

UPDATE ON DESMOND FATALITY INQUIRY FINAL REPORT

Thursday, Nov. 17, 2022

Judge Warren Zimmer's final report and recommendations in the Desmond Fatality Inquiry will be filed with the Provincial Court of Nova Scotia sometime next year.

Closing submissions from counsel and the parties took place in April 2022. The Inquiry proceedings are now closed, subject to a decision by Judge Zimmer to reopen the Inquiry to clarify existing evidence or put additional evidence on the record.

The Desmond Fatality Inquiry held 56 days of hearings, which generated 10,447 pages of transcripts and 307 hours of hearing time. In total, the Inquiry heard from 70 witnesses and reviewed some 58,699 documents, including 377 exhibits entered as evidence during the proceedings.

"I appreciate that this has been a lengthy and emotional process for everyone involved, especially the families who lost loved ones. They are waiting on an outcome. However, the volume of information that needs to be considered, analyzed and incorporated into the final report is challenging and substantial in all its details," said Judge Zimmer.

A recent announcement by the Nova Scotia Department of Justice suggested the final Inquiry report was expected before the end of this year.

"The conclusion of the Inquiry is a judicial determination and by legislation is associated with the filing of a written report with the Provincial Court," said Judge Zimmer. "To be perfectly clear, the report will not be complete by Dec. 31. The volume of work precludes that timeframe."

It is important to note that a fatality inquiry is different from a public inquiry, such as the Mass Casualty Commission. Public inquiries are governed by the [Public Inquiries Act](#). They are called by the Governor in Council whenever it is deemed expedient to look into a public matter in relation to which the legislature may make laws. Public inquiries traditionally focus on uncovering facts and can make findings of legal responsibility.

A fatality inquiry is an independent judicial proceeding governed by the province's [Fatality Investigations Act](#). The Minister of Justice orders the inquiry and sets its mandate, but the proceedings are under the jurisdiction of the Provincial Court. The presiding judge for the Inquiry is appointed by the Chief Judge and in the event that judge cannot conclude the inquiry, another Provincial Court judge would be appointed in their place.

As per the Act, Judge Zimmer will file a written report with the Provincial Court and a copy will also be provided to the Minister of Justice. The report, which will not contain any findings of legal responsibility, will also be released to the public on the Desmond Inquiry website.

For additional background on the Desmond Fatality Inquiry, as well as archived webcasts and transcripts of past proceedings, please visit www.desmondinquiry.ca.

-30-

Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
Cell: 902-221-5257
Email: stairsjl@courts.ns.ca