the inquiry is expected to resolve outstanding disputes;
4. whether or not the subject matter of the inquiry substantially affects the interests of individuals.
eg. if the Commissioner's findings and recommendations will affect the reputations or careers of the parties.

There are two fundamental rules of natural justice. These rules also form the basis for the requirements of procedural fairness:

- 1) The rule against bias in the tribunal or decision-maker;
and
- 2) The rule that a person must know the case being made against him and be given an opportunity to answer it (the "audi alteram partem" rule).

1. Bias:

The essential aspect of this rule is that persons who have a personal interest in the outcome of the proceeding should not be in a position to determine the outcome. It is not necessary to demonstrate an actual bias in order to disqualify a Commissioner or nullify the proceedings; it is sufficient if there is a reasonable apprehension of bias. The existence of a pecuniary interest will automatically be seen as bias.

2. The "audi alteram partem" rule contains three basic elements:

a) Notice:

Affected persons are entitled to reasonable notice of the proceedings and of the issues and allegations to be addressed. The specific circumstances will determine if the notice given is reasonable, but the objective is to ensure that the affected person has sufficient opportunity to provide a full answer and defense. (This rule is embodied in S.13 of the Inquiries Act.)

Notice also should be given of the procedures and policies to be adopted by the Commissioner. An inquiry cannot be fair if the affected persons are not aware of the rules of the proceedings, or if these rules change without notice.

b) Disclosure:

In order to effectively present a defense, the affected person must be aware of the case to be met. This requires clear and unambiguous disclosure of the nature of the evidence which will be presented during the inquiry. These disclosures should be made by Commission counsel at the beginning of the proceedings, to the fullest extent possible. If new evidence becomes available and new issues emerge during the course of the inquiry, which will substantially affect the interests of the parties, the information should be disclosed as soon as possible. (This rule is embodied in S.28 and S.30(7) of the Canada Evidence Act.)

c) The Right to be Heard:

With many types of administrative functions, it is not necessary to hold an oral hearing. Representations can be obtained from the interested parties in writing. This is also true for public inquiries, either in whole or in part.

However, where the issues are serious and allegations of wrongdoing have been made, an oral hearing would most likely be required. In such a case, the right to be heard entitles parties to be present when evidence is being given which is against their interests, and to respond to that evidence either in person or through counsel. (This rule is also embodied in S.13 of the Inquiries Act.)

The right to be heard includes the right to question or cross-examine those who are adverse in interest, particularly where there have been allegations of wrongdoing.

Generally, the expectation is that the procedures will ensure that all parties will be treated equally and that they will be given a reasonable opportunity to consider and prepare their cases. If any differences are to be built in, it should be recognized that the rights of persons who are accused of wrongdoing are to be given higher priority.

Intervenor or Participant Funding:

Intervenor funding is related to the right to be heard. It is not uncommon for public inquiries to provide intervenor or participant funding for parties who have legitimate and substantial interests in the outcome, but do not have the means to pay for legal representation or participate in the proceedings. The funds are provided to the Commissioner as a component of his budget. As with other aspects of his budget,

the quantum is subject to the approval of Treasury Board. However, the Commissioner establishes the criteria for the use of these funds and his office retains administrative responsibility.

Reasonableness:

The reasonableness of the notice and the procedures will be measured in relation to their effects on the parties. This can only be determined by discussing with the participants their needs and limitations. The Canada Evidence Act provides some indication of what minimum notice would be with respect to certain hearing procedures.

LEGISLATION

The Inquiries Act RSC (1970) c. 154

- S.2 The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. 154, s.2.
- S.3 Where an inquiry as described in section 2 is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c.154, s.3.
- S.4 The commissioners have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. 154, s.4.
- S.5 The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. 154, s.5.
- S.11 (1) The commissioners, whether appointed under Part I or under Part II, if thereunto authorized by the commission issued in the case, may engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as they deem necessary or advisable, and also the services of counsel to aid and assist the commissioners in the inquiry.
- (2) The commissioners may authorize and depute any such accountants, engineers, technical advisers, or other experts, or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.
- (3) The persons so deputed, when authorized by order in council, have the same powers that the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

(4) The persons so deputed shall report the evidence and their findings, if any, thereon to the commissioners. R.S., c. 154, s.11.

S.12 The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of such investigation, to be represented by counsel. R.S., c. 154, s.12.

S.13 No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him and he has been allowed full opportunity to be heard in person or by counsel. R.S., c. 154, s.13.

(It should be noted that this Act does not specifically provide commissioners with the powers of search and seizure.)

The Canada Evidence Act R.S.C. 1970 Ch. E-10

S.28(1) no copy of any book or document shall be received in evidence, upon any trial, unless the party intending to produce... has given the party against whom it is to be produced reasonable notice before the trial.

(2) reasonableness of the notice shall be determined by the court (judge or other person presiding) but notice shall not be less than seven days.

S.30(7) Unless the court orders otherwise, no record or affidavit shall be received in evidence under this section unless the party producing the record or affidavit has, at least 7 days before its production, given notice of his intention to produce it to each other party to the legal proceeding and has, within 5 days after receiving any notice in that behalf given by any such party, produced it for inspection by such party.

(10) nothing in this section renders admissable in any legal proceeding

a) such part of any record as is proved to be

i) a record made in the course of an investigation or inquiry

ii) a record made in the course of obtaining or giving legal advice or in contemplation of a legal proceeding

iii) a record... (in) which any privilege exists and is claimed.

- b) any record the production of which would be
contrary to public policy

S.36.1 This section sets out the types of government
to information which are protected from the power to compel
S.36.3 production, and the procedures by which the Government
of Canada is to make its objections. It includes the
following types of information:

- information which is not in the public interest to
release (there must be a specific public interest
at stake)
- information which, if released, could cause injury
to Canada's international relations, national
defense or security, and
- Cabinet confidences (The Minister or clerk of the
Privy Council must issue a certificate with respect
to the piece of information to be protected).

S.37 Provincial laws of evidence apply, subject to this and
other Acts of the Parliament of Canada.

TERMS OF REFERENCE FOR THE WESTBANK LIAISON OFFICE

Background

On June 26, 1986, the Government of Canada announced a public inquiry, under Part I of the Inquiries Act, and a Commissioner was appointed to investigate a number of serious allegations which had been made against the Department of Indian and Northern Affairs and the Council of the Westbank Indian Band. The allegations ranged from maladministration to criminal conduct, and they related to a wide range of transactions between the Department, the Band Council, the residents of the Westbank reserve lands, and other third parties. The Department was also accused of attempting a cover up.

The Commissioner was directed to investigate the following areas of concern:

- the manner in which the Department has carried out its responsibilities and functions in relation to the Band, lessees and residents of Westbank reserve lands, with particular focus on financial transactions, the use of Band lands and the review of Band by-laws;
- the exercise of Band government, with a focus on possible abuses of office, conflicts of interest, and their effects on other Band members, lessees and residents;
- the degree to which the actions of lessees and residents have met their obligations to the Crown and the Band, and whether their activities have contributed to the conflicts in the Band; and
- to recommend changes to the Indian Act relating to the management of lands, Indian monies and by-laws, or to the policies or procedures of the Department;

for the period between 1975 and August, 1986.

The Department, as a subject of this Inquiry, had to be prepared to respond fully and accurately to the Commissioner's investigation. The responses had to be prepared and delivered as promptly as possible in order to facilitate the Commissioner's deliberations. The Department was required to cooperate with the Commissioner to the fullest extent possible, and must be seen to be cooperating. Nevertheless, the Department was required to continue to meet its responsibilities to protect the interests of the Crown and of those third parties with whom it maintains a fiduciary relationship.

In order to meet these demands, the Department established a Liaison Office to be headed by a Liaison Officer, to attend to all Departmental matters associated with this Inquiry.

The Role of the Liaison Officer

The Liaison Officer was responsible for coordinating the Department's response to the Inquiry. This included the following areas of concern:

1. to ascertain the rights and responsibilities of the Department as a subject of a public inquiry and to establish the capacity to protect these rights and fulfill these obligations;
2. to establish and manage an office to be called the Liaison Office - Westbank Inquiry in order to administer and execute the responsibilities of the Department in relation to this Inquiry;
3. to establish and maintain effective communications within the Department, with the Commissioner and his office, with departmental counsel, and with other parties associated with the Inquiry; and
4. to provide support to departmental counsel, and coordinate the Department's activities relating to the provision of independent legal advice to departmental witnesses.

The Tasks of the Liaison Office

The primary role of the Liaison Office was to ensure the effective flow of information to and from the Department, the Commissioner, and other parties to the Inquiry. This included the performance of the following tasks:

1. information and records management;
2. internal (departmental) communications;
3. identification and preparation of witnesses; and
4. support to departmental counsel.

1. Information and Records Management

The Liaison Office ensured ready access to all departmental records and information relating to the Westbank Inquiry. However, the Department is subject to a number of constraints when releasing information, and these constraints had to be properly observed.

The matters reviewed by the Commissioner involved a number of individuals, directly or indirectly in their public and/or private capacities. Many of these individuals are Band members or members of the public. During the normal course of business, the Department has obtained information about these individuals which it is obliged to protect in usual circumstances.

3. Witnesses

The Liaison Officer was required to:

- assist departmental counsel to identify and contact appropriate departmental witnesses; and
- provide potential witnesses with information on the progress of the Inquiry, and to ensure that they have access to all relevant information on the issues on which they will be giving evidence.

4. Support to Departmental Counsel

The Liaison Office provided research and coordination support to departmental counsel throughout the Inquiry. While departmental counsel had ready access to the Associate Deputy Minister and General Counsel when required, the Liaison Officer was the primary contact person within the Department. Consequently, the Liaison Officer was expected to:

- work closely with departmental counsel to facilitate their access to all relevant departmental records, employees, and information; assist DIAND's General Counsel and the Associate Deputy Minister in preparing instructions to counsel, and clarifying those instructions from time to time, as required;
- attend the hearings as necessary and assist counsel in identifying the emergence of significant issues;
- communicate to departmental counsel the concerns of the Department and other federal departments and agencies relating to the substantive and procedural issues, and assist counsel in addressing these concerns;
- develop practices and procedures for the Liaison Office to protect the rights and to satisfy the obligations of the Department as the subject of a public inquiry;
- work with DIAND's General Counsel and the Associate Deputy Minister to establish the criteria and procedures for providing independent legal advice to departmental employees who may be called upon to give evidence during the Inquiry, to advise employees of these criteria and procedures, and to facilitate their applications for independent legal advice; and
- ensure the proper taxation and timely payment of all legal bills payable by the Department in relation to the Inquiry.

Within this context, the Liaison Officer was expected to establish and maintain good working relations with the appropriate central agencies and departments of the federal government, such as the Privy Council Office, the Department of Justice, and the offices of the Access to Information and Privacy Commissioners, to discuss and resolve issues as they arose.

THE STRUCTURE, ORGANIZATION AND ADMINISTRATION OF
THE LIAISON OFFICE - WESTBANK INQUIRY

Introduction

This Appendix deals with the administrative aspects of setting up and operating the Liaison Office-Westbank Inquiry (WLO). It outlines each of the items considered in establishing this new and temporary unit, and the steps taken. For example, descriptions are given of the personnel and budgetary requirements and the security measures adopted. It describes the approaches taken to logistical and organizational problems, such as the establishment of the Core Group and the implementation of the Westbank Liaison Office Information Retrieval System (WLOIRS). It also provides an accounting of the use of departmental resources for the operation of the two offices.

It is hoped that this information will be useful to others who are given responsibility for responding to a public inquiry on behalf of a department of the Government of Canada. The demands of each inquiry will be different, so it is not recommended that the procedures and systems established by the WLO be replicated. However, the information provided here regarding components, time requirements, costs and capacities can provide a starting point for planning such a unit.

1. THE CORE GROUP

The "Core Group" was suggested by the Director of Support Services as a means to coordinate the work of setting up the Liaison Office (WLO). It was initially comprised of the Director of Support Services, the Chief of Information Resources, the Research Coordinator and the Liaison Officer. As the work progressed and the requirements became better understood, representatives from Personnel, the Access to Information and Privacy (A.T.I.P.) Secretariat, and the Electronic Data Processing (E.D.P.) Systems and Operations division were added. The meetings invariably dealt with the following issues: accommodation, records management, security, personnel and staffing, computer hardware and software, work schedules, and the logistics of handling two collections of documents located 3,500 miles apart.

The purpose of this group was to facilitate the establishment of the WLO, to ensure that it became fully operational as quickly as possible, and to clearly designate the contact people within DIAND who would provide operational and technical support throughout the Inquiry.

The Core Group met frequently on an ad hoc basis for a 3 month period - from August until the end of October, 1986. The LO continued to meet with all members of the Core Group individually, on matters of particular concern to them. However, the Core Group meetings ensured that the individual efforts were focussed and remained on track throughout the setting-up period, and that all relevant support sectors were fully informed of the needs of the WLO. These meetings also ensured that WLO systems, practises and procedures were consistent with those of the rest of the Department.

Within this three month period, all of the major decisions were made regarding systems, procedures, and staffing, and they were well on their way to being fully implemented. Consequently, there was no ongoing need for such closely coordinated action. When the Liaison Office later required support in these areas from the Department, it could depend on the advice of people who were fully informed of the operations of the WLO.

2. PERSONNEL REQUIREMENTS

At the time the Inquiry was established (August 12, 1986), the Department had no in-house expertise in dealing with public inquiries. The obligations and expectations of the Department as an accused in the Inquiry were not well understood. Consequently, it was difficult at first to define the tasks that the WLO would be expected to perform.

The Terms of Reference for the Commissioner required him to report his findings by June 30, 1987, thus imposing fairly stringent deadlines on the Commissioner and the Department. If the report were to be ready by June 30, it was estimated that the hearings would have to be completed by the end of February or March of 1987. This gave the Department very little time to set up the WLO, organize the documents and prepare its defense.

In the absence of direct experience, recruiting for WLO staff was based on the best guesses of those who had worked in areas which related to the components of the Terms of Reference for the WLO, e.g. Records Management, EDP and computer applications, and the Access to Information and Privacy Acts. These "best guesses" developed from extensive consultations within the first few weeks after the Inquiry was announced.

One of the objectives of the LO was to operate with maximum effectiveness while keeping the number of staff to a minimum, so the emphasis was on recruiting the right combination of skills. However, this had to be balanced against the need to maintain flexibility, due to the lack of clear expectations.

The budget could not be approved until the required number of person years and salaries were identified. However, the new staff could not be hired until the budget was approved and allocated, so both tasks were pursued simultaneously. The speed with which these functions were carried out was directly related to the level of support provided by the Associate Deputy Minister and the Core Group.

The Personnel function was further complicated by the need for two geographically distant offices which maintained similar, but not identical, operations. This led to the development of "shuttle management" which was necessary throughout the Inquiry.

The operations of the WLO were constantly changing - with movement to each new phase occurring rapidly. These factors, combined with unclear and constantly changing demands as the Inquiry progressed, contributed to a very stressful working environment.

Chronology of Staffing Actions

Setting up the Office:

The first employee was the **secretary** to the Liaison Office (**SCY-03**) who was seconded from another office within the Department. During the first few weeks, there were an extraordinary number of telephone calls relating to the Inquiry and the issues it dealt with, so it became necessary quite early to hire an additional support staff (**CR-03**) to handle **reception and clerical** duties.

The Records Management Function:

The most obvious task of the WLO was the management of the relevant departmental records. The Terms of Reference for the Commissioner covered a twelve year period - 1975 to 1986 - and the volume of relevant Departmental records was enormous. The managers of the Central Records office immediately became involved in an advisory capacity and provided direction to this work. Their advice was necessary to understand the magnitude and the nature of the job, and to properly identify the type of skills and number of staff required.

The possibility of automating the records management function was an early topic of discussion. Fortunately, the department had recently completed a similar exercise and the members of that group were available to provide advice. The person who had supervised the development of that automated system became the **Research Coordinator (LS-03)**.

The experience and skills of the Research Coordinator enabled her to bridge the communication gap between the EDP unit, the Central Records unit, and the WLO. She was able to translate the essential information about various systems options for the user (the WLO), and to interpret the needs of the WLO to the specialists. This minimized misunderstanding and facilitated the decision-making process.

The selection of the information management system was based on the expressed needs of Commission counsel, and was balanced by the financial capacity and constraints on the Department (as assessed by the Associate Deputy Minister). The decision to automate was made in mid-September and steps were taken immediately to staff the positions.

The type and capacity of the system determined the skills and number of employees required to complete this portion of the project. Conversion of departmental records to an automated data base requires **document indexers (SI-01)** and data entry staff or **"DaCons"**. (The Dacons were required to have experience with Hewlett-Packard equipment.) The hardware had its own specific limitations on the volume of data that could be entered simultaneously. Other factors influenced the number of staff hired, such as the deadlines for completion of the system/data

base, and the availability of work space for new, short-term employees.

The Central Records advisors provided the WLO with an estimate of the volume of documents to be converted. The Research Coordinator provided the estimate for the capacity of the indexers (80-100 documents indexed per day). On the basis of these estimates, and the other limitations, it was determined that a minimum of 12 indexers and 12 dacons should be hired.

Personnel Services advised immediately that the Department did not have enough experienced people on staff. Consequently, new positions were created, job descriptions were prepared by the Research Coordinator and classified by Personnel, and the staffing actions were expedited by the Public Service Commission.

The documents were located in Headquarters (Hull, Québec) and in the B.C. Regional Office (Vancouver), in disproportionate amounts. Consequently, 8 indexers were required for Vancouver and 4 for Hull. An additional 4 indexers were hired for the Vancouver office when more accurate estimates were available for the volume of documents and the productivity of the indexers.

All of the data entry took place at HQ. It was performed by agency personnel pursuant to a standing offer contract with the Department. This approach was chosen for a number of reasons:

- the varied nature of the documents resulted in an erratic ebb and flow of indexing, and it was difficult to estimate the need for data entry personnel from week to week;
- the data entry was completed faster than the indexing, so indexing backlogs had to be created from time to time to keep the Dacons fully occupied throughout each day;
- the standing offer contract allowed greater flexibility for staffing on a week by week basis, and
- the total cost was lower.

The indexers were supervised by **Authorities Specialists (SI-02)** in both locations, and by the Research Coordinator when she was on site. The **File Maintenance Clerk (CR-04)** trained and supervised the Dacons, maintained the (data entry) standards and integrity of the data base, and provided technical support to the Research Coordinator.

Even with a fully automated data base, it was necessary to maintain a manual filing system to house the documents, and to maintain the integrity of the Department's record classification system. This was handled by a **Records Supervisor (CR-04)** and a **File Clerk (CR-02)**, for each office (Vancouver and Hull).

The staffing requirements were identified over a period of 4 weeks, and the staffing actions took place during the following 4 weeks. Virtually all staff were in place within 2 months from the date the WLO first opened. This represents a very short start-up period in terms of staffing, and is due in part to the fact that the WLO was staffed almost entirely by term employees. Normal staffing procedures for permanent positions can take from 3 to 6 months to complete.

Once the automated data base was established, staff requirements dropped significantly. The organizational structure set out in organization chart #3 represents the WLO as it existed from March until the hearings concluded in September 1987.

The WLO substantially reduced its operations on September 30, 1987, once the hearings were ended. However, the LO and secretary continued to handle all matters related to the Inquiry until the Commissioner filed his report.

Note: It should be clarified at this point that the WLO received an enormous amount of support from various other parts of the Department, throughout the Inquiry. It would not have been possible to function effectively without such cooperation.

Summary of Personnel Requirements:

1 August, 1986 - 31 March, 1987

<u>HQ</u>	<u>B.C.</u>
LS-03	SI-02
SI-02	SI-01 (12)
SI-01 (4)	CR-04
SCY-03	SCY-02
CR-04 (2)	CR-02
CR-03	
CR-02	
DaCons (up to 13, on contract)	

Total PYs:	5.75	+	6.34	=	12.09
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1 April, 1987 - 31 March, 1988

<u>HQ</u>	<u>B.C.</u>
LS-03	SI-02
SI-02	CR-04
SCY-03	SCY-02
CR-04 (2)	CR-02
CR-03	
CR-02	
DaCon (on contract)	

Total PYs:	3.5	+	1.34	=	4.84
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Grand total:	9.25	+	7.68	=	16.93	Person Years
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3. ELECTRONIC DATA PROCESSING AND SYSTEMS

The records management and information retrieval function was the most significant component of this project, in terms of human and financial resource requirements and logistical complexity. It was also one of the main activities by which the Department's level of cooperation would be measured by the Commissioner. Consequently, it was critical that the WLO establish the capacity to perform this function effectively. Effectiveness was defined in terms of the speed, comprehensiveness and accuracy of the responses to requests for records. It was also necessary to provide the user with a catalogue of available records from which to make selections.

The selection of the system to support this function had to be based upon the clearest possible understanding of the needs of Commission counsel, and of the capacity of the system itself to accommodate the volume of records and search variations.

At first, it was assumed that the hearings would have to be completed by the end of February in order to meet the Commissioner's deadline. Regardless of the approach (manual vs. automated), the records would have to be organized and fully accessible within 2 - 3 months after being collected by the WLO. With such tight time requirements, and in view of the critical nature of this function, the WLO needed a low risk systems solution.

Consultations took place between the WLO and Commission Counsel in September, 1986, to identify his requirements and his expectations for access to Departmental records. These meetings were also used to outline for him the characteristics and capacities of manual and automated approaches to information retrieval. It was clear from these discussions that the Department would be expected to produce specific documents - not merely subject files - on any transaction or issue relating to the Westbank Indian Band during the 12 year period in question. A full description of the required record may not be available to the WLO but the Department would be expected to retrieve and produce it quickly. On the basis of these expressed needs, it appeared that an automated system would be the most effective.

Initially, before the volume of documents was known, it was proposed that this function could be accommodated with 2 micro computers - one for data entry and the other for searching the data base. The micros had hard disc storage with 20 - 30 megabyte capacity (i.e. 200 - 300,000 characters), and were available within the Department, at that time.

The volume of documents was later estimated at 100,000, of which 60,000 were expected to be originals. Each document would produce a record in the data base which could be up to 1,000 characters. This significantly exceeded the capacity of the microcomputers.* The EDP representative to the Core Group then compiled detailed information on the hardware and software options which would meet these needs. (That report is attached.) It takes into consideration the compatibility and capacity of the hardware and software, the availability of components and support, the costs, and the risks. It also takes into account the degree to which each option could be integrated into the Department's computer network.**

These options were narrowed down to two, and were forwarded to the Associate Deputy Minister for his decision. The HP3000 series 42 was selected as the hardware, along with the Minisis software. This was considered to be the lowest risk solution for a number of reasons. The series 42 had adequate storage capacity for the data base, and it was consistent with the Department's conversion to Hewlett-Packard equipment. This allowed the WLO to take advantage of existing arrangements for support and maintenance. The required number of HP terminals and other equipment were available within the Department, the supplier would ensure speedy delivery, and this solution would provide benefits to the Department beyond the conclusion of the Inquiry.

Minisis software was selected because it was compatible with the hardware. Although it was not the most up-to-date and efficient software, it had demonstrated its reliability and capacity over a number of years.*** The Research Coordinator was familiar with its capacities, it possessed all of the desired features and could be quickly and easily adapted to meet the specific requirements of the WLO.

* Since that time, technological advances have increased the capacity of micros to 80 megabytes.

** During the latter 6 months of 1986, the Department replaced its Motorola system with Hewlett-Packard equipment - in H.Q. and in every Region.

*** The Research Coordinator contacted four organizations (Justice, Energy, Mines & Resources, Public Archives and the International Development Research Centre) to inquire about the capacity and reliability of Minisis.

The Hardware

The computer hardware components are listed at the end of this section.

The cost of acquiring the new components for this project was approximately \$235,000. Of this amount, \$228,000 came from the budget of the EDP branch, and the remaining \$7,000 was drawn from the WLO budget. The hardware and software were used by the Department for subsequent projects and represent an ongoing benefit. There is an attributed lifetime of 5 years for the hardware. The proportion of depreciation attributable to the WLO is approximately \$35,000.

The various hardware components required ongoing maintenance and support. This was arranged by amending the support contract with Hewlett-Packard to include these items. This represented an additional cost of \$8,618 (borne by the EDP branch).

The Software

The Minisis software package was developed in 1975 by the International Development Research Centre, for use by developing countries in automating their libraries and records management operations. Although it is not the most up-to-date software of its kind, it has demonstrated its reliability over a number of years and there has been time to work out any bugs. This was an important consideration because the time constraints of the project would not have allowed for experimentation, or for extended "down" time to deal with problems. Another advantage was its compatibility with Hewlett-Packard hardware.

Minisis was adapted by the WLO, with the assistance of consultants, to meet the specific needs of the project. The software was required to produce a broadly indexed bibliographic data base which would contain descriptions of every Westbank-related record which had been generated between 1975 to 1986*. The data base was an index only - albeit extremely sophisticated - and allowed rapid reference to the actual documents which were retained in filing cabinets.

As soon as the software was selected, the WLO entered into a contract with consultants to develop, test and install Minisis. The consultants worked with the Research Coordinator, the HQ Authorities Specialist and the Data Base Maintenance Clerk to ensure that the specific needs of the project were met. Once the software was in place and operational, the consultants conducted training sessions for those members of the WLO who would be responsible for the data entry and searching.

* WLOIRS contained only the records in the possession of the Department of Indian & Northern Affairs.

The software was modified on a number of occasions during the project, as new requirements became apparent. Modifications were made to extend the number of fields, to add new report formats, and to expand the capacity to run print-outs by numerical series, among other things. It was necessary to maintain a standing offer contract with the consultants, because new requirements could not always be anticipated and there was no in-house expertise in Minisis.

Minisis has a capacity to accommodate 4096 characters per record. Despite the variations in the type and length of Westbank documents, the number of characters in the indexed record rarely exceeded 1,000 characters (for the initial entry) and the average length was approximately 600 characters. These records increased in size later, as information was entered in the sensitivity, screening and tracking fields, but they did not reach full capacity.

One of the disadvantages of Minisis is its inefficient use of space. The Data Base Maintenance Clerk ran daily "garbage runs" during the data entry phase to eliminate waste space. The system was "down" during these garbage runs, which would occasionally create frustration if the searching capacity was required on short notice.

Communications

Although the operations of the two offices were not identical, both required access to the data base. All data entry took place at HQ, but the searching capacity was required in both locations. Due to the proximity of the Vancouver office to the Commissioner's office, the bulk of the searches were conducted in Vancouver. This proximity also removed the geographic "buffer zone" enjoyed by HQ, which resulted in greater pressure for the Vancouver office to produce printouts and documents quickly. The two offices operated in 2 different time zones, three hours apart. Employees started work at various times between 7:30 a.m. and 9:00 a.m. The Vancouver office stayed open until 5:30 p.m. This meant that the Liaison Office would require access to the data base for a minimum of 13 hours per day.

Special communications arrangements had to be made to connect the Vancouver office to the data base. The Vancouver office was located one mile away from the B.C. Regional Office, because of insufficient space in that building. (The communications configuration is attached)

Access to the system from Vancouver was initially arranged by dial-up through Datapac. However, this was intended as an interim solution only, with the permanent solution to be implemented as soon as the new H.P. was installed in the B.C. Regional Office. The dial-up approach was not relied upon as a long term solution, due to the cost. The Vancouver Liaison Office retained a modem to provide back-up if the communications failed between the B.C. Regional Office and HQ.

In-House Project Support

During the course of the Inquiry, the WLO relied upon the expertise and assistance of a large number of the members of the Management Services Branch. The sensitivity of the project and the time pressures were well understood by those involved. However, there was no in-house expertise available in Minisis. The roles and responsibilities of Management Services Branch were identified early in the project and are attached. However, this did not prevent some major difficulties during the course of the project.

Problem Areas

The Vancouver Liaison Office was on the front line of operations for this project. They had the most direct contact with the Commissioner and his staff, and therefore were under the greatest pressure to respond quickly when a request for information was made. For these reasons the Vancouver Liaison Office was more dependent upon the system functioning properly. Unfortunately when problems arose, the geographic distance, time zone changes, and the communications configurations complicated efforts to find the causes and the solutions.

The Systems Planning, Coordination and Review directorate in HQ was responsible for designing the communications configuration and developing the systems plan. The Systems and Operations directorate was then responsible for implementing, maintaining and supporting the system to the extent that it was able. The B.C. Regional Office had an EDP representative on staff, and an EDP Liaison Officer had been appointed at HQ to ensure effective internal communications between the Management Services Branch and the WLO. Unfortunately, communication between these individuals was not as effective as it could have been.

EDP operations support staff worked in shifts, and this increased the number of people for the WLO to deal with when problems arose. For the Vancouver Liaison Office, this added to their frustration because - with the three hour time difference - they would deal with one set of people in the morning and a completely different set of people in the afternoon. Here again, the communication was not adequate.

One way to deal with this would have been to designate one individual for each of the two shifts to act as the main contacts for the WLO staff, and ensure that these individuals kept each other informed of any problems. In the event of a problem one individual should have been selected to ensure proper follow through in the search for solutions. The Department should also have ensured that one of its EDP officers received thorough training in Minisis, so as to ensure the necessary in-house support for this project.

Summary of the Hardware Components:

The following is a partial list of the EDP equipment used by the WLO. A number of smaller items were used to link the main components, but they are not referred to here. That level of detail would not be useful, in view of the rapid changes in the development of this type of equipment, and the degree of variation.

H.Q.

- 1 Hewlett Packard (HP) 3000 Series 42 minicomputer
- 3 HP 150 terminals for searching the database, maintenance and
- 15 HP 150 terminals for data entry
- 1 HP 2602A printer - for short printing runs.

The WLO was also given priority on one of the Department's high speed printers located in the main computer room. This printer was used for the longer run print-outs on a daily basis. The EDP group established a special protocol for handling WLO's printouts, to accommodate the time pressures and the sensitivity of the material.

Vancouver

- 2 HP 150 terminals for searching the database
- 1 HP 2603A printer, which was later replaced with a high speed dot matrix printer
- 2 Gandalf and 2 Memotec modems.

EXECUTIVE SUMMARY

WESTBANK INDEXING AND INFORMATION RETRIEVAL SYSTEM

Background

The Westbank Indexing and Information Retrieval System is a proposed data base of approximately 60,000 indexed documents to facilitate the retrieval of information for the Westbank Inquiry Commission, Departmental Officials and the Access to Information Secretariat. The data base is required for the duration of the Inquiry Commission (June 1987) and for an additional period of 4 to 6 months (up to December 1987) while the ATIP Secretariat handle requests for information generated by the Commissioner's report.

Recommendations

In order to constitute such an indexed data base the preferred approach is:

- Use our existing MOTOROLA equipment in Headquarters and Vancouver;
- Acquire a maintenance contract for for the two sites (April to December 1987) at an approximate cost of \$40,000;
- Acquire at a cost of approximately \$20,000 the U.S. Department of Agriculture document tracking system and the QUERY/IV language and adapt the packages at a cost of approximately \$20,000.

This approach minimizes the disruption to the departmental Hewlett Packard installation plan and provides sufficient additional capacity for the needs of the Westbank project without disrupting operational systems. It will also provide the department with an ongoing system for the use of the ATIP Secretariat in the Support Services Directorate, if it proves itself during the Westbank exercise.

A summary matrix of options analysed has been prepared as Annex B of this report.

Other options described in annex B involve either acquisition of hardware and software or short term leasing of hardware and software. The only other alternative, short of a totally manual

stem, is a senior management decision to delay or cancel planned offering of services from either regions or headquarters to created the required capacity needed by the Westbank indexing and retrieval system on the Hewlett Packard network.

BACKGROUND

judicial inquiry on the Westbank Reserve is taking place and all pertinent documents to the inquiry will be segregated and indexed in order to facilitate the retrieval of information for the Commission, Departmental officials and requests under the Access to Information Laws. The mandate of the judicial inquiry specifies that its report shall be presented by June 1987 and it is expected that its activities will start in october or november 1986.

The estimated volume of documents to be indexed is 60,000. With approximately 1000 characters of information for each document this translates to a 60,000,000 character data base plus up to 60,000,000 characters of index for a total of a 120,000,000 characters data base. In addition, the entire data capture must be carried out between the 1st October 1986 and 31st December 1986. This translate to 12 data entry workstations.

WORK ARRANGEMENTS

It is estimated that approximately 75 to 80 per cent of the documents to be indexed are located in Vancouver and 20 to 25 per cent are located in Headquarters. Two indexing teams will be created; one located in Vancouver and one located at Headquarters who will feed a team of 12 data entry operators located in Headquarters. As data entry progresses the indexers, both in Vancouver and Headquarters, will require immediate access to data already entered for verification of keywords or identification of possible duplicate documents.

When the data bank is completed it is expected that 90 per cent of the inquiries will be coming from Vancouver and 10 per cent from Headquarters for the duration of the inquiry commission. After the Commission's report is published ATIP Secretariat will be taking over for a periode of 4 to 6 months the data base in order to respond rapidly to requests made under the Access to Information Laws.

MICROCOMPUTER

he estimated volume of the data base to be created as a result of the indexing of 60,000 documents is such that any microcomputer solution is excluded because it exceeds largely the capacity of existing microcomputer systems in place in the department. In addition it assumes the existence of a powerful Local Area Network for data capture which might be non-existent at this point of time. The urgency of this project prohibits us from pursuing this avenue further.

To go with the new generation of super microcomputer presents a high risk both in terms of hardware and software. Again, the urgency prohibits us from further examining this alternative.

MINICOMPUTER

y minicomputer based system must be based on departmental equipment with a minimum of expenditure both in terms of software and hardware.

From a software point of view the department doesn't own any suitable software either on the MOTOROLA (Four Phase) or the Hewlett Packard minicomputer. An examination of commercially available packages has been undertaken as part of this project and the availability of such a package will dictate the line of equipment (MOTOROLA or Hewlett Packard) on which the data base will reside.

SOFTWARE - MINICOMPUTER

MOTOROLA (FOUR PHASE)

An assessment of software available on MOTOROLA equipment through third party vendors as compiled in a catalogue of software by MOTOROLA doesn't indicate the existence of software suitable for the indexing of documents. The closest approximation is a correspondence tracking and control system being used by the U.S. Department of Agriculture. More complete information has been requested.

We feel that it will be fruitless to pursue our research for an available document indexing software running on Motorola equipment if the above mentioned correspondence tracking and control system reveals itself totally unsatisfactory for our needs.

HEWLETT PACKARD

An examination of software suitable for indexing and retrieving documents has identified two commercially available products running on Hewlett Packard minicomputers.

MINISIS

MINISIS is essentially a library / record management system which can be adapted for document indexing and retrieval with a minimum of effort. It is running on all Hewlett Packard line of minicomputers. It is available at the following prices:

	HP series		
	37	42	70
Purchase	\$12,500	\$12,500	\$12,500
Installation/Training	\$ 2,500	\$ 2,500	\$ 2,500
MB Menus (Option)	\$ 2,500	\$ 2,500	\$ 2,500
Full Screen (Option)	\$ 7,000	\$10,000	\$12,000
Annual Maintenance	\$ 3,500	\$ 4,000	\$ 5,000
 TOTAL MINISIS	 \$28,000	 \$31,500	 \$34,500
 Consultant fees	 \$ 4,500	 \$ 4,500	 \$ 4,500
 TOTAL MINISIS INSTALLED	 \$32,500	 \$36,000	 \$39,000

The consultant fees are an estimate of the work required to adapt MINISIS to a document indexing and retrieval system (data entry screens, report screens and reports).

MINISIS technology is not the most recent available but it can deliver a decent indexing and retrieval system; because of its large installation base we feel that the product is stable and presents little risk, a major factor in our search criteria.

OMNIDEX

OMNIDEX is basically an add on indexing system which goes well beyond the existing capacities of Hewlett Packard's IMAGE data base. It is a very efficient indexing system with incredible response time when compared to traditional retrieval systems. It is running on all series of Hewlett Packard minicomputers. The price of the OMNIDEX package is approximately \$21,000 (\$15,000 U.S.) and the department already having HP IMAGE database. Its adaptation to a document indexing and retrieval system (data entry screens, report screens and reports) will require approximately \$12,000 to \$15,000 of consultant fees.

Being a recent product OMNIDEX is more efficient in word search by its use of state of the art indexing techniques. The main risk factor is the proficiency of the vendor staff to adapt OMNIDEX to an indexing and retrieval system.

MINICOMPUTER - HARDWARE

MOTOROLA (FOUR PHASE)

This equipment was acquired recently by the department at its salvage value. As the Hewlett Packard installation goes ahead the applications running on them are transferred to HP and unused capacity is available for the document indexing and retrieval system. The only additional cost would be for a maintenance contract.

HEWLETT PACKARD

HP-3000 series 37 / HP-3000 series 42

Departmental equipment consists of a CPU unit with 5 terminals and limited hard disk storage. Is not powerful enough for the application described above unless a major hardware upgrade is made to bring it either to a fully loaded HP-3000 series 37 or an HP-3000 series 42.

A close examination of the HP installation plan can determine if this equipment is powerful enough to satisfy the immediate needs of our smallest installation (e.g. Atlantic Regional Office or Indian Mineral West - Calgary) thus a possible exchange of the HP-3000 series 37 for one of the HP-3000 series 42 planned for the regional installation providing that its configuration is satisfactory for this project.

This approach will break the compatibility of equipment between all regions and will impose a hardware upgrade to that region either in fiscal year 1987-88 or 1988-89. In fact we are solving an immediate problem by creating one in a not so distant future.

HP-3000 series 70

The entire capacity of the HP-3000 series 70 installed at Headquarters is accounted for and there is only a very limited margin of freedom. The recent management decision to keep the correspondence logging system in production will consume any spare capacity left on the HP-3000 series 70 line.

The installation of the proposed system on the HP-3000 series 70 will require a decision to postpone planned offering of services or the cancellation of existing services.

SOFTWARE STRATEGIES

The acquisition of either MINISIS or OMNIDEX on Hewlett Packard or the Tracking and correspondence control system on the MOTOROLA are more or less neutral in terms of total acquisition price.

If we view the acquisition of the software as a one shot exercise with no future reutilization we should acquire MINISIS because of its large installation base that guarantees a stable product with no major problems.

On the other hand if we view the acquisition of the software with the view of reusing it for other purposes we should acquire either OMNIDEX because the product is essentially an add on product to HP IMAGE data base which means that we can reuse it on all applications based on HP IMAGE data base or the U.S. Department of Agriculture's correspondence tracking and control system if we contemplate to rejuvenate Indian and Northern Affairs correspondence tracking system.

We suggest that the client see a demonstration of all products available and based on their assessment they select the product which is the closest to their requirements since any commercial product will signify trade off in term of their requirements.

HARDWARE / SOFTWARE STRATEGIES

The hardware and software strategy suggested is the less painful and most economical strategy that can be implemented. Alternatives options are ranked according to their level of disruption to departmental activities or strategies.

Option 1 - MOTOROLA

The Paperwork Tracking System developed for the U.S. Department of Agriculture does not meet all requirements stated by the Westbank Inquiry Secretariat. However many facets of the stated requirements are met and the only shortcoming is in the retrieval capacity of the system. To compensate this weakness we are exploring the possibility of using an external query language (QUEST/IV) to obtain to boolean logic search capability which is missing and essential.

The avenue that we are exploring will be to use the Paperwork Tracking System as the data entry and tracking component required by the Westbank Inquiry Secretariat while using QUEST/IV as the boolean inquiry component. If the integration of these two software is possible and if the Paperwork Tracking System can be adapted to the Westbank inquiry needs then an economical system will be available.

COSTS

The costs associated with this scenario are:

- hardware	free (departmentally owned)
- maintenance contract (April / December 1987) Headquarters & Vancouver	\$40,000 (\$5,000 per month)
- software	\$20,000 Paperwork Tracking \$ 5,000 QUEST/IV
- consultant fees	\$10,000 (2 weeks to adapt the packages)

TOTAL	<hr/> \$75,000
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RISK FACTORS

If the integration of the two software is possible the risk factors are low for the Westbank Inquiry Secretariat.

However to keep up to date the various internal tables of the Paperwork Tracking System will require a certain amount of manpower that we can't estimate at this point of time. The lack of substrings search capacity in QUEST/IV query language will mean a compromise on multiple words keyword (e.g. mobile homes) or the costs of developing a substrings search routine within QUEST/IV

... expense of speed.

There is a slim possibility of a hardware upgrade (price unknown) and additional capacity can be acquired by taking over unused regional equipment. Any sharing of the MOTOROLA equipment with the Westbank Indexing and Retrieval system by other application should be carefully planned to avoid severe decaying effects.

C Option 2 - Acquiring or leasing an HP-3000 series 42
stripped down microcomputer

This option consists of acquiring or leasing a stripped down HP-3000 series 42 minicomputer at a cost of \$127,922.04 for hardware and a monthly service charge of 692.90 (this cost can be brought down to \$93,934.36 for the hardware and \$570.70 for the support services if one of the HP-3000 series 70 hard disk is used) in integrating this equipment into the departmental HP network.

If we use a hard disk of the HP-3000 series 70 for this project this will require that we acquire in fiscal year 1987-1988 a 404Mb hard disk for our HP-3000 series 70 to satisfy their storage requirements because the indexing and retrieval system will be using one of its planned hard disk.

COSTS

The costs associated with this scenario are:

a) acquisition

- hardware	^{112,000} \$128,000
- support	\$ 8,500
- software	\$29,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)
TOTAL	<hr/> \$170,000

b) short term leasing (one year)

- hardware	\$138,000
- support	\$ 8,500
- software	\$29,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)
TOTAL	<hr/> \$180,000

c) short term leasing (one year)
with buy back clause

- hardware	\$77,000
- support	\$ 8,500
- software	\$29,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)
TOTAL	<hr/> \$119,000
Buy back (58%)	\$ 74,250
GRAND TOTAL	<hr/> \$193,250

RISK FACTORS

This option is having a low risk factor to the Westbank Inquiry Secretariat because there is room for expansion and that any decaying effects will be felt with a much larger user base. The sharing of the equipment with data processing development and maintenance groups raises some concern but their impact on the indexing and retrieval system should be minimal; if otherwise, procedural arrangements should be made with the above mentioned groups.

on 3 - Departmental HP-3000 series 37

Because of the actual configuration of the HP-3000 series 37 this minicomputer can't support the indexing and retrieval system without a major hardware upgrade. The next logical step is to determine if this minicomputer is powerful enough to support the needs of one of our small regions (Atlantic or Indian Mineral West) and if the answer is yes to replace the planned HP-3000 series 42 by our HP-3000 series 37 and beef up, if required, the HP-3000 series 42 to meet the needs of the indexing and retrieval system.

This approach has the disadvantage of breaking the compatibility of equipment between all our regional installations and as the needs of the region grow we will be faced with the hardware upgrade to an HP-3000 series 42 in a future fiscal year.

Option 4 - Acquisition / leasing of HP-3000 series 37
with buy back option

This option consists in acquiring or renting a complete HP-3000 series 37 and dedicate the equipment to the Westbank indexing and retrieval system for the duration of the inquiry. Such equipment can support up to 15 terminals/printers and, if not shared with another user, no significant degradation in performance will be noticed; however concerns are expressed by Hewlett Packard personnel if more than 10/12 terminal are active at the same time.

COSTS

The costs associated with this scenario are:

a) Buying

- hardware	\$125,000	
- support	\$ 11,000	
- software	\$25,500	MINISIS
- consultant fees	\$ 4,500	(2 weeks to adapt the package)
TOTAL	\$166,000	

b) Short term leasing (one year)

- hardware	\$134,000	
- support	\$11,000	
- software	\$25,500	MINISIS acquisition
- consultant fees	\$ 4,500	(2 weeks to adapt the package)
TOTAL	\$175,600	

c) Short term leasing (one year)
with a buy back clause

- hardware	\$75,600	
- support	\$11,000	
- software	\$25,500	MINISIS acquisition
- consultant fees	\$ 4,500	(2 weeks to adapt the package)
TOTAL	\$116,600	
Buy Back	\$74,250	
GRAND TOTAL	\$190,850	

FACTORS

This option is having a low to medium risk factors to the Westbank Inquiry Secretariat because the margin of error in the capacity planning of this scenario is tight to very tight. Any increase in the volume of documents to be indexed and captured will cause a bottleneck at the data entry level with no possibility to expand the number of data points without having to go for an hardware upgrade.

Option 5 - HP-3000 series 70

This option consists in installing the indexing and retrieval system on the HP-3000 series 70. This will mean that a management decision will have to be taken to postpone services, cancel / delay planned services or cancel / reduce actual level of service to make room for the indexing and retrieval system.

COSTS

The costs associated with this scenario are:

- hardware	free (departmentally owned)
- software	\$32,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)

TOTAL	<hr/> \$36,500
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RISK FACTORS

This option is having a low risk factor to the Westbank Inquiry Secretariat because there is room for expansion. Any decaying effects will be felt because of the much larger user base on such equipment. The sharing of the equipment either word processing or departmental's document tracking system raise some concern but any significant negative impact on the indexing and retrieval system can only be addressed by a reduction of the level of services such as the reduction or elimination of word processing, or the postponing of the migration of service bureau systems to the HP.

C (on 6 - HP-3000 series 42 (VANCOUVER)

his scenario involves speeding up the delivery and installation of the HP equipment in Vancouver and dedicating the equipment to the Westbank indexing and retrieval system for the duration of the Inquiry Commission (June 1987) while Vancouver's regional office continues to operate on MOTOROLA equipment.

It is possible to advance the delivery and installation date by reopening our contract with Hewlett Packard. However site preparation and delivery/installation activities can require up to two months of work thus late November 1987 is the earliest possible date for the equipment to become available.

The requirement for dedicated usage or capacity considerations will mean that all major national systems will be operating out of the MOTOROLA equipment (financial systems, indians systems ... etc) while the rest of the department will operate out of HP equipment.

The obligation to run various systems in two different environment (HP and MOTOROLA) will require that every change or modification will have to be developed and tested in both environments. This is particularly significant in terms of workload since actual departmental plans assume that the entire department will be on HP equipment on April 1, 1987. Because of this assumption all changes to systems - particularly financial systems - imposed on us by legislative or regulatory changes are done on the HP version of our systems. If we have to leave one region on MOTOROLA equipment this signifies that these changes will have to be done on the MOTOROLA version of our systems as well.

This will require bringing together a team of 3 programmers versed on MOTOROLA equipment and our systems for the duration of the Inquiry Commission (at a cost between, for \$300 day, \$162,000 (for nine months) to \$189,000 (for 12 months) or, at \$350 a day, between \$216,000 (for nine months) to \$252,000 (for 12 months)). In addition there will be some unused capacity on Vancouver's HP-3000 series 42.

COSTS

The costs associated with this scenario are:

- hardware	free (departmentally owned)
- software	\$29,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)
- travel to Vancouver	\$3,100
TOTAL	<hr/> \$36,600

In addition the following costs will be incurred by the Department of Indian and Northern Affairs:

- MOTOROLA support of	\$162,000
data processing systems	TO
	\$252,000

RISK FACTORS

This option is having a low risk factor to the Westbank Inquiry Secretariat because of there is room for expansion. However this approach represents a high risk for the Department of Indian and Northern Affairs because of the obligation to operate in a two computer environment and to code and test changes required on departmental systems on both HP and MOTOROLA versions.

9 4 n 7 - SERVICE BUREAU (One year)

his approach consists in acquiring private space on a commercial service bureau.

COSTS

- hardware space	\$18,000	(\$25.00 per 1 Meg/ month)
- consultant fees	\$13,000	(2 weeks to adapt the package)
- data entry fees	\$ 6,000	(\$.030 per entry)
- inquiry connect fees (3 hours per day)	\$86,400	ditto
TOTAL	\$123,400	
plus \$0.10	per record modified after initial data entry.	

At the end of the project data will be copied on tape which can be run, for a fee as and when required, if ATIP Secretariat need to identify specific documents.

C. CONCLUSION

The preferred approach to accommodate the unplanned Westbank indexing and retrieval system is to:

- Use our existing MOTOROLA equipment in Headquarters and Vancouver;
- Acquire a maintenance contract for for the two sites (April to December 1987) at an approximate cost of \$40,000;
- Acquire at a cost of approximately \$20,000 the U.S. Department of Agriculture document tracking system and the QUERY/IV language and adapt the packages at a cost of approximately \$20,000.

This approach minimizes the disruption to the departmental Hewlett Packard installation plan and provides sufficient additional capacity for the needs of the Westbank project without disrupting operational systems.

Other options described in annex B involve either acquisition of hardware and software or short term leasing of hardware and software. The only other alternative, short of a totally manual system, is a senior management decision to delay or cancel planned offering of services from either regions or headquarters to create the required capacity needed by the Westbank indexing and retrieval system.

ANNEX A

TELECOMMUNICATION COSTS

Independent of the option selected communication costs will be an important factor for this project if we assume that 90 per cent of all inquiries will be generated from Vancouver.

On a monthly basis communication costs can be estimated as follows from Vancouver:

Usage per day (hours)	Access Costs	Connect Costs	Transfer of data	Total
1 hour	\$130.00	\$504.00	\$245.00	\$879.00
2 hours	\$130.00	\$1008.00	\$491.00	\$1629.00
4 hours	\$130.00	\$2016.00	\$983.00	\$3129.00

OPTION	HARDWARE COSTS	SOFTWARE COSTS	TOTAL COST	R/FAC	STALLATION TIME FACTOR	LENGTH OF USAGE	FUTURE USAGE	COMMENTS
MINICOMPUTER MOTOROLA	DEPT. OWNED + MAINTENANCE \$40,000	\$35,000	\$75,000	LOW	ONE MONTH	ONE YEAR	ATIP ONLY	ADAPTATION OF A TRACKING SYSTEM
MINICOMPUTER HP-3000 SERIES 42 REFURBISHED (ACQUISITION)	\$128,000 + MAINTENANCE \$8,500	\$33,500	\$170,000	LOW	ONE MONTH	ONE YEAR	ONGOING ATIP LIBRARY	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT
MINICOMPUTER HP-3000 SERIES 42 REFURBISHED (ONE YEAR RENTAL)	\$138,000 + MAINTENANCE \$8,500	\$33,500	\$180,000	LOW	ONE MONTH	ONE YEAR	NOTHING	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT
MINICOMPUTER HP-3000 SERIES 42 REFURBISHED (RENTAL 58% BUY-BACK)	\$77,000 + MAINTENANCE \$8,500	\$33,500	\$118,000	LOW	ONE MONTH	ONE YEAR	\$74,250 TO BUY BACK	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT TOTAL COSTS WITH BUY BACK \$193,250
MINICOMPUTER HP-3000 SERIES 37	DEPT. OWNED			MEDIUM	ONE MONTH	ONE YEAR	ONGOING	NEED A MAJOR HARDWARE UPGRADE (5 TERMINALS ONLY). EXCHANGE FOR REGIONAL HP-3000-42.
MINICOMPUTER HP-3000 SERIES 37 REFURBISHED (ACQUISITION)	\$125,000 + MAINTENANCE \$11,000	\$30,000	\$166,000	LOW	ONE MONTH	ONE YEAR	ONGOING ATIP LIBRARY	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT BUT NO MARGIN FOR ERRORS
MINICOMPUTER HP-3000 SERIES 37 REFURBISHED (ONE YEAR RENTAL)	\$134,000 + MAINTENANCE \$11,000	\$30,000	\$175,000	LOW	ONE MONTH	ONE YEAR	NOTHING	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT BUT NO MARGIN FOR ERRORS
MINICOMPUTER HP-3000 SERIES 37 REFURBISHED (RENTAL 58% BUY-BACK)	\$75,600 + MAINTENANCE \$11,000	\$30,000	\$116,600	LOW	ONE MONTH	ONE YEAR	\$74,250 TO BUY BACK	SATISFY NEEDS EXPRESSED BY WESTBANK SECRETARIAT BUT NO MARGIN FOR ERRORS TOTAL COSTS WITH BUY BACK \$190,850
MINICOMPUTER HP-3000 SERIES 70	DEPT. OWNED	\$36,500	\$36,500	MEDIUM	ONE MONTH	ONE YEAR	ONGOING	MANAGEMENT WILL HAVE TO REDUCE / CANCEL / DELAY LEVEL OF SERVICE.
MINICOMPUTER HP-3000 SERIES 42 (VANCOUVER)	DEPT. OWNED	\$36,600	\$36,600	LOW WESTBANK HIGH INA	TWO MONTHS	ONE YEAR	ONGOING	MEET WESTBANK REQUIREMENTS RISK ARE HIGH FOR INA BECAUSE OF SUPPORT TO MOTOROLA (\$162,000 TO \$252,000 PLUS MAINTENANCE CONTRACT FOR MOTOROLA (\$25,000)
SERVICE BUREAU	\$123,400 50.10 PER RECORD TRACKED			LOW	ONE MONTH	ONE YEAR	NOTHING	MEET WESTBANK REQUIREMENTS AMOUNT OF TRACKING REQUIRED

ANNEX B

WESTBANK INDEXING AND RETRIEVAL SYSTEM

ADDENTUM

10 September 1986

HP-3000 series 42 (VANCOUVER)

This scenario involves speeding up the delivery and installation of the HP equipment in Vancouver and dedicating the equipment to the Westbank indexing and retrieval system for the duration of the Inquiry Commission (June 1987) while Vancouver's regional office continue to operate on MOTOROLA equipment.

It is possible to advance the delivery and installation date by reopening our contract with Hewlett Packard. However site preparation and delivery/installation activities can require up to two months of work thus early November 1987 is the earliest possible date for the equipment to become available.

The requirement for dedicated usage or capacity considerations will mean that all major national systems will be operating out of the MOTOROLA equipment (financial systems, indians systems ... etc) while the rest of the department will operate out of HP equipment.

The obligation to run various systems on two different environment (HP and MOTOROLA) will require that every change or modification will have to be developed and tested in both environments. This is particularly significant in term of workload since actual departmental plans assume that the entire department will be on HP equipment on April 1, 1987. Because of this assumption all changes to systems - particularly financial systems - imposed on us by legislative or regulatory changes are done on the HP version of our system. If we have to leave one region on MOTOROLA equipment this signify that these changes will have to be done on the MOTOROLA version of our systems.

This will require bringing together a team of 3 programmers versed on MOTOROLA equipment and ours systems for the duration of the Inquiry Commission (at a cost between, for \$300 day, \$162,000 for nine months to \$189,000 for a twelve months or, at \$350 a day, between \$216,000 for nine months to \$252,000 for twelve months). In addition there will be some unused capacity on Vancouver's HP-3000 series 42.

COSTS

The costs associated with this scenario are:

- hardware	free (departmentally owned)
- software	\$29,000 MINISIS
- consultant fees	\$ 4,500 (2 weeks to adapt the package)
- travel to Vancouver	\$ 3,100
TOTAL	----- \$36,600

In addition the following costs will be incurred by the Department of Indians and Northern Affairs:

- MOTOROLA support	\$162,000
	TO
	\$252,000

RISK FACTORS

This scenario is having a low risk factors for the Westbank Inquiry Secretariat but a high risk factors for the Department of Indians and Northern Affairs because of the obligation to code and test changes required on systems on both the HP and MOTOROLA equipment.

MOTOROLA

The Paperwork Tracking System developed for the U.S. Department of Agriculture is not meeting all requirements stated by the Westbank inquiry secretariat. However many facets of the stated requirements are met and the big disappointment is in the retrieval capacity of the system. To compensate this weakness we are exploring the possibility of using an external query language (QUEST/IV) to obtain to boolean logic search capability which is missing.

The avenue that we are exploring will be to use the Paperwork Tracking System as the data entry and follow up components required by the Westbank inquiry secretariat while using QUEST/IV as the boolean inquiry component. If the integration of these two software is possible and if the Paperwork Tracking System can be adapted to the Westbank inquiry needs then an economical system will be available.

COSTS

The costs associated with this scenario are:

- hardware	free (departmentally owned)
- software	\$20,000 Paperwork Tracking
	\$ 5,000 QUEST/IV
- consultant fees	\$10,000 (2 weeks to adapt the package)

TOTAL	----- \$35,000
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RISK FACTORS

If the integration of the two software is possible the risk factors are low for the Westbank Inquiry Secretariat.

However to keep up to date the various internal tables of the Paperwork Tracking System will require a certain amount of manpower that we can't estimate at this point of time.

Westbank Inquiry Information Retrieval System

Note: The following options are based on having two unique sets of documents: one in B.C. region and another at Headquarters in Ottawa. All options, manual or automated, require the acquisition of filing cabinets, file folders, telephone calls, facsimile transmissions and couriers, so costs for these have not been taken into consideration. An automated solution would include telecommunications costs for direct access to the database by B.C. Region. With the Motorola option I have estimated these to be approximately \$10,000. for eight months. Either manual system would involve some substitute for this access - telephone, facsimile, courier, electronic mail - but since the bulk of the collection is in B.C. it is likely this would not come near the cost of direct database access from B.C. With an automated system there is a way to avoid the telecommunications costs of searching the database remotely: requests for information may be telephoned to Headquarters and searches done there.

OPTION 1: Existing Central Records
manual document filing system enhanced by creating a duplicate document collection sorted by originator.

COST: Approximately \$1200. for photocopying. Five PYs.

ADVANTAGES: Minimum staff, equipment and accommodations required. System complete in one to two months.

DISADVANTAGES: Poor to moderate rate of document retrieval. This option allows for quick retrieval of up to 40 per cent of documents requested, slower retrieval of up to 60 per cent of documents requested. We would not be able to supply much more than half of what we are asked for. Lack of accessibility by either HQ or B.C. Region. No capability for producing lists.

OPTION 2: Manual document filing system with a card catalogue.

COST: \$30,500. for equipment, supplies and duplication. 65 PYs.

ADVANTAGES: Moderate to good retrieval. This option allows for quick retrieval of up to 80 per cent of documents requested.

DISADVANTAGES: High expense in terms of equipment and staff, still without maximum retrieval capability. This system would be complete in five to six months: not really in time to respond adequately to the needs of the Commission. Lack of accessibility by either HQ or B.C. Region. No capability for producing lists.

OPTION 3: Automated system (Motorola option).

COST: \$30,000. for software and program development. 15 PYs.

ADVANTAGES: Good rate of document retrieval. This option allows for quick retrieval of up to 100 per cent of documents requested. Capability for producing lists and other custom-made reports.

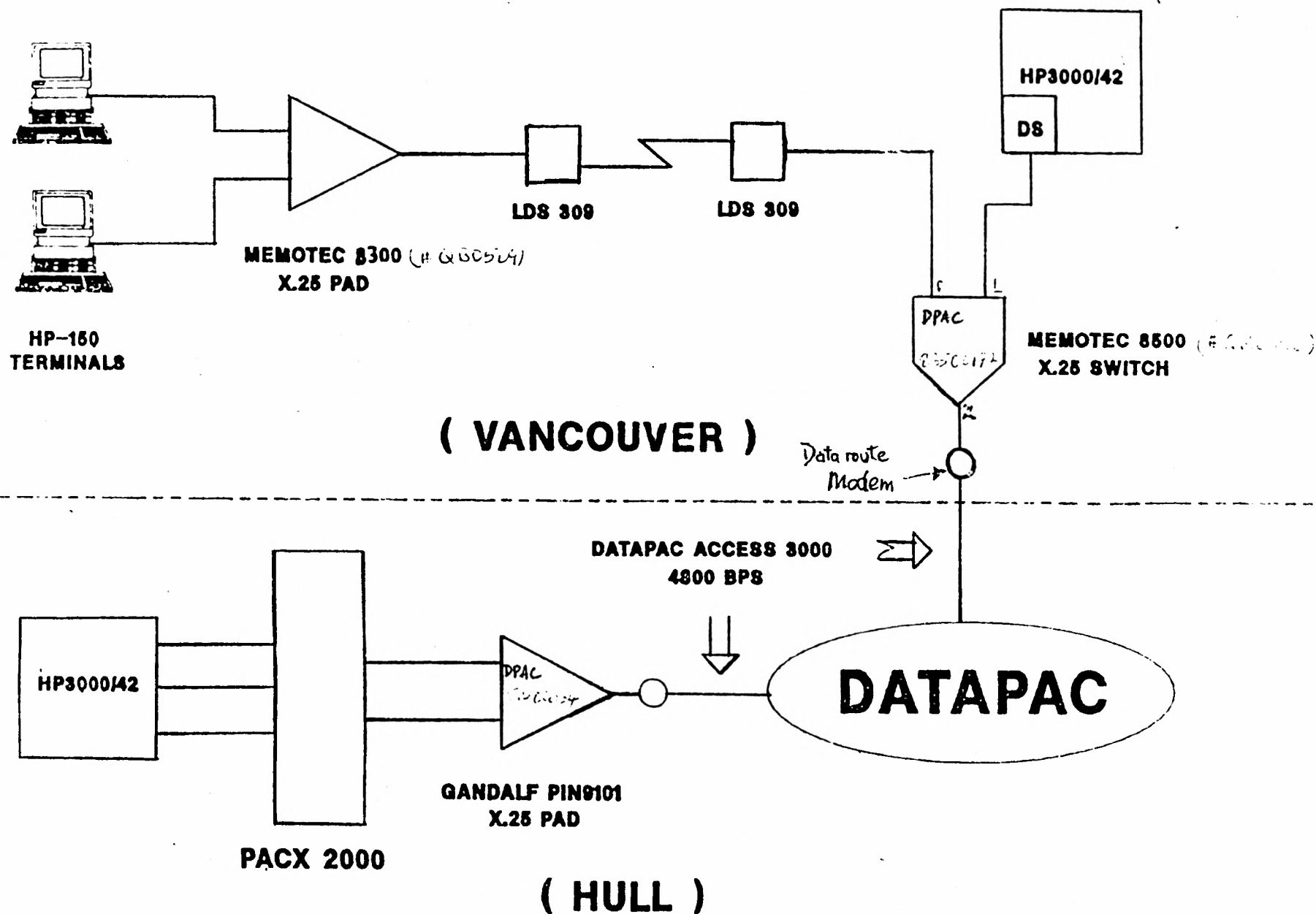
DISADVANTAGES: Software, PYs and potential communications costs.

SUMMARY AND RECOMMENDATIONS: I think the only choice is between options one and three. A manual system with card catalogue involves more expense and effort than an automated system, with poorer results.

While we can rely upon the existing knowledge and experience of Central Records staff to make up for many of the basic manual system's inherent retrieval disadvantages, I believe the best we can expect from such a system will not provide an adequate response to the Commission. The Commissioner and his Counsel are going to expect a high degree of precision in retrieving of documents because they want to examine as few documents as possible: they will want to zero in on those few directly relevant to their inquiries. They may want to look at only 10 per cent of what we have but we must be able to quickly identify that 10 per cent. Only an automated system is capable of doing this.

Westbank Liaison Office
September 14, 1986

WEST BANK COMMUNICATIONS SET-UP



TO

A/DIRECTOR
SYSTEM PLANNING COORDINATION AND REVIEW

A3600-36-312

66 17 1955

FROM

CHIEF SYSTEM AND NETWORK PLANNING

DECU
Direction de la Planification,
Coordination et examen des
systèmes

SUBJECT WEST BANK INQUIRY COMMUNICATIONS SOLUTIONS

As requested, we have researched various communications solutions related to the WEST BANK INQUIRY, in regard to the VANCOUVER location.

Following, you will find a detailed comparison between 4 different options. We recommend option # 4. We assumed that the total length of the project would be of 20 months, that 3 terminals and one printer would have to be connected and that each terminal would be used for about 5 hours per day.

OPTION # 1 : DATAPAC 3000 WITH X.25 PAD

COSTS :

2 Datapac access at 4800 bps (\$300.00/month each + options)	\$ 12,700.00
DATAPAC CIRCUIT INSTALLATION	\$ 1,000.00
2 X.25 PAD (FOR DATAPAC ACCESS) (\$2500.00 each)	\$ 5,000.00
X.25 PAD INSTALLATION (500 * 2)	\$ 1,000.00
X.25 PAD MAINTENANCE (\$25 / MONTH EACH)	\$ 1,000.00
TOTAL COST \$ 20,700.00	

OPTION # 2 : DATAROUTE DEDICATED CIRCUIT

COSTS :

1 DATAROUTE circuit 3,319/month	\$ 66,380.00
1 Datapac circuit to the Regional office (over 16 month)	\$ 4,800.00

TOTAL COST \$ 71,180.00

OPTION # 3 : HIGH SPEED OVER DIAL-UP (telephone network)

COSTS :

2 MODEMS AT 900.00 EACH	\$ 1,800.00
4 TERMINALS * 5 HOURS/DAY	
20 DAYS PER MONTH (approx.	
50.00 per hour	\$401,800.00
Datapac circuit fro the Regional	
office (over 16 month)	\$ 4,800.00

TOTAL COST \$ 408,400.00

OPTION # 4 : X.25 PAD AND X.25 SWITCH

COSTS :

1 MEMOTEC 8300 (X.25 PAD)	\$ 2,257.00
1 MEMOTEC 8500 (X.25 SWITCH)	\$ 4,537.00
2 MODEMS @ \$ 600.00 each	\$ 1,200.00
1 Local loop (20 month @ 20.65)	\$ 413.00
(between Cambie and Robson)	
Local loop installation	\$ 128.00
MAINTENANCE CONTRACT (PAD & SWITCH)	\$ 1,185.00
PAD AND SWITCH INSTALLATIONS	\$ 1,000.00

TOTAL COST \$ 10,720.00

We therefore recommend option # 4 because it is the most cost effective solution. Here are some benefits that will arise from choosing this option :

- A) Compatible solution with actual networking strategy
- B) The hardware could be used at Head Quarters or elsewhere when not needed anymore for the WESTBANK inquiry
- C) Complete control from Head Quarter on the network configuration
- D) Planned circuits for VANCOUVER would be used instead of having additional circuits
- E) It is the least expensive solution

In conclusion, we feel that option 4 is the most appropriate and will permit the department to maximize the use of it's communications facilities.

ROLES AND RESPONSIBILITIES
MANAGEMENT PRACTICES BRANCH - WESTBANK

OPERATIONS HP-3000 SERIES 42 (WESTBANK)

The operations of Westbank's HP-3000 series 42 will be conducted accordingly to a modified version of Regional's HP-3000 series 42 Operations Manual. The adaptation will be prepared by group and handed out to group.

LEVEL OF SERVICE

The HP 3000 series 42 will always be available on line except for the following periods during which backup and maintenance activities will take place:

	Headquarters time	Vancouver time
Monday	21:00 to 24:00 (full backup)	18:00 to 21:00
Tuesday to Friday	22:00 to 24:00 (partial backup)	19:00 to 21:00

However outside of working hours, 00:01 to 07:30 (21:00 to 04:30 - Vancouver time), during week-end and holidays the equipment is running unattended. In Headquarters the printers are shut off during these periods and special arrangements involving overtime, to be assumed by Westbank's Liaison Office, must be made in advance to have access to printer facilities. Such arrangements can be made, at least 24 hours in advance, by contacting

COMPUTER PRINTOUTS

Because of the sensitivity of Westbank material, computer printouts will be kept in a secure place at the reception area until they are picked up by Westbank's staff

BACKUP

If for operational reasons Westbank needs continuous access to their information system they can cancel the planned partial backup (Tuesday to Friday) by contacting Computer Operations at (819) 994-7352.

The following Westbank employees can request the cancellation of the partial backup

Headquarters

Vancouver

Computer operations will record and document such requests as they happen.

TROUBLESHOOTING

In case of troubles the following troubleshooting procedures should be adhered to.

REGIONAL (VANCOUVER'S OFFICE)

1. - Check with INA Regional's office to ensure that communication is working correctly.
2. - In cooperation with _____ ensure that your terminal is in working order.

If these elements are in order contact _____ who will conduct further troubleshooting at Headquarters.

HEADQUARTERS

1. - Check with Headquarters computer operations to see if the HP-3000 series 42 is operational or if communication lines are operational
2. - In cooperation with Computer Operations ensure that your terminal is in working order.
3. - Computer Operations may call in EDP Technical Services to verify suspected problems.

When hardware related problems are ruled out (HP 3000 series 42 or communication) by Computer Operations MINISIS troubleshooting will begin. This work will be carried out by consultants working from a National Master Standing Offer contract.

_____ in collaboration with _____ or will prepare a statement of work as accurate as possible to hand over to the consultant called in for the troubleshooting.

SYSTEMS STATISTICS

Because of concerns about sufficient storage space on the hard disk a daily report indicating the percentage of free space available on the hard disk will be prepared by Computer Operations during the data entry phase of Westbank Information

System (November 1986 to February 1987). At the end of the data entry phase this report will be produced weekly.

The report will be forwarded to:

- (Westbank)
- (MPP - Operations)

in order to undertake immediate corrective action if the storage capacity available is to be insufficient for the volume of data stored in Westbank Information System.

DATA ENTRY

Westbank Liaison's Office is administering the data entry contract and is therefore responsible for supervising data entry agency personnel, verifying data entry personnel time sheet, as well as ensuring that funds are available for payment of the invoices. Work performed on behalf of Westbank is clearly identified on agency billing.

For the hiring of additional personnel or release of personnel Westbank Liaison's Office will transmit their requirements to (994-7351) who will relay them to the agency. This arrangement is made in order to have a single point of contact between the Personnel Agency and the Department.

4. BUDGETS AND EXPENDITURES

The LO was designated as a Responsibility Centre Manager for the duration of the Inquiry, with delegated signing authority equivalent to that of a director. This was done to provide financial flexibility and direct control by the LO over WLO resources. This helped the LO to respond quickly to emerging demands. Before this delegation could be formalized, a budget had to be established to identify the specific resources to be managed.

Preparing the Budgets:

The initial budget was an estimate of resource needs based upon the best guesses of the Core Group. This was a more difficult exercise than usual because there was no past experience on which to base these guesses. A schedule of hearings had not been established so it was difficult to calculate travel costs or legal fees. Departmental witnesses had not been identified, so the need for independent counsel could not be gauged. The volume of departmental records had been estimated but the decision to select an automated record retrieval system had not been made.

An initial budget was developed by September 19, 1986, setting out the estimated person years (PYs)*, salaries, and Operations and Maintenance (O&M) requirements. It was agreed that this budget was to cover the administration and operating expenses of the WLO only. Other parts of the Department would have to cover their own costs of preparing evidence and sending witnesses to the hearings. (To keep track of these global Inquiry-related costs, a specific cost element number was established by the finance branch for use by other Departmental managers.)

The first budget was approved on September 19, 1986, and the resource allocations were confirmed by the finance branch within 2 weeks. (The EDP system was selected on September 24, 1986, by the Associate Deputy Minister.)

During the 1986/87 fiscal year the PYs and funds were drawn from the Deputy Minister's reserve. Before the WLO budget was confirmed, PYs and expenditures were charged to the Deputy Minister's Office and journal vouchered to the WLO later.

The initial budget did not include an allocation for the Department's legal fees. The decision was made later to assign the administrative responsibilities to the WLO. A supplementary budget was submitted in January of 1987 for additional funds to cover these expenses. (It was not until this time that a reasonable estimate of these costs could be made.)

* The PY requirements were based upon the needs of an automated record retrieval system.

Fortunately, the Management Practices Branch had agreed to cover the costs of acquiring the computer hardware and software, so this left available a significant portion of the initial budgetary allocation. This amount was set aside to cover the legal bills that had already been received. The Department of Justice set the hourly fees for Departmental and independent counsel, and the budget was based on an anticipated total number of billable hours and disbursements.

Between September 19, 1986, and the end of the fiscal year, operational requirements changed significantly. These adjustments included: the decision to hire data entry operators on contract rather than by term appointments, hiring four additional indexers for the B.C. office, and extending the terms of the original twelve.

The preparation of the 1987/88 budget was more straightforward. The estimates were based on prior operating experience and, since the WLO was shifting into a stable operating mode, the PY requirements could be anticipated with considerably greater accuracy. A comprehensive schedule of the hearings was never available, and the uncertainty affected the estimates for travel, legal fees, and total PY requirements. This was addressed by developing cost estimates based upon two completion dates - June 30 and September 30, 1987.

The hearings were completed by mid-September, 1987, and the WLO substantially reduced its operations at the end of that month. The Commissioner and his staff were expected to make further demands of the Department until the final report was submitted, so the WLO at HQ continued to operate at a minimal level after that date.

The Expenditures:

At the end of both budgetary periods the WLO was able to return a surplus to the finance branch. The actual expenditures are set out in the attached summary and are compared to the budgetary allocations.

Labour Costs:

During the 1986/87 fiscal year, the total expenditures for salaries were \$324,505. Of this amount, \$28,586 was for overtime - double the budgeted amount of \$14,200. Significant adjustments were made to person strength during that fiscal year to adapt to the changing requirements; however, these were accommodated within the allocations for person years and salaries. As a result, the WLO returned a small net surplus from this part of the budget.

The flexibility was provided, to a large extent, by hiring data entry staff on a contract basis after PYs had been allocated for this function. These were used, in part, to hire 4 additional indexers (SI-01) and to extend the terms of the original twelve.

Legal Fees:

The WLO was given responsibility for the legal fees after the initial budget had been approved. An allocation of \$500,000 was made for 86/87 to add to the \$100,000 taken from the O&M surplus. This was to cover the legal fees and disbursements for Departmental Counsel and for independent counsel for departmental employees.

The total legal costs were \$470,652 of which \$318,768 was for Departmental counsel and \$151,884 was for two independent counsel.

Related Concerns:

When the initial budget was established in September, 1986, the B.C. O&M funds were transferred to a Director in the B.C. Regional Office (the B.C. RCM) to be managed on behalf of the WLO. The purchases were to be requested by the Vancouver Liaison Officer and approved by the B.C. RCM. This was done to provide on-the-spot capacity to respond to demands as they arose in Vancouver - particularly in view of the anticipated extended absences of the LO. This arrangement was not repeated in the next fiscal year.

This arrangement did provide the Vancouver Liaison Office with the capacity to respond quickly to unanticipated needs, which was very helpful during the setting up stage. However, it was no longer necessary once the office was set up.

A number of difficulties resulted from this arrangement. The B.C. Regional Office was unable to provide comprehensive reports on the use of WLO funds, and copies of supporting documents were not sent to HQ on a regular basis, so it was not possible to monitor the expenditures from HQ. Having transferred the funds to the B.C. Region, approval for expenditures was not sought from HQ, nor was HQ always informed after the fact. Consequently, the LO lost control over that portion of the budget. It was discovered later that regional managers were charging their Inquiry-related expenditures to this budget.

These difficulties were due to lack of clarity about the constraints on the use of those funds, and to the inability to monitor the expenditures. If this type of arrangement is to be followed in the future - which is not recommended here - then the constraints and reporting requirements should be made clear at the outset and carefully maintained.

1986/87 1 Sept. '86 - 31 March '87

Items	Budget	Actual Expenditure	Surplus/deficit
PYS: HQ	10.0	5.75	
BC	4.5	6.34	
Total	14.5	12.09	2.04PY

Salaries: HQ & BC) \$327,900 of which
overtime) \$14,200.00 for o/t

295,918.69
28,586.33

TOTAL 327,900.00 324,505.00 3,395.00

O&M

HQ	data entry	-.	28,553.79	(28,553.79)
	travel	50,000.00	39,239.78	10,760.22
	supplies	4,000.00	1,741.27	2,258.73
	postage	1,000.00	-.	1,000.00
	courier	2,000.00	-.	2,000.00
	long distance	3,000.00	-.	3,000.00
	printing	2,000.00	13,584.56	(11,584.56)
E.D.P. Hardware	178,000.00	-.	178,000.00	
software	40,000.00	-.	40,000.00	
Communic.	10,000.00	-.	10,000.00	
TOTAL	290,000.00	83,119.40	206,880.60	

BC	misc.	-.	309.30	(309.30)
	travel	1,000.00	187.00	813.00
	equip. rental	3,000.00	2,226.86	773.14
	supplies	3,000.00	2,567.78	432.22
	postage	1,000.00	490.20	510.00
	courier	2,000.00	1,412.04	587.96
l.d. telephone	1,600.00	2,908.26	(1,308.26)	
furniture	17,000.00	8,047.69	8,952.31	
printing	1,000.00	1,562.88	(562.88)	
TOTAL	29,600.00	19,712.00	9,888.19	

legal fees 500,000.00 262,652.31 237,347.69

TOTAL O&M 819,600.00 365,483.71 454,116.48

Purchase of
EDP furniture (HQ) 7,000.00 7,000.00 -.

GRAND TOTAL 1,154,500.00 696,988.00 457,512.00

Other departmental
expenditures

29,211.08

1987/88 1 April '87 - 31 March '88

Items	Budget	Actual Expenditure	Surplus/deficit
PYS: HQ	3.84	3.5	
BC	2.0	1.34	
Total	5.84	4.84	1.0

Salaries: HQ & BC 143,747.00
overtime 24,000.00 135,148.00

TOTAL 167,747.00 135,148.00 32,599.00

O&M

HQ	data entry	3,500.00	3,603.81	(103.81)
	travel	24,000.00	14,886.54	9,113.46
	supplies	2,000.00	205.18	1,794.82
	postage and courier	2,000.00	123.53	1,876.47
	printing	10,000.00	17,891.21	(7,891.21)
	consulting services	2,500.00	1,459.00	1,041.00
Misc. & contingency	15,000.00	-.	15,000.00	
TOTAL	59,000.00	38,169.27	20,830.73	

BC	Equip. rental	3,000.00	582.35	2,417.65
	supplies	3,000.00	134.90	2,865.10
	courier and postage	2,000.00	36.55	1,963.45
	telephone	4,500.00	2,611.49	1,888.51
	printing	1,000.00	-.	1,000.00
	furn. rental	2,000.00	70.00	1,930.00
	moving expenses	1,000.00	-.	1,000.00
TOTAL	16,500.00	3,435.29	13,064.71	

legal fees 291,250.00 208,003.15 83,246.85

TOTAL O&M 366,750.00 249,607.00 117,143.00

Allocated O&M 367,000.00 (allocated funds - budget = 250.00)

GRAND TOTAL 534,747.00 384,755.00 149,992.00

5. THE ORGANIZATION CHARTS

The WLO was established as a temporary unit to deal strictly with matters associated with the Inquiry. As the demands on the Department changed, so did the structure of the WLO and these changes are reflected in the charts attached.

Within the Department, the Westbank Inquiry "file" was ultimately the responsibility of the Associate Deputy Minister (Management and Organization). The LO was recruited by the Associate Deputy Minister and received functional direction from him throughout the Inquiry. The Person Years and budget were initially allocated from the Deputy Minister's reserve. In effect, the WLO was appended to the Office of the Associate Deputy Minister, in terms of the overall Departmental structure.

The organization charts set out the formal structure of the office, but the flow of communication was considerably more flexible than appears from the reporting lines*. Flexibility was essential due to the rate at which events were unfolding, the constantly changing demands, and the sheer volume of information and issues to be managed.

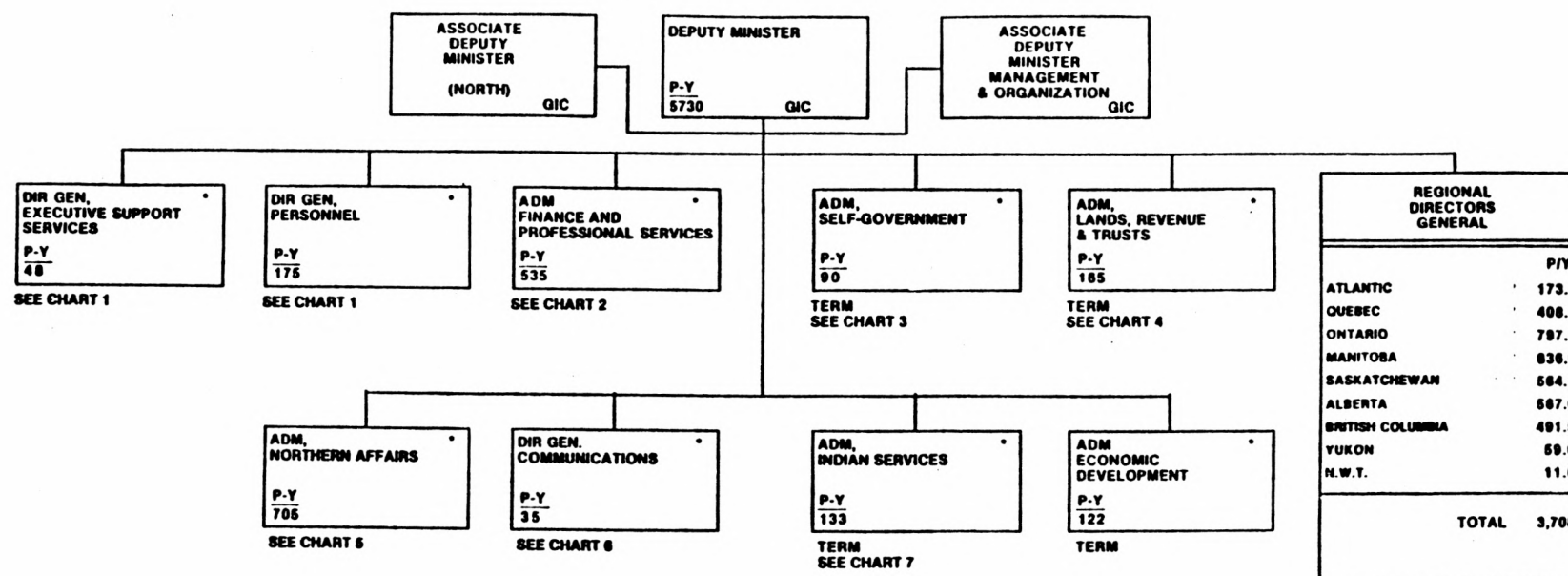
* The solid connecting lines represent reporting lines, and the dotted lines represent functional direction where it differs from the reporting relationship.



Treasury Board of Canada
Secrétariat

Conseil du Trésor du Canada
Secrétariat

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS



APPROVED MANAGEMENT AUTHORITIES						
MANAGEMENT CATEGORY COMPLEMENT (MCC)				ADM's or ADH's	EX 4 & EX 5	
BASE	FLEX.	MCC	TEMP.			
192	11	203	10	2+4T	2+4T	

DISTRIBUTION OF POSITIONS							
EX 6	EX 4	EX 3	EX 2	EX 1	SM	MCE	NYC
	2+4	16	18	20	111	17	

*EXECUTIVE (EX) OR EQUIVALENT PAY LEVEL POSITION

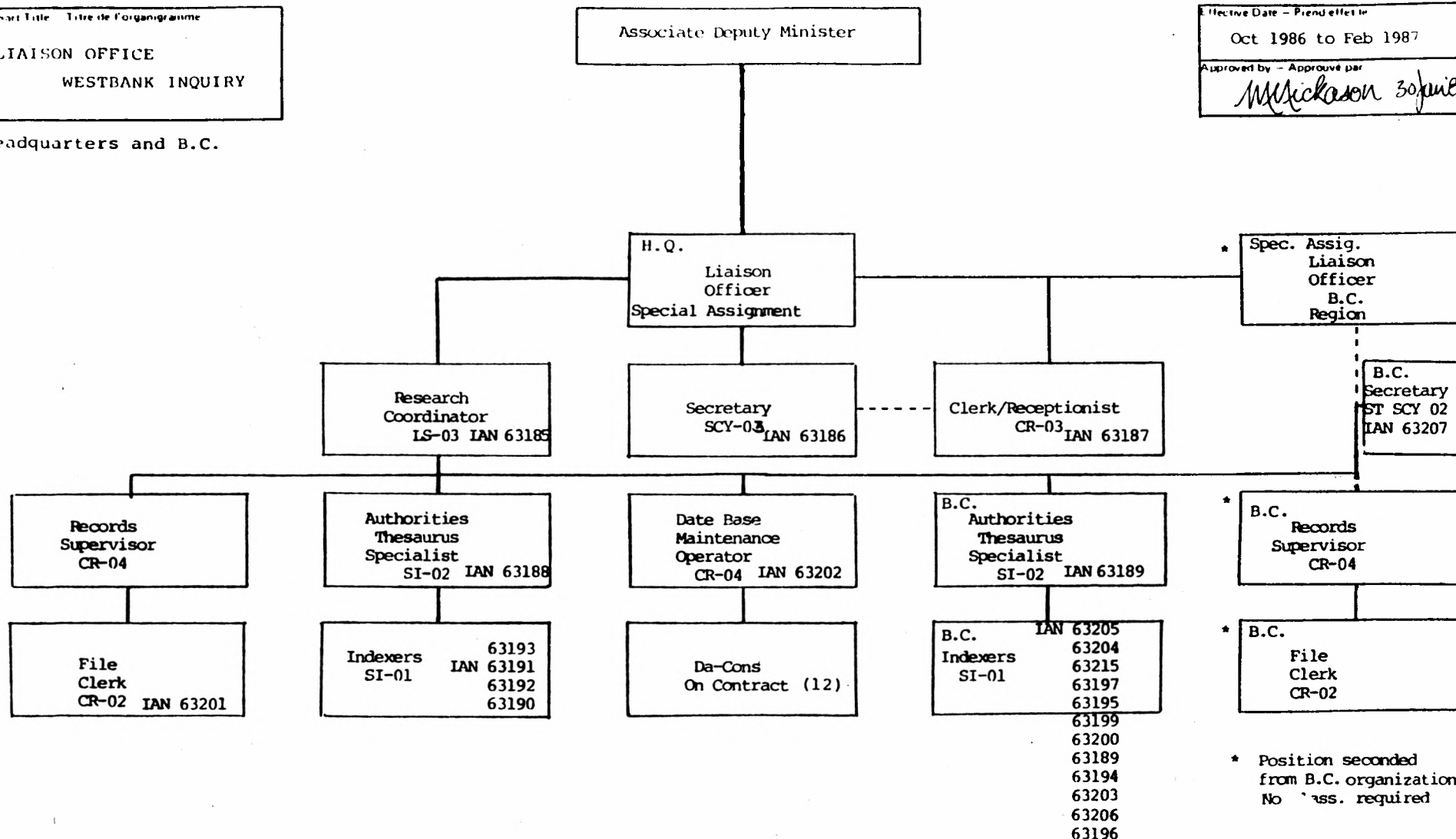
ADN 1 1 000

ORGANIZATION CHART - ORGANIGRAMME

Chart Title - Titre de l'organigramme
LIAISON OFFICE
WESTBANK INQUIRY

Headquarters and B.C.

Page	Of	De	Pages
Effective Date - Prend effet le			
Oct 1986 to Feb 1987			
Approved by - Approuvé par			
<i>M. Jackson 30 June 87</i>			



ORGANIZATION CHART – ORGANIGRAMME

Chart Title – Titre de l'organigramme

LIAISON OFFICE –
WESTBANK INQUIRY

Page	Of De	Pages
Effective Date – Prend effet le		
1 March, 1987–30 Sept '87		
Approved by – Approuvé par		
<i>M. Nickason</i>		

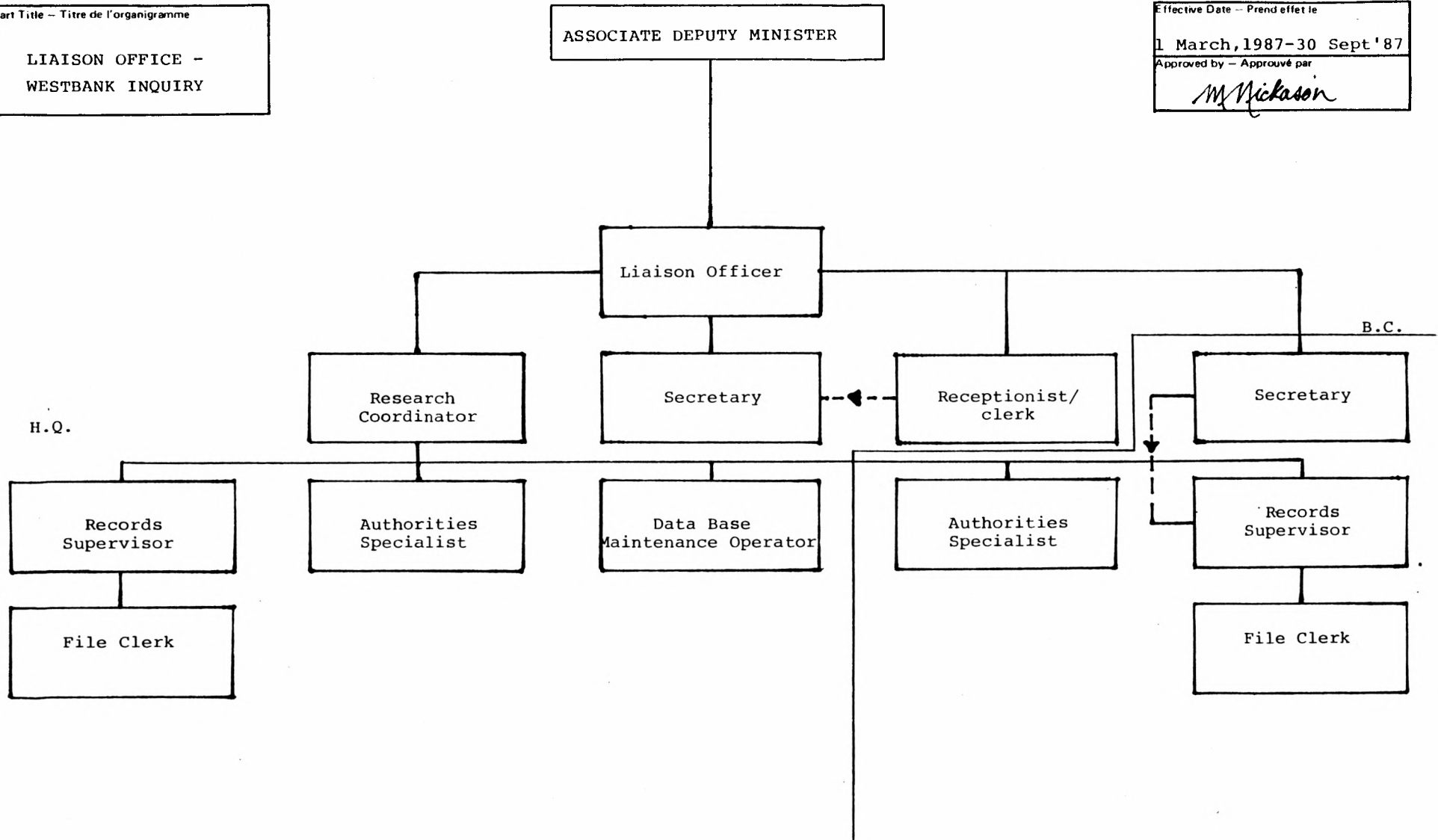
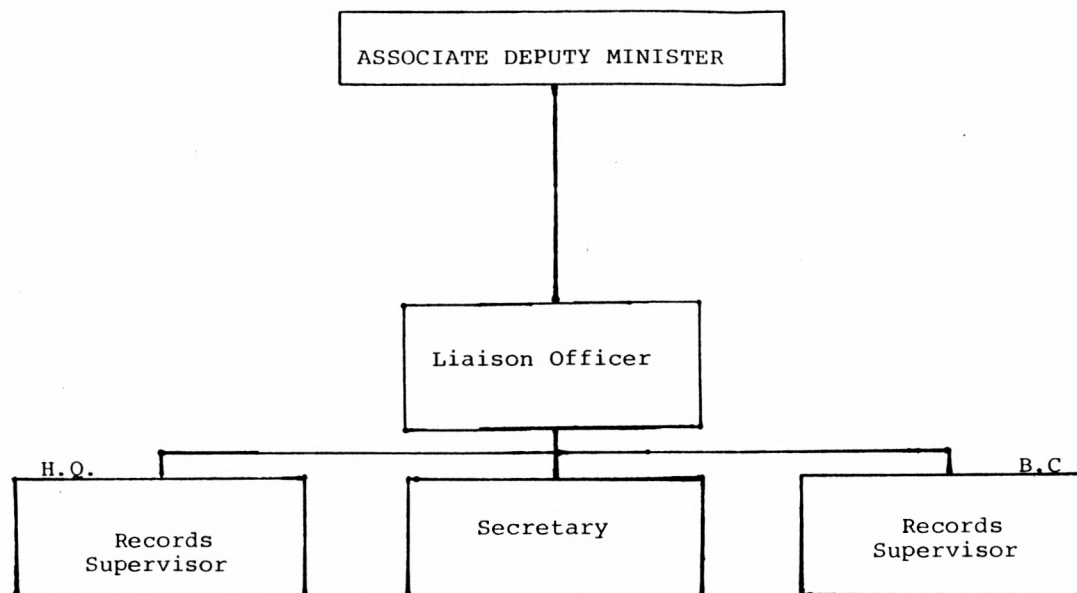


Chart Title - Titre de l'organigramme

LIAISON OFFICE -
WESTBANK INQUIRY

ORGANIZATION CHART - ORGANIGRAMME



Page	Of	Pages
Effective Date - Prend effet le		
1 October, '87-31 Jan '88		
Approved by - Approuvé par		
<i>M. Mikason</i>		

6. SECURITY

Due to the seriousness of the allegations and the nature of the Inquiry, there were significant security concerns associated with the operations of the WLO. The Department had conducted three investigations on the subject before the Inquiry was established, and a number of rumors had developed and had become exaggerated during that period. One of the rumors was that a large number of Westbank-related documents had been shredded in previous years. Consequently, the WLO had to establish, and be seen to maintain, effective security measures. These measures applied to WLO staff, Westbank-related documents, the use of the computer, the data base, and the office itself.

Liaison Office Staff:

Each staff member was interviewed before being hired to ensure that there were no conflicts of interest. Throughout the Inquiry, the information handled by the WLO was considered to be sensitive to varying degrees. However, it was not considered necessary for new employees to be given security clearances, as the oaths of secrecy were considered adequate for this purpose. Special arrangements were made for all staff to gain access to the building during overtime. Careful control was kept over the keys, and the number issued was kept to a minimum.

The Office:

The WLOs were located in buildings where movement in and out was monitored 24 hours a day. They were outfitted with locking doors, and signs were installed which indicated that access was restricted to authorized personnel only.

The Documents:

From the time the Inquiry was announced to the time the Commissioner's report was released, all Westbank-related documents in the Department's control were covered by stringent security measures. The Central Records files were isolated and collected in a separate secured room, then transferred to the WLO in filing cabinets with bar locks. At all times Westbank-related documents were handled according to the Department's administrative directives on the protection of classified documents.

Special procedures were established to collect the working files of departmental officials and to identify potentially sensitive documents. The documents were flagged within the files and the data base. The maximum security classification given to any document was "secret" and this applied to Cabinet Confidences and Treasury Board submissions.

The Data-Base:

The WLO was fortunate to have its own computer to house the data base. This allowed for exclusive use of the data base, with access being restricted through the use of special codes. Only WLO staff, and EDP personnel directly involved with the project, had access to the system. Access to the search and data entry functions (including corrections and revisions) was further restricted.

Security designations were entered in the data base for each record. Any document which was deemed sensitive but was not classified was given an "S" designation. This provided an additional means to ensure that sensitive or classified information was not released inadvertently. It was also possible to prepare print outs which excluded protected documents.

7. ACCOMMODATION

The WLO was first set up in Departmental Headquarters, but within a matter of weeks, offices had been established in both locations (B.C. & HQ). They were initially located in spare boardrooms, where the planning and document collection took place. They eventually moved into 2770 sq. ft. in H.Q. and 2100 sq. ft. in B.C.

The office at HQ was located within the Department itself. The B.C. Office occupied space in a building approximately one mile from the B.C. Regional Office, because there was insufficient space available within that building. The office space in B.C. was acquired through the Department of Public Works.

The HQ space accommodated 25 people, and the B.C. space accommodated 18, at the peak of operations.

Due to the nature of the operations, there were a number of accommodation-related considerations which required extra attention. These factors were: security requirements, reliance on computer equipment, and the need to provide facilities for the review of Departmental records.

Security:

The WLO housed tens of thousands of records which were potentially sensitive. This collection contained all of the original documents which might have been required as evidence. In order to prevent the possibility of break-ins and tampering with the documents, the office space had to be securable - with locking doors and locking filing cabinets. The Department of Public Works selected space in a building in Vancouver where all movement to and from the building was monitored 24 hours per day. This level of building security was already in place in HQ.

Requirements for computer equipment:

The accommodation in both locations had to be specially outfitted with computer cabling. The efficiency of computer terminals deteriorates if the cable connections are too long, so the equipment had to be located in close proximity to the power source and to supporting or connecting equipment.

In HQ the office was located on the same floor as the computer room and the main printer. The data entry took place in a room that had previously been used as an EDP training room, so most of the cabling was in place. While the location of the B.C. Office provided security advantages, it presented significant difficulties for computer communications. The B.C. Liaison Office terminals had to tie in to the computer in the B.C. Regional Office in order to link to the data base. The one mile distance complicated the communications arrangements.

Reading Rooms:

Both offices set up Reading Rooms to be used by anyone entitled to have access to the documents. That space had to be within clear view of WLO staff, to reduce the chance of tampering with the documents, yet separated from the activities of the indexers and the data entry staff.

RECORDS MANAGEMENT FOR THE LIAISON OFFICE

Document Management

When the WLO first began to define its role, document management was the most obvious task to be undertaken. The WLO immediately enlisted the assistance of DIAND's Information Services group to develop a plan for the collection and organization of the documents. The relevant records were located in HQ and B.C., in central records offices and in working files throughout the Department. The discussion on document management will briefly review each component: identification, collection, sorting, indexing, data entry, the shelf list check, and the reconstitution of the files.

Identification:

The first step was to identify the total volume of material. This information would determine the choice of the search and retrieval system, and would alert the WLO to certain logistical problems. Both manual and automated systems have limitations when there is a large volume of material to be handled. A substantial amount of lead time is required to acquire and implement a new system, if the department does not have adequate capacity.

The central records offices in HQ and B.C. prepared lists of Westbank-related files covering 1975-1986 (these were classified by subject). Files which had previously been transferred to the Public Archives Records Centres (PARC) were retrieved. They were boxed and delivered to the respective WLO. On the basis of the number of files, it was estimated that there were approximately 60,000 documents in central records offices alone.

The next step was to identify all "local" or "working" files. The request was made to DIAND's senior management in HQ and B.C., which was then referred to all staff. They were asked to prepare inventories of all Westbank-related documents in their possession. A form was attached to assist them (see attached). Virtually all responses were received within one month - with the bulk having been received within two weeks. This information indicated that an additional 40,000 documents were held in local files, which brought the total to 100,000.

Even if only 40% of this total were originals, the WLO would not be able to use its micro-computers to automate the search and retrieval function, because the volume exceeded their capacity. Consequently, the search and retrieval had to be done by a larger mini-computer.

The inventory provided information about volume and location of the material, and frequency of use. In order to minimize the disruption to ongoing departmental activities, the WLO built in extra provisions for officials who used the files on a daily, weekly or monthly basis*, since they would be inaccessible during the first one to two months of sorting and indexing.

This collection of documents did not include records located in existing data bases which already allowed for rapid search and retrieval, e.g., the Indian lands registry. It also did not include information that was readily available through public libraries or other organizations. The WLO collection was intended to contain only Westbank-related DIAND working documents.

* The "high use" files were photocopied and returned. The WLO retained the originals.

Collection:

Follow-up on the inventories began shortly after the bulk of the responses were received. The WLO and Information Services had developed new procedures for the transfer of files which would ensure the security of the documents and reduce the disruption to ongoing departmental operations.

A letter was sent to each person who had indicated that they held Westbank-related files. It contained instructions for the preparation and delivery of the files (see attached). Steps were taken to ensure that any "high use" files, or documents which might be sensitive, were so identified and properly packaged. Virtually all of the local files were received by the respective WLO within two weeks from the date of the letter. At HQ there were 15 different sources of working files, 31 sources in the B.C. Regional Office and 3 in the district office.

Sorting:

In order to achieve the capacity to conduct detailed searches which would meet the needs of Commission counsel, it was deemed necessary to organize the material by document and not merely by file. Consequently, the files were stripped and each document was sorted individually (the sorting instructions are attached).

One of the concerns of the Research Coordinator was the number of duplicates within the collection. These had to be removed in order to eliminate duplication of the indexing effort, which was one of the most expensive parts of the document management function. The first steps were taken in November, during the sorting of the documents. (For the purposes of the Inquiry, any copy of a document with original handwritten notations was considered to be an original. This policy was based upon the express requirements of Commission counsel.)

The documents were distributed between HQ and B.C., with B.C. holding the larger proportion. Access would be required by departmental employees or witnesses in both locations, and it was considered to be too unwieldy to photocopy and ship either collection to the other location. Consequently, it was decided that two separate, unique collections would be maintained. As a result, it was also necessary to eliminate duplicates and overlaps between the two collections, and these were eliminated at the indexing stage. There were potentially large numbers of "inter-collection" duplicates due to the heavy flow of correspondence between HQ and B.C..

The Records Supervisors, each with 4 assistants, took approximately 1 month to complete the sorting. This task was finished by early to mid-November.

Indexing:

The decision to automate was made in mid-September, and the specifics with respect to hardware, software and data base definition were settled by early October. By late September, the document management procedures were being developed to match the automated approach. A standard form was developed by the WLO as an indexing worksheet, which organized the necessary information into the format of the WLOIRS program (sample attached). An indexing guide was prepared by the Research Coordinator and was used as a training tool with the indexers (also attached).

The job of the indexers was to prepare descriptions of each document, which would then be entered in the computer. The descriptions had to be as brief as possible, but they had to include all of the essential information. This would include a description of the contents (subject, date, author) for use by the client groups, as well as locator or unique numbers, for use by WLO staff. The Central Records classification number was also entered, to assist in the rebuilding of the files.

The WLOIRS is a bibliographic data base, which is comprised of text rather than numerics. Consequently, many of the searches were based on identifying words. In order to minimize the variations in the data base, a thesaurus and names authorities lists were developed by the Authorities Specialists. These were used by the indexers to select the "authorized" descriptive word. A list of codes for names of organizations was also developed, to reduce the size of the text. More codes could have been used, but this would have made the printouts less comprehensible to the users.

This work began in late October in B.C. and in mid-November in HQ. Sixteen indexers were hired for periods of 4 to 6 months, 12 in B.C. and 4 in HQ. Once the indexing was in full swing, the average rate was 40 documents/day per indexer, within a range of 20-70 documents per day. The rate was affected by the length and complexity of the document. By mid-January, approximately 10,000 documents had been indexed, of which 6,000 had been entered in the data base. By the end of March, 1987, approximately 28,000 documents had been entered. This required substantial amounts of overtime throughout the indexing period.

Data Entry:

The data entry function was centralized in the WLO at HQ. Fifteen HP terminals were installed in October, and data entry began slowly in December, 1986, once a backlog of indexing worksheets had been built up. This activity peaked in February, 1987, with 13 data entry operators working each day. It was essentially completed by April (a total of 5 months), but one data entry operator remained an additional 3 months to make corrections. The average capacity of the operators was 65 records/day/person. This figure dropped significantly when there were more than eight operators working, because the system's reponse rate began to deteriorate beyond that rate of input.

The "Shelflist" check:

Once the data entry was completed, the data base was carefully reviewed to eliminate errors and duplicates. A "shelflist" check was then conducted to ensure that the data base exactly matched the record collections. This was done in both offices by the Records Supervisors and the file clerks. Computer lists were prepared, sorted by document number, and each item on the printout was checked off against the documents in the filing cabinets. This process, which began towards the end of June, 1987, took nearly two months to complete.

Reconstituting the files:

By the end of August, 1987, the investigative part of the Inquiry had concluded and all counsel had delivered their final submissions to the Commissioner. The WLO had been developing its winding down procedures during the preceding weeks and was ready to implement them. Commission counsel advised that they would no longer require ongoing access to the Westbank records, so steps were taken to reconstitute the files.

New file folders, labels and history cards had been prepared in B.C. and HQ to accommodate the documents. Computer lists were printed - sorted in chronological order and by classification number. The documents were pulled out of the cabinets in the order listed and placed in the new file folders. This work began at the end of August and was completed by mid-October in HQ.

REQUEST FOR INFORMATION ON WESTBANK INDIAN BAND DOCUMENTATION

Date completed

Name of contact person

Telephone number

Program

Branch

Division

Location

Name / title of file

Dates covered

From

Y

M

D

To

Y

M

D

Local file number or identifier

Type of file (chrono, working, supporting documents etc.)

Examples of types of information

- Acknowledgement of an Officer of a Corporation
- Act
- Affidavit
- Agreement
- Application for Registration, Indian Lands
- Band Council Resolution
- Briefing Note
- Consent
- Contribution Agreement
- Correspondence (Letters, memos, facsimile transmissions)
- Correspondence Log
- Credit and Collection Card
- Debenture
- Default Judgement
- Discharge of General Assignment of Book Accounts
- Discharge of Mortgage of Lease
- Financial Statement (Annual, quarterly reports)
- Indenture

- Invoice
- Lease
- Loan Guarantee
- Map, diagram or plan
- Order to pay
- Postponement of Claim
- Promissory Note
- Proof of Execution by Corporation
- Receipt
- Record of Conversation or interview
- Register, Cash Received
- Regulations
- Requisition for Cheques
- Resolution of the Board of Directors
- Routing Slip
- Share Certificate
- Statement of Claim
- Waiver of Shareholder

Category(ies)
of information

☐ Correspondence

☐ Reports

☐ Articles

☐ Legal documents

☐ Legislation

☐ Financial documents

☐ Other (Specify) _____

File used

☐ Daily

☐ Weekly

☐ Monthly

☐ Yearly

File medium

Paper

Approximate size (Thickness inches / mm)

Microform

Quantity

Machine readable

Quantity

☐ Reel

☐ Tapes

☐ Microfiche

☐ Cards

☐ Aperture Cards

☐ Disks

Number of volumes

Comments / additional information (If additional space is required use reverse side)



3/6

October 2, 1986

Your file Votre référence

Our file Notre référence

SAMPLE

TRANSFER OF WESTBANK INDIAN BAND DOCUMENTATION

In order to allow the proper analysis of the Westbank information, all material identified in the attached "Request for Information on Westbank Indian Band Documentation" forms that you recently submitted, must be transferred to the following location:

Central Records
Room 1240
800 Burrard Street
Vancouver, B.C.

Files are to be packed in one cubic foot boxes, in the same order as they are removed from file or desk drawers. Copies of your file lists must be enclosed with the shipment.

Boxes are available through Head, Information Resources (666-8806). The boxes are to be clearly marked on one end as to the contents, indicating number of files, period covered and sender. However, small shipments are to be prepared in double envelopes with the inside envelope bearing the information requested above. Please clearly identify any material which may be particularly sensitive by placing these documents in double sealed envelopes and labelling the inside envelope "SENSITIVE". We have noted that you will require ongoing access to some of your documents. We will be photocopying these documents/files and returning the copies to you. In order to ensure that such files are promptly returned to you, please attach a red "URGENT" tag to it/them.

We will require all of the documents to be delivered to Central Records no later than 4:00 p.m. Monday, October 6, 1986.

.... /2

4/6

- 2 -

It is intended that all material received be integrated into the official department file classification system, once the Westbank Inquiry is concluded. Should you require the return of any documentation, please indicate this on the file(s) and discuss it with the Westbank Inquiry Liaison team during their on-site visit.

Information Resources will provide assistance if required. Please do not hesitate to call

Liaison Officer
Liaison Office - Westbank Inquiry

Attach.

Sorting Procedures for Documents
for Westbank Inquiry

- Separate attachments from covering material, photocopy all attached documents.*
- Reassemble original packages.
- Sort documents into piles by originator; organization, sub-organization; and individual author.
- Sort piles into proper chronological order.
- Retain maximum of three copies of each document, including the PA (Yellow) copy, dispose of all other copies, except for those which have a file classification number on them. Keep these and return to Central Records.
- Begin sorting procedure with documents in Westbank Office H.Q.
- Follow with personal files held by officers.
- Finish with operational files held in program records offices.

For current operational records remove and photocopy all documents from current files, replace photocopied version of file in folder, process originals as described above. For general files, remove Westbank material and process as above. For closed volumes and closed files remove documents from file and process as above.

When contents of closed records office files are removed for processing, a replacement sheet must be placed in the empty file jacket and the jacket refiled in the record office.

- * For the purposes of this project treat different drafts of the same document as separate documents. Treat any copy of a document with minutes (notations) as a separate document.

[illegible]

Recipient 1 Destinataire 1		
Recipient organisation 1 Organisation (destinataire) 1		
Recipient 2 Destinataire 2		
Recipient organisation 2 Organisation (destinataire) 2		
Publisher 1 Éditeur 1		
Publisher 2 Éditeur 2		
Place Lieu de publication	Edition Édition	Collation

[illegible]

Secondary subject
Sujet secondaire

Main subject name Nom du sujet principal	
Secondary subject name Nom du sujet secondaire	
Indexer's initials Initiales de l'analyste	Operator's initials Initiales de l'opérateur

Westbank Inquiry Liaison Office Indexing Guide

Document Number: 50 Characters

An alphanumeric code based on Central Records classification numbers. Each document number will also include a serial accession number to make it more unique. There is also an added location indicator showing whether the number was created at Headquarters or in B.C.

The accession number will be in brackets, e.g. E5627-C1/D6[006BC]. The document number is assigned and entered on the worksheet by the Records Supervisor and/or the File Clerk.

Document Type: 1 Character

Indicates whether the document is:

1. Report (R): Books, reports, presentations (anything considered a monograph) are classified as reports. Memos to file and briefing notes are also considered reports.
2. Correspondence (C): Letters, memoranda (anything with a "To" and "From") are classified as correspondence. Letters are sent externally, while memos are internal communications. The flimsy first page in Docket package is considered correspondence.
3. Article (A): Articles from magazines and newspapers, press releases as part of a series and chapters from books are classified as articles.
4. Legal Document (L): Documents of a legal nature, e.g. leases, agreements, band council resolutions, fit into this category.

Document Name: 40 Characters

Name of specific kind of document. Correspondence could be a "letter" or a "memo"; an article could be a "chapter". Refer to attached list for some examples of document names.

Medium: 1 Character Code

This field indicates what form the document is in. The choices are Paper (P), Microform (M), EDP (E), and AV(A).

Organization Type: 1 to 4 Character Code. Repeating field

Describes the nature of the organisation which produced the document.

b	Business (includes business lobby groups)
ba	Accountants
beng	Engineering firm
bf	Financial institution
bmh	Mobile home park operator
bsu	Surveying company
cp	Commercial publisher (not affiliated with any particular type of organization)
ct	Consultant (includes individuals who are consultants)
fg	Federal government
in	Individual natives
ip	Individual person
it	Individual tenants
lf	Law firm, individual lawyers
mp	News media, print
mr	News media, radio
mt	News media, television
ng	Native group (included here are band councils, national, regional and local organizations)
pg	Provincial or state governments
pi	Special public interest groups (includes non business associations)
pu	Public utility
ra	Regulatory agency
rg	Regional/local government (includes politically organized groups such as regional councils and municipalities)
ri	Research institution (universities, private research institutes and academic presses)

Document Location: 3 Character Code Repeating field

A choice of BC or HQ, followed by "O" for original or "C" for copy. This field indicates where the document is being kept. Many documents will have more than one document location. Assigned and entered on worksheet by the indexer. This is a very important field.

Carbon copies of letters with original signature are treated as copies. Do not make any reference anywhere to the fact that there is an original signature.

Sensitivity: 1 Character Code "S"

This field is used when a document has been deemed to be sensitive for the purpose of the Inquiry. These documents may or may not also have a security classification.

Anything from the RCMP gets an "S" (sensitive) even if not classified secret or confidential.

Security Classification: 1 or 2 Character Code

This field will be filled in if the document has a formal federal government security classification: Top Secret (TS), Secret (S),

Confidential (C) and Protected (P) or Restricted (meaning protected) (P).

Source: 12 character code for the organization (using the codes for the Ministerial tracking system.
30 characters for name of person, e.g.
IIA-HQ-RLT-SINGLETON, F
Repeating field

Name of the person and organization who supplied the document to the WLO. This information will remain in coded form in the data base.

Publication Date: 6 Characters

The date the document was published. Entered Year Month Day e.g. 841229. If the date is unknown, put a line through the date field on the worksheet. If you are guessing, enter question marks, e.g. 84????.

The Notes field is used to show "date unknown", "date supplied" or "guessed date". When a document has many dates use the date on which the document has been signed.

Author: 120 Characters Repeating field

All personal and corporate authors of a document are listed in this field. Put all personal names in inverted format. Check for correct format in Authority Lists. If you cannot find the name in the Authority Lists, write it down and give it to the Authorities Specialist so that she can add it to the list. If you are in doubt about the form of name to use (and it is not in the Authority List), use initials, not first name e.g. Basque. A. (Ben) use Basque, A.

Two authors: e.g. in letter from Westbank Indian Council signed by R. Derrickson, then Author 1 is "Derrickson, Ronald Michael" and Author 2 is "Westbank Indian Council" (Remember you can use codes in the author, so in this case, Author 2 would be "WIC").

Three or more authors: there is room in the system for up to 4 authors. Try to include them all.

When one person signs for another or writes for another person (e.g. C. Mattock for Joe Thompson), the author is the person the letter was written for (Joe Thompson). But, when a person writes a letter on behalf of the Minister, then the author is that person, not the Minister, but the publisher will be the Minister (written from code list HQM).

There is no author for agreements.

Title: 400 characters

Free text description of the document. Formal title to be used if available. A colon always precedes a subtitle. Use

semicolons only when absolutely necessary, for example in lists to distinguish separate parts. Hyphens should be avoided. Do not split (hyphenate) words.

If a document has no title, one will have to be supplied by the indexer, using as full a description as possible. The title should be as precise, readable, grammatical and as complete as possible. The word "his" can be ambiguous, so use specific name if necessary. Keep articles indefinite unless referring to a specific name, e.g. a loan, not, the loan.

The first letter of the title is in upper case. Also use upper case letters at beginning of all proper names. All other words, though, should be in lower case. There is no period at the end of the title.

Standard form abbreviations may be used in the title. The abbreviation INAC (without periods) can be used in the title, but in all other fields use correct codes from the code list.

In order to avoid convoluted titles, it is helpful to use "action" words such as: requesting, instructing, providing, informing, enclosing, accepting, responding questioning, rather than using "about".

If the document is about an attachment, mention that there is one in the title, e.g. Letter from X to Y about attached document.

When someone is acting in a position e.g. Cal Smith, Acting Regional Director General, get this information into the title. The code for Regional Director General still goes into the publisher field but this way you are not misleading the reader into thinking Cal Smith is the Regional Director General.

Please make sure that when you are writing your titles you make them easy to read by using the proper spacing. Don't cram words together.

Here are some examples of the form to be used in titles:

e.g. Letter from John Brown, Local Government, INAC, B.C. Region, to Lucy Smith, ACME Corporation, about the Department's new supply purchase procedure.

e.g. Letter from Audrey Long, Fisk, Fisk and Brewer, on behalf of her client John Leslie, to Karen Hopper, Green, Tolmie and Ferguson, about claim to Lot 16, Tsistikeptum Indian Reserve No. 9.

e.g. Resolution by the Westbank Band to ...

* Please note that personal names in the title are in the usual form, not in inverted form. Also, although "INAC" does not have periods, and HQ in the title does not have periods, "B.C." does have periods.

- * Codes from our code list are not used in the title field. In fact, codes cannot be used in conjunction with other text in a field; codes must be the only characters in the field in which they are used in order for the computer to convert them.

Recipient: 120 Characters Repeating field:

This field is used when dealing with correspondence. The Recipient is the person to whom the correspondence is addressed. Personal names are entered in inverted form.

If a piece of correspondence is addressed to one person, and is to the attention of someone else, e.g. "to John Smith, attention Fred Jones", then both are recipients.

Always use the addressee as the recipient, even if the addressee is crossed out and the c.c. is circled, checked, or marked "to". Try to include all recipients. If there is a letter or memo marked "to all managers", put "Distribution" in Recipient field, but, put "to all District Managers" in title field.

Recipient Organization: 120 Characters Repeating field

This field is used when dealing with correspondence. Recipient organization is the name of the organization to which the correspondence is addressed. Authoritative forms of names are used. Codes from the code list may be used in this field.

Publisher: 120 characters Repeating field

The Publisher field is, after the Document Number, the most important field in the record. Effort should be made to always fill in this field.

The name of the organization or person responsible for originating the document. Codes from the code list may be used in this field. If you have an organization without a code, please write the name out in full using the authoritative (Canadiana) form. Remember, we always abbreviate Department to Dept. in authoritative forms of names.

When a document is written on behalf of the Minister, then the Minister is the publisher. For the "Crown" or "Queen" we use "Government of Canada" or "Canada Minister of Indian Affairs and Northern Development", whichever is more appropriate. We use "Government of British Columbia" not "Province of British Columbia".

Distinguish between Ron Derrickson as Chief of the Band and as an individual (or any of his other interests).

When dealing with Agreements, all parties to the agreement are publishers. (The place of publication would be where the document was drawn up). The same thing applies to other legal documents, where there are several parties to the instrument.

If you cannot find the publisher of a document put "n.p." in this field.

Place of Publication: 30 Characters

The name of the place where the document was produced. Include the name of the city and an abbreviated form of the name of the province, e.g. Ottawa, Ont.; Vancouver, B.C. Ottawa is used as the location for documents produced by INAC HQ. The following is a list of abbreviated names:

Nfld.	Man.
N.S.	Sask.
P.E.I.	Alta.
N.B.	B.C.
Que.	N.W.T.
Ont.	Y.T.

If you do not know where the document was published, put "n.p." in the field.

Edition: 30 Characters

Information is entered in this field if the document is a draft or has appeared in different editions. Unsigned letters are often "drafts" of letters. In this case, make sure that there is no date before calling it a draft. If there is a date in the postscript, then use this for the date.

Be careful about PA (put away) yellow carbon copies of letters; could be copy without stamps "signed by". If there is a date at the top of the letter, but no stamps, this is likely a copy of a letter that was sent; if there is no date at the beginning and no stamp re: signature, this is likely a draft.

You will come across many drafts of legal documents. Make sure you look at all copies of these documents to distinguish the drafts from the final versions.

Collation: 30 Characters

Information in this field provides the physical description of the document, usually the number of pages or number of volumes. Unpaginated documents of fewer than 20 pages will be counted by the indexer. If a document is unpaginated and is very thick "Not paginated" is entered. If the document has many sections and each is paginated, use "Various pagings".

Series: 120 Characters Repeating field

This field is used if a document is part of a series of documents or part of another document. It is always used for articles or chapters from books.

If you are indexing a band council resolution, either draft or final, which does not have a number, put WIC BRC in the series

anyway. This will enable us to pull all WIC BCR's (Westbank Band band council resolutions) in a search on the system.

Here are some examples of serial citations:

e.g. Article from periodical:
McLeans; Vol. 16, no. 1 (January 3, 1986) : 21-30

e.g. Chapter from book:
Out of irrelevance; Toronto: Butterworths, 1980 :
183-190.

e.g. Docket:
Docket SA 0024

e.g. Band council resolutions:
WIC BCR 1987-3
WIC BCR 981/40-77-01

e.g. Circulars
Pink circular; no. 109

In the series field, the first letter of the title is in upper case but the rest of the title is in lower case, e.g. Kelowna daily courier, unless one of the subsequent words is a proper name.

Notes: 200 Characters

Free text to supply important information not appropriate for other fields, e.g. minutes. Use sentence form with period (full stop).

Notes can include a physical description of the document. If you use direct quotes, punctuation is outside quotation marks unless your quote included punctuation.

Distinguish between "minutes" (which include directions to do something) and attached notes. Transmittal notes: if it is just scribbled on (e.g. Fred look at this) then it is not a separate document.

When minutes are substantial, be sure you capture their subject content in the indexing. Remember, we won't be indexing them separately, so we have to cover them at this point.

If you supply a missing date or name, then put "Date supplied" or "Name supplied" in notes. If attachments are missing put this in the notes, but do not list attachments found in this field; "Attachments missing", or "One attachment". If there is no date of publication and you cannot guess a date then put "Undated" in this field.

Main Subject: 120 Characters Repeating field

Keyword-like descriptors from thesaurus indicating the subject content of the document. Common nouns; always use plural form

(keep in mind that words like "legislation" are plural in nature). The main subject indicates the primary topic covered by the document. Some documents may have only one subject.

The "re" line of a piece of correspondence is not necessarily a good indication of the subject of the letter. Be specific when choosing subjects.

There should always be a subject. If a letter just says "about attached letter", then the subject is "Correspondence". If a document is about band council resolutions in general, the subject would be "Band council resolutions".

Secondary Subject: 120 Characters Repeating field

Keyword-like descriptors from thesaurus, indicating the subject content of the document. Common name, always use plural form, Secondary subject includes other topics of significance covered by, but not the main focus of, the document.

Main Subject Name: 120 Characters Repeating field

Proper names of people, corporate bodies, government bodies, place names, and titles of documents and legislation referred to in the document. Use authoritative forms of names. Main subject name indicates the primary names included in the document.

If using a title as a subject name, use only main title, do not include subtitles.

"Leases" is used as a subject, but "Lease 329-07" is a subject name. "Reserves" is used as a subject, but "TIRT" is a subject name. If a document mentions a specific band council resolution, use "WIC BCR 981/40-77-01" in the subject name.

When a main topic is the leasing of a particular piece of land, e.g. Lot A, Sublot 58, C.L.S.R. Plan no. 26052, please cite this in the subject name using this form:

* Lot A
 Sublot 58
 C.L.S.R. Plan no. 26052

* each part is a separate descriptor.

Personal names are inverted. If you have only a last name that you feel should be included in the subject names, put the last name down. Do not follow the name with a comma, question mark, or anything else. It will still be useful for searching even without a first name. If you have a last name, and you know that the person is "Mr. Jones" then use "Jones, Mr." as a descriptor.

If a document is about many members of the same family you could use, for example. "Jones family" as the subject name.

Do not combine other information with a standard code. If the subject is a lot number on a reserve, use "TIRT" as one subject name, and "Lot 294-04" as another subject name.

Secondary Subject Name: 120 Characters Repeating field

Same as Main Subject Name, but names which, while significant, are not the main focus of the document.

Indexer's Initials: 2 or 3 characters

Initials of indexer producing the worksheet.

Data Entry Initials: 2 or 3 characters

Initials of data entry person entering the record.

Tracking and Screening Subrecords

Requested By: 200 Characters

Name of individual client and name of organisation requesting document.

Requested From: 200 Characters

Name of individual Liaison Office staff member and location of office.

Request Date: 6 Characters

Date of information request. Year, month, day format.

Supplied By: 100 Characters

Name and location of Liaison Office, B.C. or HQ.

Supplied To: 100 Characters

Name of individual client and name of organisation.

Date Supplied: 6 Characters

Date the document was sent to the client. Year, month, day format.

Original or Copy: 1 Character

This code (O or C) indicates whether the document supplied was the original or a copy.

Use: 100 Characters

Originally intended to indicate the purpose for the information request, this field was actually used to contain the information request number (which, in itself indicates the client group).

ATIP Screening Date: 6 Characters

Date the document was examined for exemptions under the Canada Evidence Act. Year, month, day format.

ATIP Exemption: 1 Character

A "Y" was entered in this field if exemptions applied to the document.

Nature of Exemption: 1 Character

Either a "T" for Total or "S" for severed was entered in this field. "T" means that the entire document must be restricted and

"S" means that only those sections marked on the document must be removed before the document is provided.

Sections of Act: 200 Characters

Originally intended to include the specific sections of the Canada Evidence or other legislation, this field was used to contain as well a code indicating the type of exemption. The codes are: CC - Cabinet Confidence, SC - Solicitor/Client Privilege, FP - Federal/Provincial Relations and PI - Public Interest.

Screening Officer: 30 Characters

Name of individual staff member and name of organisation that performed the examination and evaluation.

ATIP Notes: 500 Characters

Any additional comments, such as "No exemptions" or "Legal Services must be consulted further before releasing this document".

Entry Date: 6 Characters

Date the original record, not the screening and/or tracking, was entered. This field appears at the end of the record because it was added later in the project. Year, month, day format.

Examples of Document Names

Acknowledgement of Officer of a Corporation
Act
Affidavit
Affidavit of Execution
Agreement
Agreement on Land Descriptions
Agreement to a Road Right of Way
Agreement to Transfer Land
Agreement to Use Land Permits
Allotment of Land in an Indian Reserve
Application for Certificate of Encumbrance
Application for Entry or Renewal
Application for Registration, Indian Lands
Application to Construct a Sewage Disposal System
Application to Register a Document
Application to Register an Instrument
Application to the Rentalsman
Appointment of Administrator
Appointment of Hearing
Appraisal
Article
Assignment of Lease Checklist
Assignment of Rental
Balance Sheet
Band Council Resolution
Briefing Note
Budget
Budget Approval
Bylaw
Caveat
Certificate of Incorporation
Certificate of Occupation
Certificate of Possession
Codicil
Consent
Consent to Mortgage
Contribution Agreement
Contribution Arrangement
Contribution Arrangement Amendment
Conveyance Checklist
Correspondence
Correspondence Log
Credit and Collection Card
Cut Off Agreement

Examples of Document Names

Page - 2

Debenture
Debenture Agreement
Default Judgment
Diagram
Discharge of General Assignment of Book Accounts
Discharge of Mortgage of Lease
Financial Statement
Hypothecation Agreement
Indenture
Indian Lands Registry Status Report Schedule
Invoice
Land Mortgage
Land Titles Worksheet
Lands Register
Lease
Lease Checklist
Lien
Loan Agreement
Loan Guarantee
Magazine Article
Map
Mortgage
Newspaper Article
Notice of Entitlement
Notice of Occupancy Fee Increase
Offer to Sell
Order to Pay
Performance Status Report
Plan
Postponement of Claim
Prepaid Rental Agreement
Promissory Note
Proof of Execution by Corporation
Quit Claim
Quit Claim of Rights to Land in an Indian Reserve
Receipt
Record of Conversation or Interview
Register, Cash Received
Registrar's Assurance
Registrar's Certificate as to Status of Lands

.... 3.

Examples of Document Names

Page - 3

Regulation
Release
Request for Copies of Plan
Request for Issuance of Evidence of Title
Request for Preparation/Amendment of Location Sketch
Request for Replacement of Title
Request for Survey
Request for Title Issue
Requisition for Cheque
Reserve Data Record
Reserve Land Register
Reserve Land Register Worksheet
Resolution
Routing Slip
Share Certificate
Statement of Account
Statement of Claim
Statement of Receipts and Expenditures
Statement of Title
Status Report
Statutory Declaration
Sublease
Surrender Form
Surrender Record
Survey
Transfer of Land by Administrator
Transfer of Land in an Indian Reserve
Undertaking Pursuant to On-Reserve Housing Regulations
Waiver
Waiver of Shareholder

JD/mv
Jan.26/87

THE WESTBANK LIAISON OFFICE INFORMATION RETRIEVAL SYSTEM (WLOIRS)

The Westbank Liaison Office Information Retrieval System (WLOIRS) was the first bibliographic data base to be developed by DIAND. It was based on modified Minisis software and contained a descriptive index of 33,000 records.

This system was selected to meet the express needs of Commission counsel and the WLO. Commission counsel advised that he would require lists of documents, arranged in a number of ways (e.g., by subject, author, recipient, date, etc.), from which to select specific documents. He would be asking the WLO to produce groups of documents, or a specific document, but he may not always be able to identify them by subject or date (the way the Central Records files are organized).

A report was compiled for the WLO which outlined the costs and benefits of various manual and automated retrieval systems. There were significant qualitative and financial differences between the various options. On the basis of that report, and the advice of the Research Coordinator and Central Records staff, it was concluded that a manual approach would not meet the requirements for speed and completeness. Manual searches would rely to a large extent on the memories and expertise of the searcher and there were not enough experienced personnel available to meet the requirements. A manual cross-indexing system would be labour-intensive and time consuming to produce, but would operate at a fairly basic, unsophisticated level.

The reporting date set by the Commissioner's terms of reference allowed only a very short time to get the system into operation. Consequently, the WLO needed a low risk approach. The Minisis software was selected for this reason - it had a proven track record, was designed for bibliographic data bases, and was compatible with DIAND's computer hardware. The decision to automate was made in late September, 1986, and the system was in place by the end of October.

The indexing worksheet demonstrates the definition of the data base. The WLOIRS provides at least eight access points to the records. It allowed the standard means - subject, author, and date - as well as by recipient, organization of recipient or author, sensitivity (Y/N), security classification, and secondary subject. When these access points were used in combination, WLOIRS was capable of very sophisticated and precise searches, and it increased the chances of success even with minimal information. The system was also capable of storing information which was required for WLO's administrative purposes. eg. the names of individuals to whom documents had been supplied.

The modification of the Minisis program took 2-3 weeks. The data entry began in mid-December and continued until April. WLOIRS was being used to conduct searches by mid-January, and by February, it was the primary means to locate DIAND documents.

The Research Coordinator developed a guide to the use of WLOIRS, which explains how to conduct searches. It should be used in conjunction with the Minisis users' manual - both of which are available from DIAND for reference.

The system provided several levels of security. The security classification was noted on the record, to alert WLO staff and counsel to handle the specific documents appropriately. A number of report formats were available, and it was possible to prepare a printout which excluded records which were protected. This was combined with a second printout listing the protected records. The records were released as soon as the appropriate security measures were taken, e.g., severing Cabinet confidences. The log-on codes were carefully guarded to limit access to the data base, and the WLO was the only user of the mini-computer.

REVIEW OF THE DOCUMENTS

As stated earlier, it was necessary to review* DIAND's documents to ensure that protected information was not inadvertently released. This involved the review of each record to identify the type of protected information.

The comprehensive review had to wait until the records were sufficiently organized after the files were stripped. In the meantime, the review took place on a case by case basis, as documents were requested. In all cases, the Cabinet confidences were referred to PCO for confirmation and were severed from the body of the document before being released. In the interim, the other records were forwarded to departmental counsel to deal with the remaining types of protected information before release.

Once the comprehensive review was underway, an officer from DIAND's Access To Information and Privacy (ATIP) secretariat was assigned to work with the WLO on a full-time basis, to do the initial review. Any information potentially protected by the Canada Evidence Act was identified. The documents were then sent to the appropriate official to confirm if they were entitled to protection, and if the protection was mandatory or discretionary. If it was the latter, it was necessary to determine whether the information was so sensitive that it should not be published during the course of the Inquiry. Documents in the discretionary group which were not sufficiently sensitive were released to Commission counsel upon request.

The largest group of protected information was privileged solicitor-client communications. These fell into two categories: information relating to ongoing litigation, and material containing legal advice. The litigation documents were forwarded to the DOJ counsel who were the solicitors of record. The others were reviewed by DIAND's Legal Services unit. Material which fell into the other categories was also reviewed by the Legal Services unit and forwarded to the Associate Deputy Minister, if necessary. This included the records in the "working" files which had been marked sensitive.

If a document was deemed to contain protected or sensitive information, it was flagged in the filing system and a notation was made in the data base. A system of colour-coding was implemented to identify the type of protected information in the document. These steps were taken to alert the WLO staff to take the necessary precautions before releasing the document.

* At first, W.L.O. used the term "screened" to describe this process, with unfortunate results. It created the impression that the W.L.O. was censoring the documents.

The comprehensive review began at the end of January and was not completed until mid-May - 3 1/2 months later. Until it was completed, the reviews were handled on a case by case basis and this significantly slowed the response rate (by up to 3 to 4 weeks).

The review of the solicitor-client documents took longer than expected, because of the way the documents were organized for entry into the data base. Filed individually, they had lost their context, and the nature and implications of the solicitor-client communications could not be assessed without this. The case-by-case approach had to be used with these records until WLOIRS could restore the context, which could not be done until the end of March.

Once the security coding was in the data base, it was no longer necessary to delay the response to a request for information in order to review the material. The process was lengthy and fraught with frustration, but once completed it enhanced the capacity of the WLO to ensure the proper level of protection for each document.

REQUESTS FOR INFORMATION

There were six categories of clients: the Commissioner and his staff, departmental counsel, other counsel, DIAND witnesses, DIAND employees, and others.* There were variations between the groups in terms of their entitlement to, and need for, access to information. These variations were reflected in the procedures, which were compiled into a package, and copies were made available to all WLO staff and any other interested person. (A copy of the package is attached.)

The basic assumption was that all requests for information associated with the Inquiry would be handled by the WLO. This was to ensure that responses were provided in an orderly way with minimum disruption to the program areas, and to ensure the security of DIAND records.

There were four levels of access provided. Departmental counsel received full access to all DIAND records, and any requests for background material or research were given top priority within the Department. The Commissioner and his staff were entitled to virtually all DIAND records except those protected by the Canada Evidence Act, and where that protection was discretionary the documents were usually released. (Requests from other counsel were to have been routed through Commission counsel.)

Departmental witnesses and employees were entitled to access on a "need-to-know" basis only. Witnesses would require the documents to refresh their memories before testifying, and employees were entitled to have access to records which related specifically to the work they were doing on a day-to-day basis. Independent counsel for DIAND employees were included in this group. Requests from journalists and the general public were handled in the same manner as with ATIP requests.

The "need-to-know" rule is one imposed by the Central Records office in its daily operations and it extended to the WLO. The WLO staff were instructed to confirm the client's need to know before beginning the search. Departmental counsel or the LO could confirm a witness's need to know, but DIAND employees were required to produce a letter from their Directors (or next more senior supervisor).

* "Others" would include requests from other departments, journalists or the general public.

The procedures which were actually followed varied a bit from those set out in the attached package. They were adjusted from time to time as the demands changed and as WLOIRS came on stream. The WLO did not receive any ATIP requests once the Inquiry was under way, so those procedures were never followed. Counsel for the other parties did not make requests directly of the WLO, relying instead on Commission counsel to produce the documents during the course of the hearings. Due to lack of time available to departmental counsel, all DIAND witnesses received their documents directly from the WLO.

The bulk of the requests were directed to the WLO in Vancouver (approximately 75%). Approximately 10% of all requests involved some research by the program areas, and these were coordinated by the LO.

Searches were conducted completely manually until the end of January, 1987, relying on the skills and memories of the Records Supervisors. Between February and May, the searches were a combination of manual and automated methods, after which they were fully automated.

Manual searches were begun in Vancouver, then forwarded to HQ if any of the documents could not be found there. Until the comprehensive review was completed, the documents for each request were reviewed as soon as they were compiled.

The first step of an automated search was to produce a printout, or list, from which the documents were selected.* The printouts provided a good sense of context, which was broader than would have been available from the intact files, due to the cross-referencing capacity of WLOIRS. The requestor returned the printout to the WLO with the specific documents marked. The material from HQ was sent by Priority Post or by courier to the WLO in Vancouver and from there the entire package (HQ and B.C. documents) was couriered to the requestor's office. Copies of all documents and printouts requested by other counsel were also sent to departmental counsel for his review.

The WLO set up reading rooms in both offices to allow clients to review the documents - to conduct research or to determine their relevance before requesting copies. Unfortunately, none of the counsel used the reading room to eliminate irrelevant material before the copies were made. Consequently, the WLO shipped considerably more material than would otherwise have been required.

* Until the data base was completed, all parties asked for regular updates of all printouts. This added an extra burden to the busy Vancouver WLO, but it was necessary to ensure that counsel were aware of all available documents.

Requests for Information

Commissioner and Counsel for Parties

1. Request is made by the Commissioner, or by Counsel for Parties, to the Liaison Office. The request may be made to the Liaison Officer - H.Q., the Liaison Officer - Vancouver, or to Departmental Counsel.
2. Once the request has been made, a clearance check is done by the Liaison Office to ensure that the Requestor is authorized to make the request. In the case of Commission counsel, check for the Commissioner's letterhead. If the request is from counsel for one of the parties, check the list which is available in the Liaison Office.
3. The request is referred to the Chief database searcher.
4. At this stage, if necessary, the chief database searcher makes a phone call to the Requestor to clarify the request.
5. The search for documents is conducted by the chief database searcher. If Counsel for Parties is making a request for specific documents, and copies have already been sent to the Commissioner, refer her/him to the Commissioner to obtain the documents.
6. Once the search has been completed, a print out of the documents is made.
7. A follow-up clarification phone call is made by the chief database searcher to the Requestor, if necessary. The Requestor may look at the print out and pick out specific documents.
8. Documents are compiled, with the Request form attached.
9. The documents are reviewed by A.T.I.P. in Ottawa, or by Departmental Counsel in Vancouver. Reviewing is done in the Liaison Office Reading Room.
10. Exemptions are entered in the Liaison Office database for tracking information.
11. All documents are released to the Commissioner, who will then release documents to other Requestors. During the review process, information deemed sensitive under A.T.I.P. will be flagged, for the Commissioner's information.
12. The Request for Information form is filed, attaching a print out of the documents that have been released.

Requests for Information

Departmental Witnesses and Departmental Employees
(On a Need to Know Basis)

1. Request is made by a Departmental Witness or by a Departmental Employee (on a need to know basis) to the Liaison Office. The request is made to the Liaison Office - H.Q., the Liaison Office - Vancouver, or to Departmental Counsel.
2. Once the request has been made, the Liaison Office does a clearance check to ensure that the Requestor is authorized to make the request. Departmental Counsel will authorize the requests of Departmental Witnesses. Departmental Employees will need a letter from their Director stating the reasons why they are requesting the documents.
3. The request is referred to the chief database searcher.
4. The chief database searcher makes a phone call to the Requestor, if necessary, to clarify the request.
5. The computer search for documents is conducted.
6. A print out of the results of the search is made.
7. The Requestor will be asked to make specific selections from the print out.
8. The documents requested are compiled with the request form attached.
9. Departmental employees will be allowed to view the documents in the Liaison Office Reading Room only. The documents requested by Departmental Witnesses will first be released to Departmental Counsel who will then release them to the Requestor.
10. The Request for Information form is filed in the Liaison Office with the print out of documents released attached.

Requests for Information

Media and Others

1. A representative from the media makes a request to the Liaison Office for documents.
2. The requestor is advised by the Liaison Office to make the request to the A.T.I.P. office.
3. A.T.I.P. makes the request for the search to the Liaison Office.
4. The request is referred to the chief data base searcher.
5. A clarification call is made to A.T.I.P., by the chief data base searcher, if the request is not clear.
6. A print out of the documents is then prepared.
7. The print out is made available to A.T.I.P to select the appropriate documents, and the Liaison Office will then compile the documents for review.
8. A.T.I.P. will review according to their own procedures and will release screened copies to the requestor.
9. The A.T.I.P. exemptions will be recorded in the data base as tracking information.
10. The Request for Information form is filed, with a print out of the documents released.

Media Coverage Analysis 1986-87Westbank Inquiry

The Westbank Inquiry seems to have been a local issue with the vast majority of coverage confined to the Kelowna and Vancouver areas. Of the 167 newspaper articles and radio and television news broadcasts, 83 were strictly local to the Kelowna area. Of the local coverage, 73 items were from Kelowna newspapers, mostly from the Kelowna Daily Courier - 53 items; the Westside Sun ran twelve articles and the Kelowna Capital News ran nine articles. The rest of the local coverage was in the form of radio broadcasts.

The majority of the rest of the media coverage was regional coverage. The Vancouver Sun has run 41 articles concerning the Westbank Inquiry. The other articles have been in the Vancouver Province (five items) and in the Western Report (two items).

There was some regional coverage in other areas of the country as well, although not very much. The Montreal Gazette carried three articles at various times throughout the Inquiry. The Toronto Star, the Regina Leader Post and the Calgary Herald all ran one article each at different times throughout the Inquiry. The Toronto Star article was not about the Inquiry itself, but was about the Department revoking the Westbank Indian Band's Section 60 land management authority. The Regina paper ran a story in December 1986 about Ron Derrickson. The Calgary Herald article was about the Singleton report. The Winnipeg Free Press ran an article in August 1987 about Fred Walchli, with his lawyer Cecil Branson, stating that the allegations made against him were false.

There has been some national coverage of the Inquiry. There have been two television broadcasts on the CTV National News; both of these ran when it was announced that the Inquiry was being created. The National on CBC also ran a story on the formation of the Inquiry. The Canadian Press Wire Service sent out twelve stories, but most of these were picked up only by the Vancouver and Kelowna papers. MacLean's magazine ran a story about Lorne Greenaway's accusations at the time that he made them (April 28, 1986). The Globe and Mail ran four articles about the Inquiry. The first article appeared when the Department revoked the Westbank Indian Band's land management authority. The other three articles appeared towards the end of the hearings. One of these was an indepth article about Ron Derrickson, former chief of the Westbank Band. On September 2, 1987, CBC Radio's "As It Happens" had an interview with Jennifer Hunter who wrote the indepth article on Ron Derrickson for the Globe and Mail. This interview was basically the same as the article, a profile of Ron Derrickson. These later articles in the Globe and Mail and the radio broadcast constitute the only real national coverage of the hearings.

The Kelowna Daily Courier covered the hearings on an almost daily basis, with many of its writer's stories being picked up in some form by the Vancouver Sun, along with various Canadian Press stories. The articles, however, never really took an editorializing point of view; they simply summarized the days events at the hearings.

Although the Department is mentioned peripherally in practically every article or broadcast, it is the main topic in only a few instances. Most of the articles that mention the Department as the main topic are from the Spring of 1986 when Lorne Greenaway made his accusations about the "mishandling of funds" by Department officials. Greenaway is quoted several times as saying that "senior officials are involved in a massive coverup of financial improprieties in funding the band's trailer park project". (Canadian press; April 6, 1986). These types of articles (there are twelve) obviously cast a bad light on the Department, however, as the Inquiry was created and proceeded, it was Greenaway who increasingly looked irresponsible in the press.

When the Department revoked the Westbank Indian Band's land management authority, there was national as well as local coverage. These articles simply stated what had happened, with no bias one way or the other. The issue came up again in the winter when the Band filed a lawsuit against the Department. However, the coverage at this time was local only.

The Department is mentioned as a main topic in other articles throughout the Inquiry, concerning various issues. Certain witnesses testifying at different times had different things to say about the Department. Fred Drummie, Associate Deputy Minister, stated that the Indian Act is to blame for the problems of the Department. This was picked up in a CBC Radio News broadcast in Vancouver on December 8, 1986, and again in the Kelowna Daily Courier on December 9.

Pat Lett, an accountant who has prepared and audited the Band's financial statements at various times over the years stated that the \$300,000.00 grant given to the Band by the Department (a major issue in the Inquiry) was "a good deal for everyone involved" (Kelowna Daily Courier, February 14, 1987). However, Ernie Hobbs, a former Department employee, in later testimony, said that he blocked the \$300,000.00 grant stating that "nobody had authority for approving economic development funds to retire loans". However, in the same article, which appeared in the Kelowna Daily Courier on June 4, 1987, Fred Walchli gives his reasons for approving the loan.

A headline in the Kelowna Daily Courier in March 1987 states that "civil servants have no business meddling with Indian administration" which is a quote from David Sparks' testimony. This is in regard to the Indian Act giving band councils the power to enact legislation.

In an article in the Kelowna Capital News on June 6, 1987, senator Len Marchand called the Department "a sluggish federal bureaucracy" and states that the Westbank Band has progressed despite that fact.

A Canadian Press article, August 18, 1987, quotes Commissioner John Hall as stating that "the Department of Indian Affairs should get out of the leasing business and whenever possible let capable Indian bands handle their own affairs". This quote is a result of the federal government nearly doubling the rent of a trailer park operator leasing band property, after the operator had been told by the Chief Ron Derrickson that the rent would remain the same. The article also quotes Hall as stating that "the further you keep the government out of this, the less misapprehension there would be by all concerned".

Generally, the role of the Department with regard to the activities of the Westbank Band did not seem to be a major issue to the media. Most of the articles dealing with the Inquiry were not as concerned with the Department as they were with the former Westbank Indian Band chief, Ron Derrickson. Several articles published in July and August of 1987, towards the end of the Inquiry have headlines such as "Clear ex-chief, Indian Affairs says" (Vancouver Sun; July 4, 1987). In this particular article, Duncan Shaw, Departmental Counsel, is quoted as saying, "the Inquiry began with Mr. Derrickson cast as the villain, it ends with him cast as victim". Shaw also says that several trailer park operators should be faulted for stirring up political publicity and pressure by leading MP's. Shaw sums up the allegations against Derrickson by saying that "There has been a great deal of smoke, but no fire". Commissioner John Hall has recommended that Derrickson be reimbursed \$95,000.00 toward his legal costs.

As stated earlier, the Westbank Inquiry was mainly a local issue, and as such, the media seemed to focus on issues and people who inspired local interest. In this case, it was Ron Derrickson, not the Department of Indian and Northern Affairs who filled that role. From the beginning of the hearings, when the mobile home park operators testified, to the end of the hearings when Ron Derrickson himself testified, he was the main subject of the Inquiry.

JD/mv

ANALYSIS OF THE WESTBANK LIAISON OFFICE INFORMATION RETRIEVAL SYSTEM (WLOIRS)

The following is an analysis of WLOIRS as the records management tool of the WLO. This analysis will review the costs of implementing the system and will outline the benefits. These will be compared to some of the manual and automated systems known to the WLO at the time the system was selected. The benefits were defined largely by the extent to which the system met the demands imposed by the Westbank Inquiry, but the actual and potential spin-off benefits are also considered.

Costs of WLOIRS:

	Hardware -	\$178,000
	software -	40,000
	maintenance -	8,000
		<u>\$226,000</u>
	salaries -	275,000
Total :		<u>\$501,000</u>
	Person years -	<u>14</u>

A proportion of the total costs have been "recapitalized" by DIAND by applying the hardware and software to other projects after the Inquiry was concluded. Consequently, only \$318,600 of the total costs are attributable to the WLO.

per unit costs: per request... \$1,230.00

per document
in the system... \$9.65*

per document
supplied... \$55.00

*The average cost of cataloguing a library book is \$30-40.

The time required to set-up: the sytem was functional in 4 mths.
the system was completed in 10 mths

Data bases of comparable size and complexity can take up to 2 years to complete.

Benefits of WLOIRS

The needs of DIAND were expressed as speed, accuracy and comprehensiveness in the search and retrieval. In addition to this, Commission counsel expressed a need for lists of documents from which to make his selections. The following pages provide details on the performance of WLOIRS during the course of the Westbank Inquiry. Some of these results are set out in graph form.

The system was able to fulfill the expressed needs of the users for speed, accuracy, comprehensiveness and the ability to produce lists. WLOIRS enabled the WLO to supply documents, on average, within 3 days from the Vancouver office and 5 to 6 days from HQ. The more difficult to find documents could be located within 21 days.

WLOIRS is a catalogue of all of DIAND's 33,000 Westbank-related documents. The ability of the system to produce lists of documents (not just subject files), which can be sorted in a variety of ways, allows for accurate, comprehensive and efficient searches. The documents can be retrieved individually or in groups. The success rate depends to a certain extent, though, on the accuracy and precision of the information provided by the searcher. WLOIRS was able to provide 100% of all documents requested, once the system was completed. During the transition period, however, a small number of documents (.003%) could not be located.

The data base definition was based on DIAND's records classification system. As a result, the data base is compatible with the larger records management system, and records management staff can easily be trained in its use. This also allowed the WLO to reconstitute the files at the conclusion of the Inquiry, sorted by subject classification number, in chronological order, and without unnecessary duplication.

WLOIRS represents a prototype for the automation of the Department's records collection. The hardware and software were adapted by DIAND for other uses as soon as the Westbank Inquiry was completed. They represent an ongoing benefit to the Department.

Comparisons:

Two manual options were presented to WLO as a means to deal with the records management task.

Option 1 - The Status Quo:

The Department records management system would be used, but enhanced by creating a duplicate set organized by originator. This would not have removed any of the duplicates, and would have resulted in 2 sets of approximately 100,000 records. The searches would have been based on subject and originator only.

The estimated cost would have been \$120,000 for salaries and photocopying, and 5 PYs.

The setting up time would have been 2 to 3 months

The estimated success rate was 40-60%.

This approach has no capacity to produce lists.

Option 2 - Card Catalogue of Documents:

This manual system would have required a small army of document indexers to create a card catalogue dealing with all of the records. The cross-indexing capacity would have been quite primitive and labour intensive. What would have been saved on the hardware and software costs would have been more than used up on labour costs to conduct the searches. The duplicates would have been removed, resulting in a card catalogue of 33,000 records.

The system would have cost over \$1,000,000 in salaries and would have required 65 PYs.

The setting up time would have been 6 months.

The estimated success rate was 80%.

Lists could have been produced, but it would have been time consuming to do so and the documents would only have been sorted in a very limited number of ways. (This option clearly demonstrates some of the reasons why automated systems were developed.)

The Motorola Option:

The Department had available a Motorola minicomputer which could have been provided to the WLO immediately at no cost. It would have required very specialized software, patched into a commercially produced software package, to provide the versatility required. It turned out that the main software package was not available in time for this project, so this was not a realistic option. However, the costs and benefits are outlined here, because it was the closest in cost to the system selected.

Costs:	hardware	0
	software	\$40,000
	maintenance	40,000
	salaries	\$275,000
		<u>\$355,000</u>

This system would have provided similar benefits, in terms of the search and retrieval capacity, to the one selected. However, there was a much higher risk associated with this option because of the need to patch together two software packages. This could

have led to delays later to deal with "bugs" in the system. Since the Motorola was being phased out, there would have been no spin-off benefits from this data base.

Conclusions

WLOIRS met all of the stated requirements of the WLO and Commission counsel, in terms of performance. Of the 4 options discussed above, it was the second lowest cost, the lowest risk and the most effective system available to DIAND at the time. (There are considerably more expensive systems available, which operate more efficiently than WLOIRS, and there are now micro-computers which could accommodate a data base of this size.)

The main problem faced in the implementation of this system was the inability of WLO staff to forecast the amount of time required to become operational. The capacity of the system was not well understood by the client groups, and there was little interest in reaching an understanding. Consequently, the users had unrealistic expectations of the speed with which the system could be set up. When it was operational, it was not always used to full capacity because many of the search requests were poorly framed and vague. In other words, the clients did not use the system to refine their searches.

STATISTICS ON THE PERFORMANCE OF WLOIRS

Total Responses to Client Groups:

(August 1,1986 - September 30,1987)

Client group	Requests	Prints supplied	Docs shipped
Commissioner	86		
Departmental counsel	54		
Independent counsel	45		
DIAND witnesses	37		
DIAND employees	31		
Other	6		
Totals:	259	126	5,764*

- * Including copies to departmental counsel, 9,568 documents were supplied.
- ° 38% of all documents requested were located in HQ
 - ° less than 1% of all documents in WLOIRS were protected by the Canada Evidence Act, but
 - ° 9% of all documents requested were entitled to some form of protection (not including Privacy Act protections).

Number of Requests Per Month:

- ° The number of requests peaked just as WLOIRS came on stream.
- ° 70% of all requests were handled during the transition to WLOIRS.
- ° 18% of requests were handled strictly manually.
- ° 12% were fully automated.

See graphs # 1 and 2.

Documents Released Per Month:

This activity appears to have been related to the schedule of the hearings, as counsel sought to collect their evidence to prepare for the approaching hearings. Not all of the documents supplied were located in the WLOIRS data base, but the figures set out below do not include documents supplied by various DIAND program areas.

- ° 47% of all documents were retrieved through manual searches.
- ° 46% were retrieved during the transition to WLOIRS.

see GRAPH # 3.

Average Response Times:

Note: These figures refer to working days,
i.e., one week = 5 days

Manual: average = 15 days range = 8 to 30 days

These rates were affected by the complexity of the search, the clarity of the request, and the volume of material sought.

Automated: average = 3 days range = 2 to 5 days

Delivery of documents from HQ was 2 to 3 days longer, on average.

see GRAPH # 4.

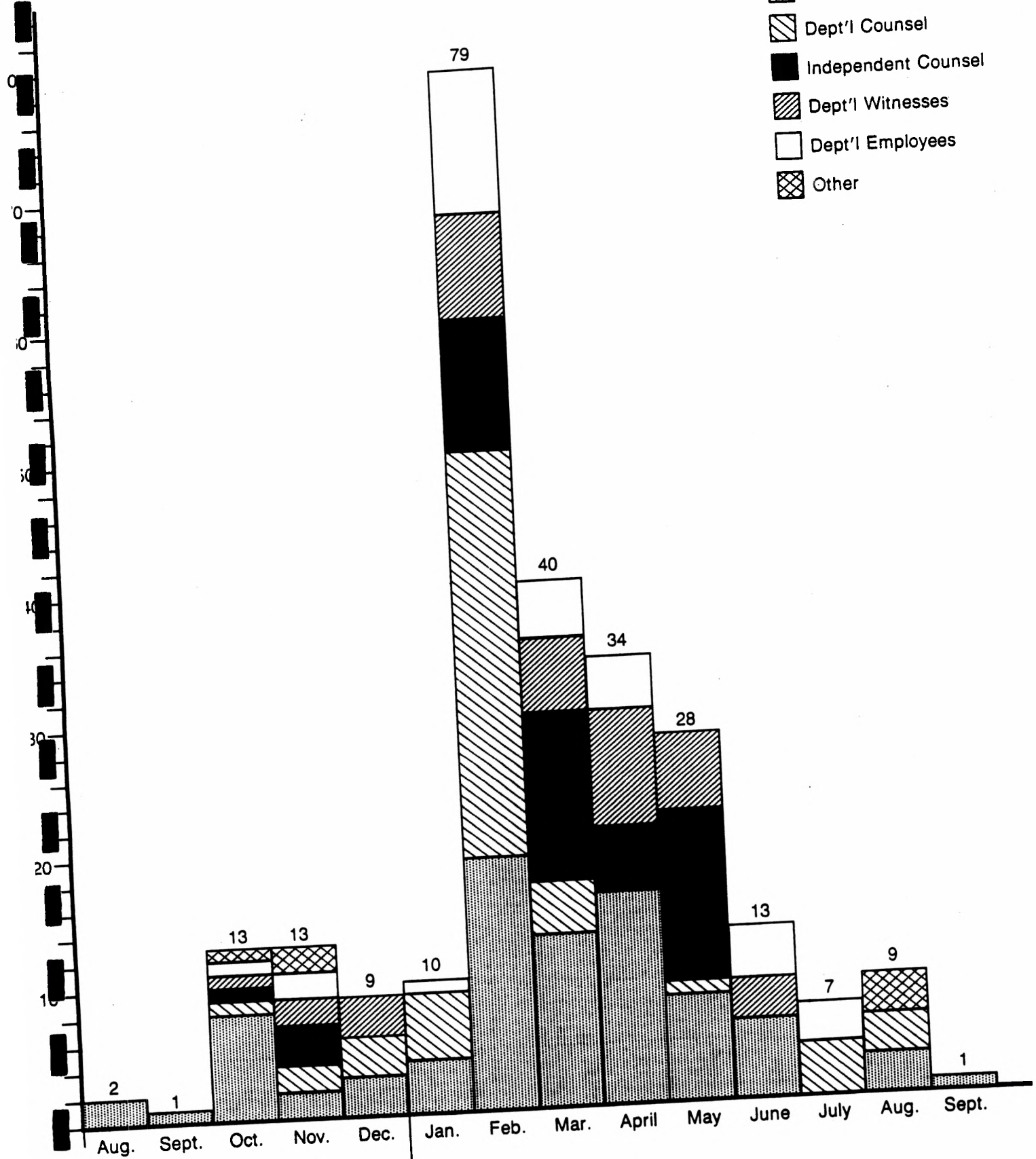
A number of documents remained outstanding at the end of each month. These included documents which were not in the data base, or were improperly described by the client, and required manual searching. The response times for these were greater than for the other automated searches.

average = 10 days range = 2 to 21 days

A small number of documents requested were not located until the shelflist check was completed. These 18 documents constituted .003% of all documents supplied.

Number of requests / month

-  Commissioner
-  Dept'l Counsel
-  Independent Counsel
-  Dept'l Witnesses
-  Dept'l Employees
-  Other



Average Response Time

(Excluding time to find most difficult documents)

