

THE WALKERTON INQUIRY

The Honourable Dennis R. O'Connor, Commissioner

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LA COMMISSION
D'ENQUÊTE WALKERTON

L'honorable Dennis R. O'Connor, Commissaire

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October 13, 2000

Paul Muldoon and Theresa McClenaghan,
Counsel, Canadian Environmental Law Association,
Suite 401, 517 College Street,
Toronto, Ont. M6G 4A2

Dear Mr. Muldoon and Ms. McClenaghan,

Thank you for your letter dated September 22, faxed to us on October 11, regarding the Part 2 Study List. Your comments are the most extensive and thoughtful we have received, for which we are grateful. In anticipation of our meeting in Walkerton on Monday, Oct. 16, I provide the following partial response.

1. Management of social risks

Risk management is the standard "language" for the subject in question. It should not detain us long, as it (and its limitations) are indeed well known. Nonetheless, since the approach underlies the establishment of drinking water standards, it cannot be ignored.

2. History...

Do you have suggestions for persons who might credibly undertake all or part of this work? Why should it not be combined with 4? By combined, do you simply mean, done by the same author?

3. History of outbreaks...

Our central concern is with high-probability, high-consequence (high risk, in the language of 1) events. Microbial risk is, apparently, the highest risk faced by persons drinking Ontario waters. Empirical evidence to the contrary would cause us to change our approach. The intention is not to ignore long-term non-acute risks but to put them in perspective.

4. Machinery...

This is indeed a large subject, likely too large for a single author. Even combining your list with ours, moreover, stops short of suggesting principles that should guide good machinery design. If we conclude – say, from the engineering studies – that many municipalities are too small to provide safe water cheaply, then some of the more

Walkerton

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11. Management...

Agree. Two questions: what is your view on what has changed in the last few years, and if it is the government of the day, is the question how to get high performance regardless of whom the electors select, or is it how to change the government? (We could be interested in the former, I suppose, but not the latter.) Second, is the concern whether some entity is public or private, or is it whether it performs well?

12. Communications

“Right to know” is a large and general policy argument that greatly transcends our remit. Our concern here is with the empirical question of what communications tactics produce the highest public compliance with an emergency warning, in big and small places. The concept of informed choice is at the heart of risk management and presumes the availability of large volumes of timely and relevant information. People with higher than normal susceptibility to hazards, like anyone else, need good information to guide their choices. We thought of including transparency in this larger sense as part of 11, but are interested in your views.

13. Costs of Walkerton

They are.

14. Financing

Good point; will rewrite.

15. Cost of clean water

Yes, in principle; but we also want to look at that subset that will have to be paid for by ratepayers, or taxpayers, in some pecuniary form.

Other possible topics:

16. Sludge and nutrient management

Agree; see 6

17. Public participation, consultations and the right to know

Either a routine part of good public policy these days or a topic transcending our mandate? See 12; let's discuss.

18. Intensive and industrial farming

See 6. It's not the farming but the care of byproducts that is of concern.

transient minutiae of the current downloading argument may become less relevant. Again, we would welcome suggestions for authors we might approach.

5. Standards

A group led by Prof. Dan Krewski at the University of Ottawa is undertaking this piece. Each of the points mentioned is part of the brief with the possible exception of the matters mentioned in your penultimate sentence, which I do not fully understand.

6. Pollution

This is a more expansive specification than we would intend to undertake. Again, our concern is proportional to risk. On present evidence, the highest risks stem from microbial contamination. Should evidence be presented that this is mistaken we would naturally want to expand the matters to be covered. (Dr. Krewski's group will assist with risk assessment in this regard.) Our present intention is to commission two papers, one on manures and one on the fate of effluents from sewage treatment plants. The latter in particular entrains questions of toxic chemicals and heavy metals. The paper on manures will be undertaken by Dr. Mike Goss and colleagues at the University of Guelph. Do you have suggestions for an author on sewage sludges and biosolids?

7. Measurement

The central concern here is that by the time measures of quality or contamination are available, someone has usually drunk the water. Bacteriological and chemical tests, in effect, tell you whether your treatment system was working well hours or days ago. One question is whether newer technologies could narrow the gap. "Communications" is dealt with elsewhere, at least in part. By contingency response do you mean the rules that should govern warnings when certain kinds of test signals appear? This is an interesting area, one not presently on the list. The application of the precautionary principle in ambiguous circumstances, not being without cost and itself in need of operationalizing, could be interesting.

8. Production

Yes, noting that the risk from a pulse of live *E. coli* 0157 is enormously greater than that of DBPs.

10. Training and accreditation

Yes. The content of the syllabus would be a good place to start on the training side. This part may turn out to relate more closely to organizational design – the sort of question that 11 leads toward. Accreditation might marry better with a regulatory piece. We may need to rethink where these topics fit, but they deserve attention.

19. Septic systems, sewage systems, MISA sectors, particularly as to their impacts on drinking water sources, and treatment and delivery systems

Well, sewage anyway. See 6.

20. Emergency and contingency planning

To the degree this is embodied in the best utility operations now, it should be picked up in 8 and 9. A critical part of emergency communications is covered in 12. We should, however, stop short of general emergency planning as being beyond our terms of reference.

21. The need for a safe drinking water act

This could well be a logical conclusion or extension of 4. The context is important, however. Would such an Act centralize responsibilities now scattered across the government of Ontario? Would safe water take primacy over some other public goods and if so which? What might the Bill contain? This is a very interesting idea, and we should discuss it. Subject to that discussion, I am more inclined to have such a paper (and model Act) be a CELA/CWC submission than an "issue paper" of the Inquiry. Perhaps we might discuss whether funding under the Part 2 guidelines would be an appropriate route for securing the necessary resources.

Sincerely yours,



Harry Swain,
Chair, Research Advisory Panel

cc: Hon. Dennis O'Connor

PART II UPDATE - OCTOBER 18, 2000

INTRODUCTION

As announced previously, Part II of the Inquiry will proceed concurrently with Part I. In order to keep the public and those with standing in Part II informed about events relevant to Part II, we will be publishing periodic updates on our website. This will be the principal means of sharing information for Part II and those with standing should check this page regularly.

1. Part II Study List

The Commission has received a number of thoughtful and helpful comments from participants in Part II of the Inquiry relating to the Study List published on our website on August 17, 2000.

The Commission is in the process of amending the Study List to reflect a number of the comments received and an updated list will be published on our website within the next week to ten days. At that time we will also be publishing the names of the authors who have been engaged to date to perform studies. This information will be updated regularly.

2. The Nature of the Issue Papers

The comments we have received from some of the participants in Part II suggest the need for clarification about the nature of the Issue Papers being prepared for the Commission. Some participants were under the impression that the Issue Papers, after they have been circulated for comments and finalized, will constitute the "conclusions" or the position of the Commissioner on the issues in question. This is not the case.

The Issue Papers are intended, for each of the topics on the study list, to be well researched, thoughtful and objective papers, which lay out the history of events, frame issues and set out the existing practice in Ontario as well as best practices in other jurisdictions throughout the world. While the authors of the Issue Papers will undoubtedly make judgements and recommendations

about public policy, such judgements and recommendations will be independent of the Commissioner and will not necessarily be the same as the ultimate recommendations of the Commissioner.

While some of the observations or recommendations contained in the Issue Papers may be uncontroversial, it is recognized that many will be subject to different points of view. In regard to such issues, it is the hope of the Commission that the Issue Papers will serve to prompt debate. Issue Paper authors are, therefore, being instructed to take a balanced approach and to reflect the diversity of opinion that exists on many of the issues. Intervenors are encouraged to indicate to us in advance if they think there are important points of view which we feel should be included in the scope of the Issue Papers.

The Part II process includes a number of opportunities for those with standing in Part II, as well as the public at large, to provide input on the issues. Specifically:

- (i) Any person or group who knows at this point that they have a unique perspective on an issue related to the safety of drinking water in Ontario, may prepare a paper on that issue at any time. The Commission will publish the paper on its website for review by all with an interest in the topic. Participants should feel free to submit papers related to the safety of drinking water, even if the specific topic is not on the Study List.
- (ii) Those with standing in Part II, and any member of the public, may also wait until the relevant Issue Paper is published in draft and then submit a response, possibly including a paper, in regard to that topic.
- (iii) In some cases the Research Advisory Panel will convene informal meetings among the authors of Issue Papers and those who have an interest and expertise in a particular area. The purpose of such meetings will be to ensure that those with

different views have an opportunity to make their positions clear to each other and where possible narrow any differences.

- (iv) There will also be a series of public meetings at which the authors of the relevant Issue Papers, those with standing and other members of the public invited by the Commission can discuss their perspectives and make their respective positions clear. These meetings will take place before the Commissioner.

These opportunities for input by those with standing and by the public are critical elements in the Part II process. The Commissioner is interested in hearing from as many different interests and perspectives as is reasonably possible. All information obtained will be taken into consideration prior to the Commissioner making any final recommendations on a particular subject matter.

3. Funding

It is recognized that some of those with standing in Part II of the Inquiry may require financial assistance with respect to their Part II papers or submissions. Those with standing in Part II who require funding should submit their funding proposals to the Commission (to the attention of Dr. Harry Swain) as soon as possible. It is recognized that, in some cases, parties may not now know the extent of their participation and, thus, may not be able to make a meaningful funding proposal at this time. For example, we are aware that a number of parties are waiting to review the draft Issue Papers, before deciding how best to participate. Those parties should wait until that time to submit a proposal. On the other hand, some parties may already have well developed ideas about their proposed submissions. If such parties require funding, they are encouraged to make their proposals to the Commission at this time. It should be noted that Part II funding proposals can be amended at a later date. For more information with respect to funding, please see the Funding Rules published in the "Legal Information" section of our website.

4. Schedule

While a detailed schedule with respect to Part II has not been worked out, we are able to provide the following information with respect to the schedule.

- (i) Draft Issue Papers are to be submitted to the Commission starting in December 2000 and will be published on our website within two to three weeks of receipt.
- (ii) It is anticipated that there will be a break in the Part I proceedings between the middle of January and February 19, 2001. It is hoped that some topics on the Study List may be ready for Public Meetings during the week of February 12, 2001. It is recognized that this may be too soon to have Public Meetings on certain topics. The meetings will only be held if there has been reasonable time for participants to prepare responses to Issue Papers.
- (iii) Beginning the week of February 19, it is anticipated that the Part I hearings will run three weeks on and one week off. The off weeks will be available for Public Meetings. These include the weeks of March 19, March 26, April 9 and April 30, 2001.

Dates for the Public Meetings are tentative and may change having regard to the completion of the Issue Papers and the schedule for Part I hearings. We will provide notice of changes on our website.

Once the Issue Papers have been published in draft and we have had an opportunity to consult with those who have standing in Part II we will announce the dates of Public Meetings for specific topics.

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Attention News Editors:

Harry Swain Appointed to Walkerton Inquiry

TORONTO, July 18 /CNW/ - The Commissioner of the Walkerton Inquiry, Mr. Justice Dennis O'Connor, announced today the appointment of Harry Swain as the chairman of the Commission's advisory panel.

Mr. Swain, a partner in the consulting firm Sussex Circle, brings broad experience in public policy and management. He spent eight of his 22 years in the federal public service as a deputy minister -- in the Department of Indian and Northern Affairs and in the Department of Industry. The Industry portfolio includes responsibility for science policy advice for the government of Canada. Educated in urban and economic geography, Mr. Swain taught at the universities of Toronto and British Columbia, and was a project leader at the International Institute for Applied Systems Analysis in Laxenburg, Austria. He holds a doctorate from Minnesota and an honorary degree from the University of Victoria. From 1996 to 1998 he was a Director of Hambros Bank Limited, a UK merchant bank, and CEO of its Canadian subsidiary.

Mr. Swain's principal task for the Inquiry will be to assemble the best available scientific and practical advice, in order that the Commission's recommendations may lead to a safe drinking water system for Ontario's future. The Inquiry will commission expert review papers on all key topics. After initial review, these papers will be published as drafts on the Commission's website (www.walkertoninquiry.com). Comments will be invited from the public and interested parties. Certain papers may be the focus of roundtable discussions involving interested parties and distinguished experts. Final publication will follow.

The advisory panel, whose membership will be announced soon, will assist with the definition of the work to be done, identifying the best contributors and proposals, and distilling policy advice from the commissioned papers.

The Walkerton Inquiry is an independent Commission set up under the Ontario Public Inquiries Act to examine the contamination of the water supply in the town of Walkerton by E.Coli bacteria and to make recommendations to ensure the safety of drinking water in Ontario.

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For further information: Peter Rehak, (416) 921-0679

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**Canada NewsWire****Give us your message. We'll give you the world.****Attention News/Assignment Editors:****The Walkerton Inquiry Media advisory - community hearings, starting July 26**

TORONTO, July 21 /CNW/ - As previously announced, Mr. Justice Dennis O'Connor, the Commissioner of the Walkerton Inquiry, will meet area residents at a series of informal community meetings, starting on Wednesday, July 26 at the Knights of Columbus Hall.

(Full details are available on the Commission's website at www.walkertoninquiry.com.)

A room for the media, equipped with a unimike system for radio, TV and print will be available for interviews with residents or group representatives who consent to be interviewed and for interviews with the Commission's lawyers, if desired.

At the request of Walkerton residents, the proceedings will not be televised or broadcast and will not be open to electronic media. Audio and video recording will not be permitted in the Knights of Columbus Hall.

The community meeting is being held in advance of the formal hearings which are expected to start in the Fall.

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For further information: The Commission's Media Contact: Peter Rehak,
(416) 921-0679

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Attention News Editors:

Walkerton Inquiry to Hold Community Meeting in Walkerton

TORONTO, July 5 /CNW/ - Justice Dennis O'Connor has scheduled a series of informal community meetings later this month with the residents of Walkerton and the surrounding area. The purpose of the meetings is to allow Justice O'Connor to learn first-hand about the impact on the community of the water contamination by E.Coli bacteria that is being blamed for illnesses and a number of deaths.

Justice O'Connor and his team will meet with local citizens at the Knights of Columbus Hall, on Highway 9 between Walkerton and Mildmay, on Wednesday, July 26, from 7 p.m. to 10 p.m.; on Thursday, July 27, from 10 a.m. to 1 p.m.; on Friday, July 28 from 10 a.m. to 4 p.m. and from 7 p.m. to 10 p.m.; and, if required, on Saturday July 29 from 10 a.m. to 1 p.m.

This series of community meetings will be informal in nature. Citizens will have the opportunity to appear in person, to write letters or contact a 1-800 telephone number which will be provided in the next few days. The purpose of these initial meetings is to provide Justice O'Connor and members of the Commission with a first-hand account of what happened. The formal part of the inquiry will begin in the Fall. Participation in the July meeting will not prevent people from taking part in the more formal meetings in the Fall.

The inquiry has a mandate to look into what happened in Walkerton and to examine the future of drinking water in Ontario.

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For further information: Peter Rehak, (416) 921-0679

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Attention News Editors:

Commission of the Walkerton Inquiry

TORONTO, June 22 /CNW/ - Mr. Justice Dennis O'Connor has proposed to meet informally with the residents of Walkerton next month, in advance of his formal inquiry into the circumstances which caused illness of the town's residents and a number of deaths in May and June of this year, around the same time as E. Coli bacteria were found to be present in the town's water supply.

"I regard it as essential in my work to come and speak with the residents, to determine through personal contact the impact on the town and its residents," Mr. Justice O'Connor said in a letter to the residents, which will be published in local newspapers and on the Internet. "I am of the view that understanding the scope of the impact upon the residents will provide a foundation for my further inquiries."

Mr. Justice O'Connor proposed to hold the meetings the week of July 20. He said he would be willing to hold the sessions later if a significant number of residents indicate that the people of the town are not ready to speak publicly about these events at that time. Members of the Commission's legal team will go to Walkerton next week to discuss Justice O'Connor's proposal with residents and local groups.

At this initial set of meetings, individuals would be given an opportunity to speak with the Commissioner about the impact of the events of May and June on their lives and the town as a whole. They would also be able to express their views in writing, either directly to the Commission, or through their participation in one of the local groups Mr. Justice O'Connor would hear from.

These include the Concerned Citizens of Walkerton, the Walkerton & District Chamber of Commerce, and the Brockton Town Council.

In his letter, Mr. Justice O'Connor added that he recognizes that some of the residents have sought legal advice about what has occurred. "I do not want to interfere with that process in any way," he said, "however, it would be most useful to the Commission to hear from the people directly affected at the type of informal community meeting I have proposed."

The Commission, whose terms of reference were announced earlier, will examine the cause of the events in Walkerton, including the effects, if any, of government policies, procedures and practices. The Commission will also examine other matters necessary to ensure the safety of drinking water in Ontario.

The Commission has decided to approach its task in two phases, which will run simultaneously. Phase One will focus on the events in Walkerton. Phase Two will focus on matters relevant to ensure the safety of drinking water in the province.

The Commission intends to hold a substantial portion of the hearings in Phase One in Walkerton. Steps are being taken to locate office space and a hearing room for the Commission in Walkerton.

The Commission legal team was announced last week. The Commission is currently in the process of hiring other staff, including investigators, researchers and scientists to assist with both phases of the Inquiry. The Commission hired an office administrator this week and hopes to be in a position to announce additional appointments next week. Also, the Commission has enlisted Dr. George Connell, former President of the University of Toronto, to assist in the assembly of a scientific research team to work with the Commission.

The Commission's offices are temporarily located at the following address:

Commission of the Walkerton Inquiry
The Dundas/ Edward Centre
180 Dundas Street West, 22nd Floor, Box 26
Toronto, Ontario
M5G 1Z8

The Commission hopes to announce a 1-800 number soon.

It is anticipated that the Commission offices will move in approximately two months to accommodate the need to hold some future hearings in Toronto. The Commission is establishing a website which will be up and running in the near future.

Letter to The Residents of Walkerton

June 22, 2000

To The Residents of Walkerton:

I have been appointed as Commissioner of a public inquiry to inquire into the circumstances which caused illness and deaths of residents in the Walkerton area in May and June, 2000, at or around the same time as E. Coli bacteria were found to be present in the town's water supply. The Commission will investigate the cause of these events including the effect, if any, of government policies, procedures and practices. The terms of reference are broad and I am confident we will be able to fully explore all of the reasons that contributed to this tragedy. The Commission will also look into other matters necessary to ensure the safety of Ontario's drinking water.

The Commission considers it important that we hear from the residents in Walkerton about the impact of this tragedy on their lives and the town as a whole. One of the ways to do this is for the Commission to have a relatively informal initial community meeting with the residents. I would like to have such a meeting as early as possible. It seems to me that understanding the scope of the impact upon the residents will provide a foundation for further inquiries. However, my staff and I are concerned that we not intrude unduly on the residents at a time when they may not be ready to speak publicly about the impact of these events. If it turns out that the residents feel that it is now too early for a community meeting, we will hold it at a later date.

In the meantime, I suggest the week of July 20, 2000 for the initial community meeting. What I would like to do at the initial meeting is to hear from individual residents with respect to the impact this matter has had upon them. Individuals will be given the opportunity to come forward and speak about the impact this has had on their lives or to express their thoughts in writing.

At the more formal hearings, which will begin this Fall, the Commission will look into the causes that gave rise to the tragedy. Prior to those hearings, those wishing to apply for standing will be given an opportunity to do so. Participation in the earlier community hearing will not foreclose participation in the more formal hearings to take place this Fall.

The Commission will contact a number of local groups, including the Concerned Citizens of Walkerton, the Walkerton & District Chamber of Commerce, and the Brockton Town Council, about the proposal for a community meeting. We are interested in obtaining a broad range of views from the community. You may express your views on the desirability of and the format for a community meeting either through your connection with one of these groups or by writing the Commission at the following address:

Commission of the Walkerton Inquiry
The Dundas/ Edward Centre
180 Dundas Street West, 22nd Floor, Box 26
Toronto, Ontario

MSG 128

The Commission hopes to announce a 1-800 phone number by next week. If you prefer you may wait to contact us by phone at that time.

In making this proposal for a community meeting, I recognize that some of the residents have sought legal advice about what has occurred. I do not want to interfere with that process in any way. However, it would be most useful to the Commission to hear from the people directly affected at the type of informal community meeting I have discussed above.

This letter is being distributed on Canada News Wire (<http://www.newswire.ca>) and will be published in the Walkerton Herald Times, the Owen Sound Sun Times and the London Free Press in an effort to ensure that it comes to the attention of all of the residents of Walkerton.

Yours very truly,

Dennis O'Connor

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For further information: Paul Cavalluzzo ((416) 964-5500)

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Attention News Editors:

Commission of the Walkerton Inquiry

TORONTO, June 16 /CNW/ -

Background Information Commission of the Walkerton Inquiry -----

THE COMMISSION HAS RECEIVED A NUMBER OF REQUESTS FOR INFORMATION ABOUT ITS WORK. ALTHOUGH THE COMMISSION IS PRESENTLY IN A PRELIMINARY STAGE, IT IS ABLE TO PROVIDE THE FOLLOWING DOCUMENTS AS BACKGROUND MATERIAL. MORE INFORMATION WILL BE RELEASED AS IT IS AVAILABLE ON A COMMISSION WEBSITE TO BE CREATED IN THE NEAR FUTURE.

COMMISSION OF INQUIRY

A number of people have died or became ill in circumstances where *Escherichia coli* bacteria have been found in the water supply in that part of the The Corporation of the Municipality of Brockton formerly known as the Town of Walkerton.

Under the Public Inquiries Act, R.S.O. 1990, c. P. 41, the Lieutenant Governor in Council may, by commission, appoint one or more persons to inquire into any matter of public concern, if the inquiry is not regulated by any special law and if the Lieutenant Governor in Council considers it desirable to inquire into that matter.

The Lieutenant Governor in Council considers it desirable to inquire into the following matters of public concern. The inquiry is not regulated by any special law.

Therefore, pursuant to the Public Inquiries Act:

Establishment of the Commission

1. A commission shall be issued effective June 12, 2000, appointing Dennis R. O'Connor as a commissioner.

Mandate

2. The commission shall inquire into the following matters:

(a) the circumstances which caused hundreds of people in the Walkerton area to become ill, and several of them to die in May and June 2000, at or around the same time as *Escherichia coli* bacteria were found to be present in the town's water supply;

(b) the cause of these events including the effect, if any, of government policies, procedures and practices; and

(c) any other relevant matters that the commission considers necessary to ensure the safety of Ontario's drinking water,

in order to make such findings and recommendations as the commission considers advisable to ensure the safety of the water supply system in Ontario.

3. The commission shall perform its duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization. The commission, in the conduct of its inquiry, shall ensure that it does not interfere with any ongoing criminal investigation or criminal proceedings, if any, relating to these matters.

4. The commission shall complete this inquiry and deliver its final report(s) containing its findings, conclusions and recommendations to the Attorney General who shall make such report(s) available to the public.

5. The commission may make recommendations to the Attorney General regarding funding to parties who have been granted standing, to the extent of the party's interest, where in the Commission's view, the party would not otherwise be able to participate in the inquiry without such funding.

6. Part III of the Public Inquiries Act applies to the inquiry and the commission conducting it.

Resources

7. Within an approved budget, the commission may retain such counsel, staff, investigators and expert advisers as it considers necessary in the performance of its duties. They shall be paid at rates of remuneration and reimbursement approved by Management Board of Cabinet. They shall be reimbursed for reasonable expenses incurred in connection with their duties in accordance with Management Board of Cabinet Directives and Guidelines.

8. The commission may obtain such other services and things as it considers necessary in the performance of its duties within an approved budget. The commission shall observe Management Board of Cabinet's Directives and Guidelines and other applicable government policies when it obtains services or things.

9. All ministries, Cabinet Office, the Premier's Office, and all boards, agencies and commissions of the government of Ontario shall assist the commission to the fullest extent so that the Commission may carry out its duties.

Statement by Commissioner Dennis O'Connor re: Terms of Reference

I HAVE REVIEWED AND BEEN CONSULTED WITH REGARD TO THE TERMS OF REFERENCE FOR THE INQUIRY. I AM SATISFIED THAT THEY WILL ENABLE ME TO CARRY OUT A FULL AND THOROUGH INQUIRY INTO THE CAUSES OF WHAT HAPPENED AT WALKERTON, INCLUDING THE EFFECT, IF ANY, OF GOVERNMENT POLICIES, PRACTICES AND PROCEDURES, AND THE IMPLICATIONS FOR THE SAFETY OF DRINKING WATER IN ONTARIO, IN ORDER TO MAKE RECOMMENDATIONS TO ENSURE THE SAFETY OF THE WATER SUPPLY SYSTEM IN ONTARIO. I AM SATISFIED THAT I HAVE SUFFICIENTLY BROAD POWERS UNDER THE TERMS OF REFERENCE AND UNDER THE PUBLIC INQUIRIES ACT TO CARRY OUT THIS VERY WIDE MANDATE.

C.V. of Commissioner Dennis O'Connor

Married - two children

1964 LL.B. - Osgoode Hall Law School

1965-66 Articled - Arthur Maloney, Q.C.

- 1966 Called to the Bar of Ontario
- 1966-73 Partner - Carrick, O'Connor & Coutts
- 1973-76 Magistrate Yukon Territory
- 1974-76 Provincial Judge - British Columbia
Deputy Magistrate, Northwest Territories
- 1976-80 Associate Professor of Law - University of Western Ontario
- 1980-98 Partner and Senior Counsel - Borden & Elliot
Practice involved a broad range of litigation, including commercial, securities law, administrative law and constitutional cases. Acted for individuals and corporations in a variety of cases in a number provinces across Canada. Acted for and against past and present governments, federal and provincial, and for elected officials in those governments, including Kim Campbell, Mike Harris, David Peterson, Allan Rock, and Ian Scott. Acted for public bodies, including the Ontario Securities Commission, the Law Society, and the Information & Privacy Commissioner. Acted in several public inquiries and Royal Commissions.
- 1980-84 Chief Negotiator for Government of Canada
Yukon Indian Land Claim
- 1981-87 Part-time Faculty - Osgoode Hall Law School
- 1986 Called to the Bar of Alberta
- 1987-95 Benchers of the Law Society of Upper Canada (2 terms)
- 1998 Appointed to Court of Appeal for Ontario

CLIENTS AND CASES ARGUED IN RECENT YEARS INCLUDE:

- Kim Campbell - Somalia Inquiry: Counsel for Kim Campbell, former Prime Minister of Canada
- Law Society of Upper Canada: Counsel for Law Society against Ontario Conservative Government with respect to Legal Aid cutbacks
- Ontario Government ats Starr: Counsel for the Ontario Government, David Peterson, the former Liberal premier, and Ian Scott, the former Attorney General, and others in connection with allegations brought by Ms. Starr
- Ontario Securities Commission ats Ainsley et al.: Counsel for the Ontario Securities Commission in an appeal dealing with scope of the Commission's Policy making power
- Ontario Securities Commission ats E.A. Manning et al.: Acted for the Ontario Securities Commission in a judicial review application challenging the O.S.C. jurisdiction and in responding to the subsequent appeal
- McFarland Inquiry: Acted as Commission Counsel with respect to the Public Inquiry into the conduct of His Honour Judge Walter Hryciuk
- Ontario Government - Houlden Inquiry: Counsel for the Liberal Government of Ontario with respect to an inquiry into the improper use

of political influence (the Patti Starr Inquiry) and in connection with constitutional challenges

- Gave expert evidence on behalf of the federal Liberal government and Allan Rock, then Minister of Justice, in the Airbus litigation
- Investment Dealers Association: Counsel with respect to a number of regulatory issues
- PWA v. Gemini: Acted for PWA (Canadian Airlines) in a commercial case relating to its partnership with Air Canada and Covia in the Gemini airline reservation system
- Air Products ats Schmidt: Argued appeal in Supreme Court of Canada in a pension surplus case for Air Products
- American Airlines v. Air Canada: Appeared as counsel for American Airlines in a trial relating to a contract for the development of computer software
- Westfair Foods Limited ats Jepson et al.: Acted for Westfair in an oppression action brought by minority shareholders in the Alberta Court of Queens Bench and subsequent appeals
- Amoco Canada Ltd. v. Dome Petroleum: Acted as lead counsel for Amoco Canada in connection with all litigation relating to the takeover of Dome petroleum including an oppression action and the arrangement approval proceedings
- Bramalea ats Scanlon: Acted for Bramalea in an appeal dealing with major issues respecting the Condominium Act of Ontario
- Canadian Tire Dealers and Ontario Securities Commission: Acted for the C.T.C. Dealers at a Securities Commission hearing and in subsequent litigation
- Consolidated Enfield v. Michael Blair: Acted for Consolidated Enfield in a number of lawsuits arising out of a contested takeover
- Coremark International Inc.: Acted at two Securities Commission hearings arising from a contested takeover of Coremark
- Director of Business Corporations v. Southam & Torstar: Appeared for the Director of Business Corporations challenging a share exchange agreement securing control of Southam Inc.
- Dubin Inquiry - Angella Issajenko: Counsel for athlete Angella Issajenko in the inquiry into the use of banned substances by Canadian athletes
- Institut Mériex ats Ontario Securities Commission: Acted for Institut Mériex before the Ontario and Quebec Securities Commissions in connection with the takeover of Connaught Laboratories
- Kay v. Posluns: Acted at trial for James Kay in connection with dispute over control of Dylex Limited
- Lavigne v. OPSEU: Acted for Mervyn Lavigne at all levels of court challenging the use by unions of compelled dues
- Ontario Securities Commission and Biscotti et al.: Counsel for the Ontario Securities Commission in an investigation and hearing dealing with allegations of front running and insider trading on The Toronto Stock Exchange

- Ontario Securities Commission - Standard Trust: Acted for the non-management directors in a hearing before the Ontario Securities Commission

Notice of Appointment of Legal Team

JUSTICE DENNIS O'CONNOR, THE COMMISSIONER IN THE WALKERTON INQUIRY, HAS ANNOUNCED HIS LEGAL TEAM WHICH WILL BE HEADED BY DAVID STOCKWOOD, Q.C. AND PAUL CAVALLUZZO.

MR. CAVALLUZZO WILL WORK WITH BRIAN GOVER AND FREYA KRISTJANSON. THEY WILL BE PRIMARILY RESPONSIBLE FOR THE FOLLOWING ASPECT OF THE INQUIRY: THE CAUSE OF THE EVENTS IN WALKERTON IN MAY AND JUNE 2000.

MR. STOCKWOOD AND RONALD FOERSTER WILL BE PRIMARILY RESPONSIBLE FOR THE FOLLOWING ASPECT OF THE INQUIRY: GENERAL ISSUES RELATING TO THE SAFETY OF ONTARIO'S DRINKING WATER.

MR. STOCKWOOD WAS CALLED TO THE BAR IN 1968. HE IS THE SENIOR PARTNER OF STOCKWOOD SPIES AND CARRIES ON PRACTICE AS A SENIOR COUNSEL IN LITIGATION AND ADMINISTRATIVE LAW. HE WORKED ON THE COMMISSION ON CORONERS INQUESTS.

MR. CAVALLUZZO WAS CALLED TO THE BAR IN 1973. HE IS A SENIOR PARTNER OF CAVALLUZZO HAYES SHILTON MCINTYRE & CORNISH AND CARRIES ON PRACTICE AS A SENIOR COUNSEL IN ADMINISTRATIVE, CONSTITUTIONAL AND LABOUR LAW.

MR. GOVER WAS CALLED TO THE BAR IN 1983. HE IS A PARTNER OF STOCKWOOD SPIES AND IS A FORMER CROWN LAW OFFICER AND EXECUTIVE LEGAL OFFICER TO WHAT IS NOW KNOWN AS THE SUPERIOR COURT OF JUSTICE. HE HAS EXTENSIVE CRIMINAL AND ADMINISTRATIVE LAW EXPERIENCE.

MR. FOERSTER WAS CALLED TO THE BAR IN 1987. HE IS A PARTNER WITH BORDEN, LADNER, GERVAIS LLP. HE PRACTICES CONSTITUTIONAL AND ADMINISTRATIVE LAW, AND CIVIL LITIGATION.

MS. KRISTJANSON WAS CALLED TO THE BAR IN 1989. SHE CARRIES ON A LITIGATION AND ADMINISTRATIVE LAW PRACTICE. SHE HAS WORKED ON A NUMBER OF ROYAL COMMISSIONS AND PUBLIC INQUIRIES.

-30-

For further information: Paul Cavalluzzo, (416) 964-5500

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Attention News Editors:

Notice of Appointment of Legal Team - Commission of the Walkerton Inquiry

TORONTO, June 15 /CNW/ - JUSTICE DENNIS O'CONNOR, THE COMMISSIONER IN THE WALKERTON INQUIRY, HAS ANNOUNCED HIS LEGAL TEAM WHICH WILL BE HEADED BY DAVID STOCKWOOD, Q.C. AND PAUL CAVALLUZZO.

MR. CAVALLUZZO WILL WORK WITH BRIAN GOVER AND FREYA KRISTJANSON. THEY WILL BE PRIMARILY RESPONSIBLE FOR THE FOLLOWING ASPECT OF THE INQUIRY: THE CAUSE OF THE EVENTS IN WALKERTON IN MAY AND JUNE 2000.

MR. STOCKWOOD AND COUNSEL TO BE NAMED LATER WILL BE PRIMARILY RESPONSIBLE FOR THE FOLLOWING ASPECT OF THE INQUIRY: GENERAL ISSUES RELATING TO THE SAFETY OF ONTARIO'S DRINKING WATER.

MR. STOCKWOOD WAS CALLED TO THE BAR IN 1968. HE IS THE SENIOR PARTNER OF STOCKWOOD SPIES AND CARRIES ON PRACTICE AS A SENIOR COUNSEL IN LITIGATION AND ADMINISTRATIVE LAW. HE WORKED ON THE COMMISSION ON CORONERS INQUESTS.

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Media Information

THE WALKERTON INQUIRY

MEDIA ADVISORY - COMMUNITY MEETINGS, STARTING JULY 26

As previously announced, Mr. Justice Dennis O'Connor, the Commissioner of the Walkerton Inquiry, will meet area residents at a series of informal community meetings, starting on Wednesday, July 26 at the Knights of Columbus Hall.

A room for the media, equipped with a unimike system for radio, TV and print will be available for interviews with residents or group representatives who consent to be interviewed and for interviews with the Commission's lawyers, if desired.

At the request of Walkerton residents, the proceedings will not be televised or broadcast and will not be open to electronic media. Audio and video recording will not be permitted in the Knights of Columbus Hall.

The community meeting is being held in advance of the formal hearings which are expected to start in the Fall.

The Commission's Media Contact: Peter Rehak, (416)-921-0679

The Walkerton Inquiry
180 Dundas Street West, 22nd Floor
Toronto, Ontario
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