

PROCEDURAL GUIDELINES FOR PART IA

APPENDIX D (IV)

THE WALKERTON INQUIRY



LA COMMISSION
D'ENQUÊTE WALKERTON

Outline of Procedural Guidelines for Part IA

The following is an outline of procedural guidelines, including a tentative outline of evidence and a tentative schedule, for Part IA of the Inquiry. It is intended to provide initial guidance to parties as to the format of Part IA of the Inquiry. It represents a preliminary outline and is subject to change.

I. Participation in Part IA

A. Standing

The following is a list of parties with standing in Part IA, limited according to their interests or perspectives with respect to the subject matter of Part IA.

List of parties with standing in Part IA

<i>Party</i>	<i>Limitations on participation in Part IA</i>
Concerned Walkerton Citizens	Full standing.
Walkerton Community Foundation	Full standing.
Government of Ontario	Full standing.
Chief Coroner of Ontario	Full standing.

<i>Party</i>	<i>Limitations on participation in Part 1A</i>
Municipality of Brockton	Full standing.
Walkerton PUC	Full standing.
Dr. Murray McQuigge	Public health issues.
Injured Victims group	Issues relating to the impact of the contamination upon members of the group.
Ontario Farm Environmental Coalition	Issues relating to farming and agriculture.
Environmental Coalition	Environmental issues relating to farming and agriculture.
Mayor David Thomson	Matters relating to his personal or official involvement.
Former Mayor Jim Bolden	Matters relating to his personal or official involvement.
Steven Burns	Matters relating to his performance of water-related engineering functions for the Town.
Allan Buckle	Matters relating to his performance in his role as an employee of the PUC.
Stanley Koebel	Matters relating to his performance in his role as Manager of the PUC.
Frank Koebel	Matters relating to his performance in his role as Foreperson of the PUC.
Bargaining Agents Coalition	Special standing.
Environmental Coalition	Special standing (except as noted above).

Association of Municipalities of Ontario Special Standing.

B. Attendance at hearings

All parties are free to attend the Inquiry hearings at any time. It is expected that parties will participate and receive funding only when the evidence comes within the scope of the issues for which they have been granted standing.

Parties granted standing under s.5(1) of the *Public Inquiries Act* are entitled to participate in the hearings to the extent that their substantial and direct interest is affected by the subject matter of the evidence to be called at any portion of the hearings.

Parties granted standing because they represent a clearly ascertainable interest or perspective which the Commissioner considers to be helpful in Part IA may participate in accordance with the Ruling on Standing and Funding. The Commissioner will exercise his discretion on the basis of whether he considers that a party's participation would be helpful with respect to the evidence that is being called at a particular time.

It is not anticipated that parties with special standing will need to participate in the Part IA hearings. As set out below, transcripts of the hearings will be made available to them. Unless the Commissioner directs otherwise, a party with special standing will not receive funding for attendance at the hearings.

C. Outline of evidence

Attached to this letter is a tentative outline and order of the topics to be covered and the evidence to be called in Part IA. This represents a preliminary outline and order and is subject to change.

Any party who takes issue with the attached outline of evidence or the description of their standing should contact Commission counsel to attempt to resolve the issue. If a party is not satisfied with the resolution provided by Commission counsel, the party may arrange a conference call with the Commissioner to make submissions.

In accordance with Rule 11 of the Rules of Procedure and Practice, parties may suggest to Commission counsel the names of additional witnesses to call in Part IA. In accordance with Rule 13, if Commission counsel does not call a proposed witness, the party may apply to the Commissioner for leave to call the witness. It is expected that parties will propose the names of additional witnesses to Commission counsel at or before the time that Commission counsel are calling witnesses addressing areas of the evidence to be considered by a proposed witness.

Commission counsel will write parties with limited standing under separate cover to indicate those parts of the hearings in which it is proposed they need to participate and will attempt, through discussions, to determine the extent of such participation. If a party is not satisfied with the resolution provided by Commission counsel, the party may arrange a conference call with the Commissioner to make submissions.

D. Cross-examination

There are several parties with the same interest in each area of evidence. The enclosed outline of evidence is being circulated at an early date to enable counsel to approach the cross-examinations as efficiently as possible. It is expected that counsel for parties with standing with respect to a particular portion of Part IA will meet, where appropriate, to discuss the order and content of their cross-examinations so as to avoid repetition and delay. Where interests overlap, it is strongly suggested that one counsel take primary responsibility for the cross-examination. It is not necessary that all counsel cross-examine each witness. The Commissioner will intervene if necessary to prevent repetition.

E. Transcripts

It is anticipated that parties will have access to non-expedited transcripts of the Part IA hearings on the Commission website. The Commission does not intend to pay the additional fee for an expedited transcript. Therefore, there will be an anticipated time delay of approximately two weeks after a hearing day before the transcript is posted. Parties may pay the additional fee to order an expedited transcript if desired. Absent special circumstances, expedited transcript fees are not included in government funding. It is noted that these guidelines amend Rule 22 of the Inquiry's Rules of Procedure and Practice.

Attached to this letter is a list of persons who made presentations during the Community Meetings held by the Inquiry in Walkerton from July 26 to 29, 2000. To protect their identity, the names of persons who participated in private meetings with the Commissioner have been replaced with initials. Copies of the transcripts of the Community Meetings, together with exhibits, are available for viewing at the Commission offices in Toronto at 180 Dundas Street West, 22nd Floor, or in Walkerton at 220 Trillium Court, Building 3, Unit 4. Copies of the transcripts may also be purchased by contacting: Brockton Reporting, P.O. Box 183, Walkerton, ON, N0G 2V0, (519) 881-1128 (tel), (519) 881-1961 (fax).

F. Funding

An independent assessor will be appointed to assess the accounts of those parties who have had applications for funding approved by the Attorney General following a recommendation by the Commissioner. Accounts should be submitted directly to the independent assessor who will forward them to the Attorney General for payment. Attached is a summary of Management Board guidelines for travel and associated expenses which counsel may refer to in making relevant claims for disbursements. Reference should also be made to the full guidelines available from the Ministry of the Attorney General. Other issues relating to funding, such as the appropriate designation of a party's counsel under the Attorney General's Hourly Fee Schedule, will be determined by the independent assessor. Contact information for the independent assessor will be posted on the Commission website after he or she has been appointed.

II. Production of documents

All parties, whether representing a party with full, limited or special standing, will receive a list of witnesses to be called, Statements of Anticipated Evidence and all documents which Commission counsel intend to put into evidence. Documents will normally be produced to parties in CD-Rom format. Parties will be responsible for printing hard copies of documents for their own purposes including for use in the hearing room. Parties are required to execute the enclosed undertakings with respect to confidentiality before they may receive any such documents.

Statements of Anticipated Evidence and documents which Commission counsel intend to put into evidence will be produced on an ongoing basis. The Commission will endeavour to produce such documents one week before the evidence is called.

Any party will be able to view documents collected by the Commission at its offices in Toronto or in Walkerton. Interested parties should contact the appropriate office in advance to schedule an appointment.

If there are evidentiary issues which a party wishes to have addressed, counsel should speak to Commission counsel.

III. Tentative schedule

The following is a tentative schedule and is subject to change.

Tentative Schedule

<i>Week of:</i>	<i>Hearing days:</i>
October 16	Commence Part IA hearings: M-Th
October 23	M-Th
October 30	M-Th
November 6	M-Th
November 13	M-Th
November 20	Week off
November 27	M-F
December 4	M-F
December 11	M-F
December 18	M-Th (Break for Christmas)

<i>Week of:</i>	<i>Hearing days:</i>
December 25	Week off
January 1, 2001	Week off
January 8	M-F
January 15	M-F
January 22	If necessary, continue with Part IA until complete, then break
February 19	Commence Part IB hearings

During Part IB, the Inquiry will adjourn for March break during the weeks of March 12 and March 19.

The Commissioner proposes to sit from 10:00 a.m. to 1:00 p.m. and from 2:15 p.m. to 4:30 p.m. each day. These hours may be extended if necessary to maintain the proposed schedule for evidence. In addition, the Commissioner may decide, in order to maintain the proposed schedule, to sit on Fridays during the weeks of October 16 through November 13.

Any objections to these procedural guidelines should be raised with Commission counsel at the earliest opportunity. If a party is not satisfied with the resolution provided by Commission counsel, the party may arrange a conference call with the Commissioner to make submissions.

