

PROCEDURAL GUIDELINES FOR PART IB

APPENDIX D (V)

THE WALKERTON INQUIRY



LA COMMISSION
D'ENQUÊTE WALKERTON

Outline of Procedural Guidelines for Part IB

The following is an outline of procedural guidelines for Part IB of the Inquiry. Please find enclosed:

- an outline of evidence for Part IB,
- an updated outline of potential issues in Part IB, and
- a chart indicating anticipated participation in the Part IB hearings by parties with standing.

The enclosed documents are intended to provide guidance and to assist counsel in preparing for Part IB. They are, however, subject to change.

I. Participation in Part IB

A. 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 1B 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.

The attached chart entitled "Anticipated Participation in Part 1B Hearings" indicates to parties with limited standing those portions of the hearings in which it is proposed they need to participate. If a party is not satisfied with the scope of its participation as outlined in the chart, the party may raise the issue with Commission counsel. 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.

A number of parties have been designated as requiring to participate for specified witnesses only. Commission counsel intends to notify those parties in advance in circumstances where Commission counsel anticipates that the evidence of a particular witness will engage their interest or perspective. Parties will receive statements of anticipated evidence of all witnesses and will have access to the Inquiry transcripts. This should allow them to notify and discuss with Commission counsel whether they need to be present in the hearing room for a particular witness, or whether a particular witness for which the party was not present should be recalled.

B. Cross-examination

It is expected that counsel for parties with standing with respect to a particular portion of Part 1B 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 may suggest lead cross-examiners in appropriate circumstances and will intervene if necessary to prevent repetition.

II. Production of documents

All parties, whether representing a party with full, limited or special standing, will continue to receive 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.

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 for Part IB and is subject to change.

Tentative Schedule

<i>Week of:</i>	<i>Hearing days:</i>
March 5	Mon-Fri
March 12	Week off
March 19	Week off
March 26	Mon-Fri
April 2	Mon-Fri

<i>Week of:</i>	<i>Hearing days:</i>
April 9	Week off
April 16	Mon-Fri
April 23	Mon-Fri
April 30	Week off
May 7	Mon-Fri
May 14	Mon-Fri
May 21	Week off
May 28	Mon-Fri
June 4	Mon-Fri
June 11	Week off
June 18	Mon-Fri (if necessary)
June 25	Mon-Fri (if necessary)
July 2	Four weeks off
July 30	Closing submissions
August 6	Closing submissions

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.