

Kaufman response  
Honourable Michael Baker  
Minister of Justice  
March 26, 2002

Good morning. Thank you for joining me.

When Mr. Kaufman presented his report on January 31<sup>st</sup>, I indicated I would take some time to review it, and provide a response. I am happy to do so this morning.

It was a commitment of this government during the 1999 election campaign, that an independent review of the compensation program would be carried out.

In November of 1999, we fulfilled that commitment with the appointment of Mr. Fred Kaufman.

We were pleased someone of Mr. Kaufman's integrity and national reputation took on the challenge.

We made it clear he would have the time and resources he needed to complete his work. We also made it clear that he would have full and unfettered access to any files he required—and the full cooperation of government employees. Mr. Kaufman expressed his gratitude to staff for that openness—which enabled him to complete his task.

We have now taken time to review his very comprehensive report.

The Nova Scotia government's response to the Kaufman report is based on three fundamental principles.

One, we accept that the process was flawed.

Two, we have learned from the Kaufman report.

Three, we are committed to bringing closure to this issue as soon as possible.

Mr. Kaufman made many findings and recommendations but I think his findings come down to this: when government hears a story of difficult circumstances, it wants to help—which is generally a good thing...but it can also rush to judgement—which is not. One of Mr. Kaufman's key recommendation is that governments must resist the tendency to rush.

Mr. Kaufman was asked to determine whether the government's response to institutional abuse was reasonable, fair and appropriate.

He left no doubt. He said in no uncertain terms, it was not.

He found the program was a well intentioned response to allegations that had already touched many lives. Unfortunately, he also found it made matters worse.

I accept the findings of Mr. Kaufman.

The program hurt past and present employees who were falsely accused of abuse.

It hurt the true victims of abuse.

And, it hurt the taxpayers of the province--as a huge amount of scarce resources were put into a program that Mr. Kaufman concludes was "a recipe for disaster."

This has indeed been a sorry chapter in Nova Scotia's history.

It's time to move on.

We must look to the future with the firm knowledge that we have learned from the mistakes of the past.

We know that in their desire to help legitimate victims of abuse the former government did not wait to get all the available facts.

I am sure that they did what they thought was right. And for some it was right.

Mr. Kaufman says there was abuse and there were legitimate victims who deserved compensation. But innocent staff members got swept up in the process. Allegations of abuse must be investigated by police, child protection workers and management of the institution.

One can't help but feel tremendous sympathy for those innocent people who have lived through this.

Many of you are aware that past and present employees have raised some very specific concerns.

I wish to introduce Mr. Brian Johnston, Q.C. of Stewart, McKelvie, Sterling, Scales who is here this morning.

Brian has been appointed to provide advice on a response to the concerns raised by past and present employees. He has a great deal of experience in the area of employment law, and is a highly respected member of the Bar.

Over the past three weeks, Mr. Johnston has made progress in addressing five of the nine points they have raised.

One of those concerns relates to information.

I am responding to employees' request for access to information about the allegations made against them.

We must also be mindful of the fact that the files they seek contain personal information regarding other individuals.

That is why we are obligated to respond within the framework of the *Freedom of Information and Protection of Privacy Act*.

We will process these applications as quickly as possible. In order to do so, we will put sufficient and dedicated resources in place to deal with these requests.

We have asked counsel for the employees to prioritize the files they wish to have processed first—and we will respond in accordance with their wishes.

Of course, there will be no charge to access this information.

Many of them are asking for compensation. To their credit, they are not asking for a public apology.

Mr. Kaufman spends a good deal of time on commenting on public apologies.

He concluded that the former government's blanket apology to victims of abuse caused many problems.

I am not going to repeat that mistake.

I have met with representatives of current and past employees.

They have encouraged me to find a means of atonement that is personal and sincere.

As you know, there are many current or threatened legal proceedings relating to this matter—I therefore have to be careful in how I respond.

This cautious approach is in keeping with the findings of Mr. Kaufman.

Later today I will be travelling to Shelburne to continue the process of meeting with employees, so that I may gain a better understanding of their concerns.

I also want to address their request regarding Operation Hope...the ongoing criminal investigation being conducted by the RCMP.

I will not intervene in an independent police investigation.

I cannot promise to learn from the past and then ignore the findings of the Marshall Commission.

There is no room for political interference in either the investigation or possible prosecution of these matters.

I have confidence that both the RCMP and the Public Prosecution Service will do their jobs with integrity.

I can also assure you that I understand that it has been difficult for those involved, given the length of time this process has taken.

I can advise that some matters have reached a conclusion. The Internal Investigation Unit, which was conducting an investigation into current employees, has completed its work.

While Mr. Kaufman's report examines the past—it really is a document about the future.

In fact, Mr. Kaufman himself called it “a blueprint for the future.”

The 105 recommendations he put forward are extremely important.

The findings of Mr. Kaufman are conclusive. He says that each redress program is unique, and his recommendations must be considered during the design of such a program. I can assure you that the government agrees wholeheartedly with Mr. Kaufman.

Governments across the country are called upon to deal with these kinds of difficult issues, I believe the Kaufman report will be helpful to other us and to other governments as well.

Mr. Kaufman found that abuse did occur.

He also found that we will never know the nature and extent of that abuse.

As a result, the credibility of true victims has been called into question, and as he indicated—the process has done a “disservice to true victims”.

He also found that the program failed to meet the needs of its citizens—and there was a lack of due process.

He also challenges us to learn from the mistakes made, and to avoid their repetition.

The report shows us just how complex these issues truly are. It shows us that each case is different—and that any redress program must be carefully considered.

Today, I take up the challenge Mr. Kaufman puts forward.

We will learn from our past.

Those designing a redress program in the future will have this report to guide them.

Mr. Kaufman recommends that any redress program have a robust validation process, that truly tests claims.

He concluded that the option of testing claims of abuse against the government through litigation was too lightly set aside in the response.

He also recommends procedures for handling allegations of abuse by staff.

We have reviewed all our current policies, procedures and protocols in place against the recommendations and are satisfied they meet or exceed the standards Mr. Kaufman suggests.

I want to be clear, the primary goal must be the safety of youth in our custody and care. Since the mid-1990's, the children's ombudsman has visited both our youth detention centres monthly for confidential meetings with residents. She is free to investigate any allegation and she has investigated many. Her office number is displayed prominently throughout the institutions.

Residents are protected and staff now recognize that a prompt and credible investigation is their best defense against false or exaggerated claims.

Our approach is designed to protect them both.

We have had—and continue to have—dedicated professionals working in and directing our provincial institutions.

It's time we recognized that.

The experiences of the past cannot be forgotten.

They can prepare us for the future.

We can take the first step forward by acknowledging our history.....and knowing we are not doomed to repeat it.

Thank you and I will now be pleased to answer any questions you may have.