

February 15, 2018

To: Commission of Inquiry Respecting the Muskrat Falls Project

From: Gene Long (genelong [REDACTED])

I am writing in response to your call for submissions with respect to the interpretation of the Terms of Reference for the Inquiry.

I submit that the Commission of Inquiry should interpret the Terms of Reference in relation to Section 8 of the Regulation they are contained within.

This section refers to “special expertise services” and authorizes the Commission to “engage the services of persons having special expertise or knowledge”, citing specifically those with financial, engineering and construction expertise.

There is nothing in this section or in Section 4 (Terms of Reference) that restricts the Commission from engaging with the broader community to take advantage of the various types of community-based expertise and knowledge from which the Commission can benefit.

There is arguably a significant risk that the work of the Commission will not be seen to have credibility with the public if it does not allow for some form of community engagement with its mandate.

It may be as simple as using the precedent set by this call for submissions, or it might include open hearings involving stakeholders. The form is not as important as the substantive gesture by the Commission toward a broad process of engagement with the whole community.

In the tradition of the various forms of Commission of Inquiry that have marked the historical landscape of our province, including the “mother” of all commissions, the Amulree Commission of 1933, there is normally a provision for public input.

To quote from testimony to the Amulree Commission:

“We are rather shocked at our position. Tremendous importance is attached to the work you gentlemen are doing and the anticipation of the report you are expected to make, and I do not think you will find anybody standing out against the adoption of the report as long as it is reasonable.” Harris Mosdell, Independent MHA (as quoted in Gene Long, *Suspended State: Newfoundland before Canada*, 1999, 104)

The hearings in 1933 were held *in camera* and transcripts were not released until 50 years later. That Commission was a watershed (like Muskrat Falls); we should follow its example of inviting submissions from the whole community to ensure the final report is seen to reflect the broadest possible input.

This is no time to circumscribe the type of expertise engaged in your work. There has been quite enough privileging of “special knowledge” throughout the sad story leading to your Commission.

The people of the province can contribute positively toward strengthening your work, but only if you read them into the Terms of Reference. Section 8 of the Regulation opens this door.

All the best and good luck getting to the bottom of things. We can only hope they start looking up.