

**THE ELLIOT LAKE
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,
Commissioner



**LA COMMISSION
D'ENQUÊTE ELLIOT LAKE**

L'honorable Paul R. Bélanger,
Commissaire

September 26, 2013

The Honourable John Gerretsen
Attorney General
720 Bay Street, 11th Floor
Toronto, Ontario
M5G 2K1

Mr. Attorney,

You will be aware, of course, that during the course of the Inquiry, I have issued a number of rulings and recommendations on funding for the participants granted standing at the hearings.

The Commission has now received requests from your Independent Assessment Officer, Freya Kristjanson, and from counsel for the participants, for clarification on whether funding for the participants would continue in order to allow counsel to attend the roundtables scheduled for November and December next.

In light of these requests for clarification, I bring this matter to your attention for your consideration and for a determination by your office, recognizing that my role is limited to making recommendations to you. In order to assist you in this endeavour, I have set out additional information as well as my recommendations for the continued funding to be provided to counsel for the participants.

The evidentiary portion of the public hearings will be coming to a close shortly. At that time, the Commission will move into the next phase of the Inquiry, the roundtable meetings, as indicated in my opening remarks on March 4, 2013:

And finally, once the evidentiary process has concluded, we anticipate seeking the assistance of experts, national/international, using round tables as the Inquiry model, to obtain the most current information and advice pertaining to subjects that will have arisen through the public hearing process.^[1]

^[1] March 4, 2013 transcript of evidence, page 15.

On September 12, 2013, an email was sent to the participants in Part 1 of the Inquiry from Commission Counsel which provided the following information regarding the roundtables:

As you are aware, the Commissioner is planning to hold a series of policy roundtables to consider possible recommendations emerging from the evidence heard by the inquiry.

The roundtables for Part 1 of the Inquiry will take place in Ottawa the week of November 18.

The Commission is planning three roundtables. Each roundtable will have 5 to 6 experts and be led by a commission counsel. Each session will consider a series of questions prepared by the Commission.

The questions being considered at this stage by the Commission are attached. These questions were revised following receipt of your final submissions, and in particular, with consideration to the recommendations provided by all participants in August.

The sessions will be transcribed (although not simultaneously as they are currently for the hearings) and webcast similar to the Commission's hearings. The webcast will be screened at the White Mountain Academy for those who wish to attend there.

Please note that although counsel and the participants are welcome to attend the roundtables to hear the discussions, or to view them in Elliot Lake, it has been decided that the participants and/or their counsel will not be allocated a seat at the roundtables. Please note that PEO and the OBOA will be participants in the roundtables, not in their capacity as participants at the Inquiry but rather because they ultimately represent a number of the people (engineers and inspectors) who could be affected by the recommendations made by the Commissioner.

The Commissioner has decided that 30 minutes will be allocated at the end of each day to allow for questions or comments from those attending the roundtables or viewing them online. Should your clients wish to ask questions or put forward a proposition to be considered by the panel, that can be done at that time.

The purpose of these roundtable meetings is to discuss with various stakeholders (government, academic and/or private sector), the systemic issues which have come to light as a result of the evidence presented during the course of the Inquiry. Those are high level issues which transcend the narrower interests of individuals who have participated in the Inquiry.

The roundtables are being held in Ottawa and will be webcast on the Inquiry website, in a manner similar to the Commission's hearings. This will allow counsel for the participants and the participants to hear the discussions at the roundtables, without the need to travel. A telephone number will also be provided to the participants to allow questions to be put to the panelists, if they choose, at the end of each session. Agendas for the roundtables,

including round table participants and topics to be explored, will be posted on the Commission's website well in advance of the anticipated dates.

The participation of all of the parties in the evidentiary portion of the Inquiry has been invaluable and has assisted the Commission in determining the issues that need to be explored with the experts who have been invited to the roundtables. However, the role of the participants and their counsel at the roundtables will be limited to the opportunity to ask questions in a relatively short time period. Transcripts of the roundtables will be posted on the Commission website. Given the limited mandate of the participants and their counsel in this next phase of the Inquiry, I recommend that funding for the participants be provided as follows:

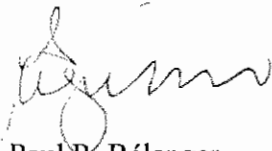
1. A maximum of 5 hours of counsel fees per participant for preparation time prior to the commencement of all of the roundtables (not *each* roundtable);
2. Counsel fees for one counsel per participant to view the roundtable discussions and ask questions, if they choose, during the question period at the end of the session;
3. No reimbursement for travel or accommodations for those counsel and/or participants who choose to travel to Ottawa to attend the roundtables – indeed, this has already been discussed with family members of the victims who told commission counsel that they were satisfied with the arrangement;
4. Funding for viewing the roundtables in Part 1 should only be provided to those participants who have received standing for Part 1 of the Inquiry and which the Government of Ontario has already agreed to fund.

My recommendations would similarly extend to the participants with standing in Part 2 of the Inquiry, related to the emergency response and rescue and their participation in the roundtables which will be held for Part 2.

A copy of this letter will be posted on the Commission's website at www.elliolakeinquiry.ca.

I thank you for your consideration of these recommendations.

Yours truly,



Paul R. Bélanger,
Commissioner