

**LETTER OF MARCH 1, 2000 TO RECIPIENT OF
SECTION 5(2) NOTICE**

APPENDIX I (II)

THE WALKERTON INQUIRY



LA COMMISSION
D'ENQUÊTE WALKERTON

March 1, 2001

Dear [Counsel to recipient of 5(2) notice]:

Re: [Name of recipient of 5(2) notice]

Thank you for your letter of February 19, 2001. I set out below responses to your inquiries.

The intention of Commission Counsel in providing your client with the Notice of February 6, 2001 was to give him notice that a finding of misconduct might be made, and to provide you with the opportunity to address such a potential finding. As a recipient of a section 5(2) notice, your client is entitled to standing limited to responding to the issues raised in the Notice. As such, he is entitled to production of all exhibits, or documents which Commission counsel intends to put into evidence, that are relevant to these issues.

You may review the transcripts of the Inquiry which are available free of charge on the Internet at www.tscript.com. Please follow the button on the left for "Transcript Repository" and, on that page, follow the button for "Walkerton Inquiry". In Part IA, XXX testified on XXX; if you go to those dates, you will find his transcript. I also note that you may find portions of the testimony of XXX relevant to issues raised in the Notice. In particular, I refer you to Mr. XXX's testimony on XXX at pages 158-60 and 166-9; and on XXX at 15-20, 39-40, and 136-41. I point out these references in order to provide assistance to you without suggesting that these references are exhaustive of portions of the transcripts that you might find relevant to issues raised in the Notice. You will note that there is a key-word index on the left side of the transcript, keyed into letters of the alphabet in the top left portion of the screen. All transcripts may be printed in your office.

There is a list of all witnesses, with the dates of testimony, on our main Inquiry web page at www.walkertoninquiry.com. Please follow the button on the left for "Transcripts". You will find both an index of witnesses and an index of exhibits on that page. All exhibits are available for public viewing at the Inquiry offices; you should call in advance to book should you wish to review any exhibits. Please note that documents received by the Commission, even when they are not made exhibits, may be searched electronically in our offices. If you wish to do a canvass of government policies on a particular issue, you may do an electronic database search. Again, you must book the time in advance.

Anyone is free to attend the Inquiry hearings at any time. As a recipient of a section 5(2) notice who does not otherwise have standing before the Inquiry, your client is entitled to participate in the hearings in Part IB to the extent necessary to provide him with the opportunity to respond to the issues raised in the Notice. Your client may apply to call evidence and cross-examine witnesses relating to the matters set out in the Notice. Given the nature of the testimony of Mr. XXX and Mr. XXX, and the contents of the section 5(2) notice, we do not anticipate that Mr. XXX would be engaged in the Part IB process, although you may wish to make submissions.

Commission counsel will notify you as early as possible if we anticipate that a particular witness will engage your client's interest. You will also receive copies of statements of anticipated evidence for Section III of Part IB. If you feel your client should be entitled to attend the hearings in order to cross-examine a particular witness, then you should contact Commission counsel. It is also open to you to request that Commission Counsel ask specific questions relevant to your interest. In the latter case, the decision as to whether and what to ask would be at the discretion of Commission Counsel. Finally, all of the Part IB transcripts will be available for review on the Internet.

The Part IB hearings will be commencing on March 5. The evidence will be called in approximately the order of the "Outline of Potential Issues" located on the Commission website under the "Legal Information" button.

We anticipate that time will be set aside for recipients of section 5(2) notices to apply to call additional evidence, likely at the conclusion of Part IB. You will also have the right to make closing submissions to the Commissioner relating to your client's interest. Although no date has been set, it is likely that written submissions will be due in July, 2001, with oral submissions to be heard in

August, 2001. You will also have the right to make legal submissions on the applicable criteria for the issuance, modification or amendment of section 5(2) notices.

If you choose to participate in the manner set out above, it is not necessary for you to formally apply to the Commissioner for standing. Your participation will follow from your rights under section 5(2) of the Public Inquiries Act.

You may of course apply for a formal order granting your client standing. I note, however, that written applications for standing, and the Commissioner's rulings, are public. As you know, section 5(2) notices are and will remain confidential unless you put the Notice into evidence or choose otherwise to make it public I raise this point simply to alert you as to the manner in which you might wish to approach your participation in the Inquiry generally. If you do intend to apply for a formal order granting your client standing, we would encourage you to do so at the earliest possible opportunity.

In terms of funding, the Commissioner is prepared to recommend that the Attorney General provide funding to persons who have received a section 5(2) notice. Funding would be provided in accordance with the guidelines of the Ministry of the Attorney General. If your client requires funding, you should provide a written application for funding. The Commissioner will consider such an application with reference to the criteria outlined in the "Funding" document located under "Legal Information" at www.walkertoninquiry.com.

I trust that this addresses the issues that you raised in your letter and I would like to thank you for your cooperation. Please feel free to contact me should you have any further questions.

Yours truly,

Paul Cavalluzzo
Commission Counsel

