

## **DECISION REGARDING RULE 43 APPLICATION ON BEHALF OF CST. GREG WILEY**

**September 2, 2022**

The Mass Casualty Commission received an application pursuant to Rule 43 from the Attorney General Department of Justice (Canada) on behalf of Cst. Greg Wiley. Rule 43 of the Commission's Rules of Practice and Procedure says:

If special arrangements are desired by a witness in order to facilitate their testimony, a request for accommodation shall be made to the Commission sufficiently in advance of the witness' scheduled appearance to reasonably facilitate such requests. While the Commission will make reasonable efforts to accommodate such requests, the Commissioners retain the ultimate discretion as to whether, and to what extent, such requests will be accommodated.

The Commission's process for addressing applications pursuant to Rule 43 is set out in the Decision regarding Rule 43 Accommodation dated May 24, 2022, available here: [Decision-regarding-Rule-43-Accommodation-Requests-May-24-2022.pdf](https://www.masscasualtycommission.ca/Decision-regarding-Rule-43-Accommodation-Requests-May-24-2022.pdf) ([masscasualtycommission.ca](https://www.masscasualtycommission.ca))

With regard to Cst. Wiley, Participants were given the opportunity to provide submissions about the accommodation recommended by Commission counsel, which was that Cst. Wiley provide his evidence in a sworn affidavit. After reviewing these submissions, we directed that a subpoena be issued requiring Cst. Wiley to provide testimony on September 6, 2022 at 1:00 pm. All proceedings will be virtual on September 6 for reasons unrelated to the application, so Cst. Wiley and anyone attending proceedings will do so by Zoom. Cst. Wiley, like all witnesses, will give his evidence under oath. Cst. Wiley will first be questioned by Commission counsel and then, after a caucus, any remaining questions may be asked by Participant counsel in the normal course. Cst. Wiley's evidence will be part of public proceedings (meaning Participants, media and the public can attend). In order to receive the best information possible from Cst. Wiley, we have directed that Cst. Wiley's testimony not be webcast and a transcript be posted on the website.

Pursuant to Rule 8 of the Commission's Rules of Practice and Procedure, the Commission orders that the audio and video of the testimony of Cst. Wiley shall not be disseminated, released, published, or shared and shall not be audio or video recorded for the purpose of being disseminated, released, published, or shared. Any breach of this order of the Commission could result in a charge pursuant to s. 127 of the *Criminal Code*.

Participants and accredited media will be provided with a zoom link to attend public proceedings. Any member of the public who wishes to attend may do so by sending an email to [Heather.DeCoste@masscasualtycommission.ca](mailto:Heather.DeCoste@masscasualtycommission.ca) A zoom link will then be sent to them. As always, the public can also listen to live audio from the proceedings by calling 1-877-385-4099 (toll-free) and enter code 1742076, followed by the # sign.