

# ELLIOT LAKE COMMISSION OF INQUIRY

---

DAY 110

September 26, 2013

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ELLIOT LAKE COMMISSION OF INQUIRY

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--- This is Day 110 in the Inquiry proceedings held before the Honourable Justice P.R. Bélanger, Commissioner, taken at the White Mountain Academy of the Arts, 99 Spine Road, Elliot Lake, Ontario, on the 26th day of September, 2013, commencing at 9:00 a.m.

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1 -- Upon commencing at 9:00 a.m.

2

3 THE COMMISSIONER: Good morning,  
4 everyone.

5 MR. CARR-HARRIS: Good morning,  
6 Commissioner.

7 THE COMMISSIONER: Mr. Carr-Harris.

8 MR. CARR-HARRIS: I call up to the  
9 stand Don Jones.

10 THE COMMISSIONER: Thank you.

11 Good morning, Mr. Jones.

12 THE WITNESS: Good morning.

13 DONALD JONES: SWORN.

14 EXAMINATION IN-CHIEF BY MR.

15 CARR-HARRIS:

16 Q. Good morning, Mr. Jones.

17 A. Good morning.

18 Q. I understand that you are a Health  
19 and Safety Inspector with the Ministry of Labour?

20 A. Yes.

21 Q. And before that, what did you --  
22 and I gather you started in the year 2000?

23 A. That's correct.

24 Q. And before 2000, what did you do?

25 A. I worked in a steel mill, a large

1 steel mill in Sault Ste. Marie. I worked in the  
2 maintenance group there in central trades with a  
3 group of millwrights, rigger, ironworkers, welders,  
4 and we did maintenance work throughout the plant.

5 Q. And how long were you there?

6 A. I was there with that group for 12  
7 years.

8 Q. And what qualifications are  
9 required to be an MOL Health and Safety Inspector?

10 A. The ability to understand  
11 legislation and to apply legislation and deal with  
12 the public.

13 Q. All right. And in terms of those  
14 qualifications, for you that is something that  
15 would be part of your training as a member of the  
16 Ministry, as an Inspector?

17 A. Yes, I was trained.

18 Q. And can you tell us in terms of  
19 your role as Health and Safety Inspector what kind  
20 of inspections would you do?

21 A. I inspect industrial  
22 establishments, large and small, so that would be  
23 places like steel mills, manufacturing, even small  
24 places such as single-employer, small  
25 establishments. They all fall under the industrial

1 regulations.

2 Q. And when you do that variety of  
3 inspections, what are you inspecting for?

4 A. We look for violations of the  
5 Occupational Health and Safety Act.

6 Q. And so this we have heard of.  
7 Inspections for mould, is that something you would  
8 do?

9 A. For mould, I would probably  
10 request assistance from a hygienist. The Ministry  
11 of Labour has access to hygienists, engineers, and  
12 various other what I would call experts in specific  
13 areas.

14 Q. And you would have access to those  
15 if you needed them?

16 A. Yeah, I would. Yes, I would  
17 request that.

18 Q. And where was your area of  
19 inspection at the time of the collapse?

20 A. Geographically?

21 Q. Yes.

22 A. Yes. I was in Sault Ste. Marie.  
23 I had a section of Sault Ste. Marie, and I had a  
24 section north of Sault Ste. Marie, the Wawa area.

25 Q. And we have heard that Ed Hudson,



1 the Elliot Lake -- City of Elliot Lake, was within  
2 his inspection area; is that correct?

3 A. Yes, that's right.

4 Q. Now, I want to just talk to you  
5 about your deployment to Elliot Lake. When were  
6 you initially contacted to go to Elliot Lake?

7 A. The day of the occurrence. That  
8 would have been the Saturday.

9 Q. June 23rd?

10 A. June 23rd. It was a weekend I was  
11 off, but I was contacted at about 6:00 p.m., as I  
12 recall.

13 Q. And who contacted you?

14 A. Don Jewett.

15 Q. And who is he?

16 A. Don Jewett is a Ministry of Labour  
17 Regional Manager, and he was the manager on-call  
18 that weekend.

19 Q. Okay. And what instructions did  
20 he give you?

21 A. He asked me if I could go to  
22 Elliot Lake because there had been a collapse, a  
23 partial collapse in a mall, and he asked if I could  
24 go there without delay.

25 Q. And did he give you any

1 instructions as to what you were to do when you  
2 were there?

3 A. Not specifically, no. But we do  
4 -- we investigate occurrences like that, and the  
5 Inspector would know what to look for.

6 Q. When you say "like that", had you  
7 been to a structural collapse of a building like  
8 this one before?

9 A. Not like this one, no.

10 Q. Okay. But what you are indicating  
11 is that a commercial building would be something  
12 that you might be sent to for an inspection  
13 typically?

14 A. We could be, but when you are  
15 referring to the call that I got from the manager,  
16 he would be requesting me to go and attend a scene  
17 where something had happened and where we believed  
18 an injury had happened to a worker or an injury in  
19 a workplace, so that is what he would be asking me  
20 to go and attend to.

21 Q. And so at the time you left, you  
22 really didn't know what you would be facing until  
23 you got there?

24 A. No, I did not.

25 Q. Was anybody else deployed with

1 you?

2 A. Yes, another Inspector, a  
3 colleague, Mike Lacroix.

4 Q. And did he travel down there -- to  
5 here, I should say, to Elliot Lake with you?

6 A. Yes.

7 Q. And --

8 A. Yes. And he had his own vehicle,  
9 and I had my own vehicle, but we arrived together.

10 Q. In a convoy?

11 A. Yes.

12 Q. Okay. What did you do when you  
13 arrived? First of all, tell me when you arrived on  
14 the scene, you and Mr. Lacroix.

15 A. I think we arrived that evening at  
16 about 10:30, and I went to the Provincial Police  
17 Detachment. That is where I was asked to go and  
18 make contact, let them know that we were in town,  
19 that we had arrived, and I started gathering some  
20 information then from them.

21 Q. Okay. And who were the officers  
22 that you met?

23 A. I didn't know all of them. Rick  
24 Eady, an OPP officer, was there, and I did know him  
25 from working with him previously.

1 Q. Yes. Anybody else?

2 A. Oh, there were a number of police  
3 officers there.

4 Q. None that you recognized or can  
5 remember at this point?

6 A. I could refer to my notes, but  
7 there were a number of them. I met some at the  
8 detachment headquarters and then met more of them  
9 on the site when we went to the mall.

10 Q. And when you met them, you and  
11 Mr. Lacroix, did you tell them your purpose in  
12 being there at the site?

13 A. Yes. We introduced ourselves, and  
14 they knew why we were there. We have worked with  
15 OPP many times before.

16 Q. And, again, the reason you were  
17 there was because there may have been a worker  
18 killed or injured in the accident?

19 A. That's correct.

20 Q. Yes.

21 A. And it was a workplace. The mall  
22 employs many workers, so it was a workplace that  
23 was involved.

24 Q. And did you explain to them that  
25 you wouldn't be issuing any orders limiting the

1 rescue? That wasn't your role?

2 A. Nobody asked me that. That wasn't  
3 discussed, that I recall.

4 Q. Yeah. And issuing an order that  
5 might limit the rescue, that wasn't something that  
6 you would do, would it, Mr. Jones?

7 A. No, it is not something I would  
8 contemplate.

9 Q. And do you know when Mr. Jeffreys  
10 arrived?

11 A. I would say shortly after I did,  
12 an hour and a half maybe after I arrived.

13 Q. So around 11:30 p.m. the same  
14 night?

15 A. Maybe midnight.

16 Q. And what did you understand to be  
17 Mr. Jeffreys' role on the scene?

18 A. Well, I was glad to see him there  
19 because not being an engineer, he is the person I  
20 would have requested. If I had gotten there, I  
21 would probably have called my boss or a manager and  
22 said, "I'm going to need an engineer here." So I  
23 was actually glad to see him and looked at him as a  
24 go-to person if I needed advice.

25 Q. And so you had been informed by

1 the police, and I gather from your own information  
2 that this, in effect, was a structural collapse  
3 before you got there, or did you learn that from  
4 police?

5 A. Yeah. The information that I was  
6 given when I was initially called was that a  
7 mall -- there was a partial collapse at a mall. I  
8 was told that a section of the roof had fallen.  
9 They didn't know how many people, maybe 100. They  
10 didn't know who. They didn't have a positive  
11 identification of individuals, but I knew that  
12 much: that a section of the mall roof had  
13 collapsed.

14 Q. And given those circumstances,  
15 just from the standpoint of your own expertise and  
16 purpose, once you had heard that, what would you be  
17 able to do in connection with what you just  
18 described? I mean, what would you do as an  
19 Inspector?

20 A. Well, my ultimate goal would be to  
21 try to determine the cause of the collapse, and I  
22 would do that, of course, by gathering information  
23 and facts and evidence that may become available.

24 I would ask advice from people like  
25 Roger, because ultimately I was there to

1 investigate the mall collapse, possible injury, or  
2 fatality, so at some point I would have to complete  
3 my investigation.

4 Q. And did Mr. Lacroix have the same  
5 objective?

6 A. He was there to assist me.

7 Q. And so in terms of the information  
8 that you required, you would get it from Mr.  
9 Jeffreys, who is a structural engineer?

10 A. I would get it from many sources.  
11 I would get it from -- eventually, I would have to  
12 interview witnesses. I would have to get drawings  
13 of the mall. I would have to get information on  
14 its construction and maintenance, records. There  
15 would be a vast amount of material I would need to  
16 gather.

17 Q. And that, though, would take place  
18 after the rescue mission had been resolved, I  
19 gather, one way or another?

20 A. It would -- I would be more able  
21 to do those things after the rescue, but even  
22 during that time, I wanted to monitor the site to  
23 see if evidence would become available. And in  
24 fact, we did get a beam, a section of beam that we  
25 believed at that time to be the main cause, and

1 those sorts of pieces of evidence, I believed,  
2 would be required and very important to my  
3 investigation, what I was trying to do to determine  
4 the cause.

5 Q. So basically, until later on in  
6 the piece, towards the end of it and after, you  
7 were basically observing what was going on and, in  
8 the case of the beam, it was eventually removed out  
9 of where it was, and it was -- you took custody of  
10 that?

11 A. I did, sir.

12 Q. And is there anything else you  
13 took custody of during the rescue?

14 A. Early on, we -- the police were  
15 told that there may be actual footage; that there  
16 may be some video evidence of the collapse, and it  
17 was our hope that with that, we may be able to see  
18 where it happened first, what caused it, maybe what  
19 led to it or let go first. So we were interested  
20 in getting that video, if it was available.

21 Q. And did you get it during the  
22 collapse rescue?

23 A. We went into a room that was  
24 called the technical security room or something  
25 like that, myself and some police and fire rescue



1 guys. I have their names in my book, and --

2 Q. This would be in the mall, this  
3 room?

4 A. It was somewhere in the mall. I  
5 had no familiarity with the layout of the mall or  
6 where we were. I understood it was not close to  
7 the collapse area, but this room contained the  
8 computer and electronic equipment that we hoped  
9 would contain the video surveillance.

10 Q. And that is the security video  
11 surveillance in the mall that you are looking for?

12 A. Yes, sir. Yes.

13 Q. For the film?

14 A. Yes.

15 Q. Okay. And did you get your hands  
16 on that at some point?

17 A. We did get some components. No  
18 one knew what we may or may not have, but we took  
19 out components that we believed would yield  
20 something, we hoped would yield something.

21 Q. So just I'm trying to get a handle  
22 on your role in those days of the rescue. You were  
23 observing; you took custody of the beam; and you  
24 also had tried to locate the security film so you  
25 could get some hint of how it began, the collapse?

1 A. Yeah.

2 Q. Is there anything else that you  
3 can tell me you were doing in those days?

4 A. Well, those pieces of evidence I  
5 recorded, documented. We secured them in the  
6 nearby police facility. They have a lockup room,  
7 an evidence room. So once those were secured, I  
8 went back to monitoring the activities and the  
9 progress at the scene.

10 Q. And that, as I said, describes  
11 what you were doing through the days of the  
12 collapse and the rescue; correct?

13 A. Yeah, yeah.

14 Q. And can I just go back and ask  
15 you: Do you know who notified MOL in the first  
16 place of the collapse that triggered your being  
17 sent there?

18 A. I believe it was the employer of  
19 one of the victims.

20 Q. Okay. And do you recall any names  
21 at this point?

22 A. The employer was the owner of the  
23 Shoppers Drug Mart who owned the kiosk, the ticket  
24 kiosk. I believe her name was Martinette, and she  
25 called it in.

1 Q. Thank you. I didn't have the  
2 name, but the note I had was that it was Ms.  
3 Aylwin's supervisor at the mall. That makes sense.

4 A. It was Mrs. Martinette Venter or  
5 Vinter, I believe.

6 Q. And did you understand she was  
7 Lucie Aylwin's supervisor?

8 A. Employer, yes.

9 Q. Thank you. Now, Mr. Jones, did  
10 you or, to your knowledge, anyone else from MOL or  
11 from the office, which I guess would include Mr.  
12 Jeffreys and Mr. Lacroix, express any concern with  
13 the rescue operations and the manner in which they  
14 were being conducted?

15 A. No, I didn't. What I saw going on  
16 was -- actually it impressed me that these fellows  
17 were taking all due caution that they could under  
18 the circumstances. I thought they were doing a  
19 very good job.

20 Q. And can I just direct you, from  
21 the history of what went on, on Saturday, Sunday,  
22 and Monday, the night that sort of rigging went on  
23 in the rubble pile was the night of the 24th,  
24 Sunday/Monday, and into the early morning hours of  
25 the 25th; does that accord with your recollection?

1 A. I think so.

2 Q. And that is when they used the  
3 crane. The riggers were rigging and removing slabs  
4 from the rubble pile; is that correct?

5 A. Yes.

6 Q. And is that what you are talking  
7 about in terms of what you saw that was being --  
8 that you were impressed by and was being done very  
9 well and safely given the circumstances?

10 A. No. I was actually referring to  
11 when I first got onto the scene, I asked some basic  
12 questions: Had someone remembered to turn off the  
13 gas? Is the power cut off? The electricity? Is  
14 the water turned off? And everybody I spoke to had  
15 looked after all those basic things. The rescue  
16 guys, the first responders who were there, that is  
17 who I was referring to. They seemed to be all  
18 doing the appropriate things that I could see. I'm  
19 no expert in rescue, but in basic hazard  
20 recognition, the things that I asked them, they  
21 seemed to have well in hand and they were doing --  
22 they were putting up -- they were taking gas tests  
23 before they entered an area. They were doing the  
24 right things. They seemed to be working properly  
25 and safely, to my knowledge.

1 THE COMMISSIONER: Your answer to  
2 Mr. Carr-Harris was actually narrower than the  
3 question he put to you. He said, Mr. Jones, "Did  
4 you or anyone from MOL express any concerns about  
5 the rescue," and you answered, I think, "I didn't."  
6 And so that is what I mean by your answer was  
7 narrower. You didn't, but do you know if anyone  
8 else from MOL expressed any concerns about the  
9 rescue?

10 THE WITNESS: Not the rescue. With  
11 reference to the rigging, we noticed that the crane  
12 company was Millennium, and the Ministry of Labour  
13 has -- had at that time charges before the Court in  
14 Sault Ste. Marie involving that company, so -- and  
15 those charges were concerning the safety of the  
16 equipment, the maintenance of the equipment,  
17 training qualification of employees of that  
18 company. So we asked a few questions to Millennium  
19 Crane, but --

20 BY MR. CARR-HARRIS:

21 Q. When you were there at the  
22 collapse site?

23 A. At the collapse site.

24 Q. And were you satisfied by the  
25 answers?

1 A. Yes, we were.

2 Q. And they were good to continue?

3 A. They were.

4 Q. And that night of October

5 24th/25th, who was with you observing -- first of  
6 all, let me ask you: Did you observe the operation  
7 of the crane on that 24/25 night, which included  
8 the rigging and lifting of slabs? Did you observe  
9 that?

10 A. I observed some of it, yes.

11 Q. And Mr. Lacroix also was with you  
12 at the time and observed some of it?

13 A. We were together at times, but at  
14 times, he would go to some other vantage point or  
15 some other place, or he would go off to talk to  
16 someone, as I would.

17 Q. And I think you told us that you  
18 don't really know very much about that end of the  
19 work, in terms of the operation of the crane or the  
20 lifting of the slabs or the rigging. These  
21 specific skill sets appeared to be being used  
22 properly as far as you could tell; is that your  
23 evidence?

24 A. Yes.

25 Q. But you don't have any

1 qualifications, specific qualifications in that  
2 area, do you?

3 A. No.

4 Q. Have you ever worked with a crane  
5 before?

6 A. I did operate an overhead crane  
7 for a couple of years.

8 Q. So you have some knowledge?

9 A. But as I said, I'm not a rescue  
10 expert.

11 Q. All right. And apart from  
12 yourself, did Mr. Lacroix, to your knowledge, share  
13 your view that all of the operations he witnessed  
14 with you or otherwise, that he thought they were  
15 done properly and in accordance -- in as safe a  
16 manner as could be done in the circumstances?

17 A. I couldn't speak for him, but he  
18 didn't come to me with concerns.

19 Q. And what about Mr. Jeffreys? At  
20 any point did he have any concern about the way in  
21 which the operations, the rescue operations were  
22 proceeding?

23 A. He didn't come to me with  
24 concerns, no.

25 Q. And just to follow up on that, if

1 you had seen anything that you thought was unsafe,  
2 what would you have done?

3 A. I would have -- if I had seen  
4 something that was unsafe, I would have spoken to  
5 either the individual themselves, or I would have  
6 gone to their supervisor and let them know what my  
7 concern was.

8 Q. Okay. And you never had occasion  
9 to do that with the rescue workers?

10 A. I did not.

11 Q. And to your knowledge, neither did  
12 anybody else from MOL?

13 A. Not to my knowledge.

14 Q. Are you aware of any statement  
15 made by anyone from MOL during the collapse event  
16 to the effect that they were shutting down the  
17 rescue operation?

18 A. No, I'm not.

19 Q. You did not hear anybody say that.  
20 Is that --

21 A. I did not hear anyone say until  
22 afterward that someone thought the Ministry of  
23 Labour had shut it down. I was the Inspector  
24 on-site, and I did not issue any such order or shut  
25 down any rescue operation, and neither am I aware



1 of Mr. Jeffreys or Mr. Lacroix attempting to. They  
2 would have talked to me about it, so I would have  
3 known.

4 Q. And in addition, then, to the MOL  
5 people present, was there anybody else who you  
6 heard a rumour from saying that MOL had shut down  
7 the rescue?

8 A. I heard that -- reference to that  
9 when I first arrived. The night I arrived and went  
10 to the OPP detachment to let them know I had  
11 arrived, somebody, at that point, when I first  
12 arrived said, "Oh, you are from the MOL; we owe you  
13 an apology." And I said, "What for?" And they  
14 said, "Well, somebody said that you guys had shut  
15 down the rescue operation." And I said, "I just  
16 got here. I just now got here. Who said that?"

17 Nobody seemed to know who said it, but  
18 they all knew that somebody had said. I said,  
19 well, "I just got here, and I have had no contact  
20 with anyone here. We did not shut down any rescue  
21 operation." And they said, "Yeah, it was some kind  
22 of a miscommunication. We know that now. We now  
23 know that the Ministry of Labour did not shut down  
24 anything, but that is what we heard anyway."

25 Q. And was Constable Eady the one

1 telling you this?

2 A. I don't recall if it was Constable  
3 Eady or someone else, but it was shortly after my  
4 arrival.

5 Q. And then after that, you never  
6 heard such a rumour until after the Neadles  
7 announcement on the 25th of June; is that correct?

8 A. That's correct.

9 Q. And were you aware that the scene  
10 was shut down on June 23rd at the direction of --  
11 well, we are not quite clear, but it was shut down  
12 in the afternoon, in the early evening --

13 THE COMMISSIONER: You said June 23rd.

14 BY MR. CARR-HARRIS:

15 Q. June 23rd there was a shutdown.

16 A. That is the day it happened?

17 Q. That is the day it happened, by --  
18 before any of the other forces arrived. Were you  
19 aware of such a thing?

20 A. No. Unless that is what I was  
21 just referring to that somebody had --

22 Q. That may have been --

23 A. I don't know.

24 Q. That may have been what the  
25 officers were referring to, because you weren't

1 aware that the scene had been evacuated by the  
2 evening of June 23rd?

3 A. No. And I can't speak to what  
4 happened there before I got there. I was just kind  
5 of surprised that when I got there, there was  
6 already this talk of the Ministry of Labour  
7 shutting down an operation, and I was very  
8 surprised. And then they told me that they had  
9 cleared it up. It was some kind of  
10 miscommunication or misunderstanding between  
11 somebody somewhere, and I never was able to find  
12 out who, but certainly the Ministry of Labour did  
13 not shut down anything.

14 Q. And when Mister -- whoever the  
15 officer was that told you about this rumour, did  
16 you make it clear to them that under no  
17 circumstances would MOL be shutting down the rescue  
18 or limiting the rescue; that wasn't your role?

19 A. Yes.

20 Q. You told the police that on June  
21 23rd?

22 A. I told the police that I didn't  
23 know anything about what they were talking about.

24 Q. No. I'm asking a different  
25 question, Mr. Jones. When you heard this rumour

1 about MOL shutting it down, which was untrue, to  
2 your knowledge, did you make it clear to them that  
3 MOL will not be making such orders?

4 A. Yes.

5 Q. And that was on June 23rd when you  
6 arrived; correct?

7 A. It was when that discussion took  
8 place on June 23rd.

9 Q. Which --

10 A. Or after midnight on the 24th.

11 Q. Okay. But in or about that time?

12 A. Yes, sir.

13 Q. Thank you. Now, when did you run  
14 into TF-3, Mr. Jones? You know what I mean by  
15 TF-3?

16 A. That would be the Toronto group?

17 Q. Correct.

18 A. The rescue group from Toronto.  
19 They arrived on the scene at, I would think, about  
20 4:30 a.m. the morning of the 24th.

21 Q. And you were up pretty late that  
22 night yourself, weren't you?

23 A. I was up all night.

24 Q. And were you there when they  
25 arrived?

1 A. I was.

2 Q. And did you speak to them on their  
3 arrival?

4 A. Maybe introduced myself or maybe  
5 they introduced themselves, but they were there to  
6 do their work and --

7 Q. And do you remember any particular  
8 individuals you spoke to or had introduced yourself  
9 to?

10 A. Comella, I think, was the one  
11 fellow.

12 Q. Yes.

13 A. But I didn't know any of them  
14 prior to that.

15 Q. And did he ask you what MOL was  
16 doing here and what your purpose was, Mr. Comella?

17 A. No.

18 Q. And did you have any occasion to  
19 say to him that, in light of your earlier  
20 conversation with the OPP, that MOL was not here to  
21 issue any stoppage orders?

22 A. We didn't -- I don't remember  
23 having a conversation like that.

24 Q. Did you ever have a conversation  
25 -- did you ever say to -- well, let me back up and

1 ask you. Over the course of the days of the  
2 collapse -- and maybe I should ask you first, when  
3 did you leave the scene, in other words, go back to  
4 Sault Ste. Marie? What date?

5 A. I would have to check my notes. I  
6 stayed the first night. I had accommodation in  
7 Blind River; the second night, again in Blind  
8 River; the third night, Elliot Lake.

9 Q. Okay.

10 A. And then stayed on here for some  
11 time.

12 Q. So you were there through past the  
13 25th, 26th of June?

14 A. Yes, sir.

15 Q. Okay. And during the time that  
16 you were there, did you have occasion to speak  
17 directly with the TF-3 individuals?

18 A. We spoke occasionally. They would  
19 mainly speak with each other. They were  
20 coordinating rescue efforts. Again, I didn't play  
21 a major role in rescue.

22 Q. Okay. And so did you ever have  
23 any other occasion and did you have any  
24 conversation about the role of the MOL and the fact  
25 that it was not there to be issuing limiting or

1       stoppage orders for the rescue?

2                   A.    No, I don't think it came up.

3                   Q.    And do you know if Mr. Lacroix or  
4 Mr. Jeffreys had such conversations with either  
5 TF-3 or the OPP?

6                   A.    I'm not aware of what they may  
7 have talked about.

8                   Q.    Did you see the deployment of the  
9 LifeLocator?

10                  A.    Briefly. I had a glimpse of it.

11                  Q.    What night was that, or what day  
12 was that, Mr. Jones?

13                  A.    I would have to check my notes if  
14 you wanted to --

15                  Q.    Do you have your notes with you?

16                  A.    I do.

17                  Q.    Tab 18, Exhibit No. 7021. And the  
18 question was whether you personally had seen the  
19 deployment and, if so, when, of the LifeLocator?

20                  A.    You said it was which page?

21                  Q.    The exhibit is at tab 18 in the  
22 brief, if you have it, but you have your own notes  
23 there, I take it, don't you?

24                  A.    I do.

25                  Q.    And this is just a copy.

1           A.    I'm going to refer to the same  
2 document as yourself.

3           Q.    Yes.  Try 113, Mr. Jones.

4           A.    Okay.  That was the early morning  
5 of June 25th.

6           Q.    And what did you observe?

7           A.    I didn't observe a lot.  They  
8 asked people to back away and to maintain silence  
9 to give this machine every opportunity to try to  
10 pick up life signs, and so my notes in here were  
11 just that they had attempted to get life signs from  
12 the rubble pile.

13          Q.    Okay.  And were you aware that  
14 some life signs had been found with the  
15 LifeLocator?

16          A.    I think I was told at the time  
17 possible -- possible life signs.  That is the words  
18 I used there.

19          Q.    Now, you have told me that you --  
20 do I summarize this fairly?  You have just spoken  
21 to Mr. Comella of TF-3, but generally speaking,  
22 throughout the collapse investigation that you were  
23 there, you didn't have a lot of interaction with  
24 the OPP or TF-3; is that correct?

25          A.    That's correct.



1 Q. And there was an OPP unit there  
2 called -- we call UCRT, U-C-R-T. Did you recognize  
3 that there was that unit on-site?

4 A. I came to understand that there  
5 were two different units. When I first got there,  
6 I recognized that some of the first responders and  
7 fire and rescue guys were Elliot Lake Fire. Then I  
8 came to understand that a group from Toronto had  
9 come in, and I came to understand that there was  
10 another group of OPP rescue people.

11 So, yeah, I didn't know that prior to.

12 Q. But when you say "prior to", until  
13 everybody arrived, and then you saw them, I take  
14 it?

15 A. Yeah. I have not -- I have not  
16 attended rescue scenes to the point where I would  
17 know who these different groups were.

18 Q. And were you able to form an  
19 impression after they were all in place -- the  
20 TF-3, the UCRT, the OPP, and the Fire Department --  
21 who was leading the rescue operation? Who did it  
22 appear to be to you to be leading the rescue  
23 operation?

24 A. I didn't know exactly who was in  
25 charge, and the leadership role would change. As

1 different ones had to either go and leave the  
2 scene, they would hand it to someone else. But  
3 they seemed to communicate well with each other.  
4 They seemed to respect each other's abilities and  
5 roles and functions, but I wasn't sure of their  
6 structure or their hierarchy.

7 Q. Now, can I ask you to go to  
8 Exhibit No. 7643, which is tab 55 in the brief, the  
9 second volume. And do you recognize this document,  
10 Mr. Jones?

11 A. I do.

12 Q. And who prepared it, do you know?

13 A. I worked with my colleague Mike  
14 Lacroix, and we wanted to have some kind of a ready  
15 reference for relating to who was doing what when,  
16 and so we put this short document together. I  
17 think Mike typed it up, Michel Lacroix.

18 Q. And it is headed "Time Line of  
19 Scene Authority", so this is a document that is  
20 intended to show who had the scene authority during  
21 the various periods of the rescue and recovery  
22 operation; is that correct?

23 A. It would show which organization,  
24 which agency.

25 Q. And so this is you and Mr. Lacroix

1 developed this?

2 A. Yes.

3 Q. And did somebody ask you to do  
4 that?

5 A. No, sir.

6 Q. And what purpose does it serve,  
7 from your perspective?

8 A. It helps me to recall what was  
9 going on at the time.

10 Q. Okay. And did you get any advice  
11 as to the scene authority for each of these  
12 entities to the effect that what you have described  
13 in this document is accurate?

14 A. No, sir.

15 Q. Are you satisfied that that is an  
16 accurate reflection of who had authority of the  
17 scene during the times you have indicated?

18 A. It served me for my reference  
19 purposes.

20 Q. And what did you need it for?

21 A. For recalling who was on scene or  
22 who had the scene at the time.

23 Q. And I guess somebody had to take  
24 over the scene authority after the Ministry of  
25 Labour?

1                   A.     Usually when the Ministry of  
2 Labour is done or we have completed our work, we  
3 return it back to the owner.

4                   Q.     Okay. And that is what happened  
5 here?

6                   A.     Yes. That is the last entry.  
7 That is the day we gave it back to the owner.

8                   Q.     Now, just to be clear on your  
9 observations of the rescue operations, Mr. Jones, I  
10 understand from previous evidence that you were up  
11 on the rooftop watching the operations on the night  
12 of the 24th/25th; is that correct?

13                  A.     Yes.

14                  Q.     And where else did you make your  
15 observation from while you were here in Elliot  
16 Lake?

17                  A.     We -- at various times, I was able  
18 to accompany Roger Jeffreys, the engineer, as he  
19 did an inspection throughout the mall, and so I was  
20 able to see the collapse area from the roof and  
21 from the I guess you would call it the second  
22 floor, looked in from the north exit or entrance,  
23 looked in from the south entrance.

24                         When I was able to, I would go with the  
25 engineer and -- when he was doing his assessment.

1 Q. And was Mr. Jeffreys looking for  
2 advice from you as you walked around together in  
3 doing the inspection?

4 A. No. No. He would just maybe ask  
5 me to point out something if I happened to notice  
6 it, but he knew what he was looking for, and he has  
7 the experience.

8 Q. All right. And apart from those  
9 inspections with Mr. Jeffreys, any other places  
10 that you observed while you were there?

11 A. No.

12 Q. And did you ever make it to the  
13 command tent?

14 A. I think I went everywhere on the  
15 site at one time or another, so I would probably  
16 have gone in there to look for people or see who  
17 was there or what was going on.

18 Q. And did these observations that  
19 you made through during the rescue and recovery  
20 phase, did they help you with the assessment -- as  
21 an assessment for whatever you were going to write  
22 in your investigation report? Were they directly  
23 related?

24 A. My investigation would look for  
25 the cause of the failure, so if I saw evidence of

1 rusting, I would just note it, but again, the  
2 actual cause of the failure would be determined by  
3 people with specific training in that area.

4 Q. So Mr. Jeffreys --

5 A. But it could help, if that was  
6 your question. Would it help me? Yeah.

7 Q. And did you file an investigation  
8 report yourself independent of whatever the MOL  
9 did?

10 A. My report constitutes the Ministry  
11 of Labour's findings.

12 Q. Okay. And they related to the  
13 cause? The MOL report that we have seen in these  
14 proceedings, you wrote that or prepared it?

15 A. I did, sir.

16 Q. And you said you relied on the  
17 evidence from various sources, including Mr.  
18 Jeffreys, obviously?

19 A. Yes, yes.

20 Q. And who else?

21 A. My report included Mr. Jeffreys'  
22 information and his engineer's report, and then his  
23 engineer's report referenced other engineer work.

24 Q. Okay. Certainly in terms of the  
25 structural and so on elements of the report, those

1 would be Mr. Jeffreys' bailiwick; correct?

2 A. Yes.

3 Q. And what about going to the  
4 command tent? You thought you would probably be  
5 there, given the degree of your areas of  
6 observation. Does that help you with the main  
7 report?

8 A. No.

9 Q. And did you ever get the sense  
10 that others thought you might be getting in the way  
11 there --

12 A. No, I didn't.

13 Q. -- in terms of your activities?

14 A. No, I didn't.

15 Q. Now, Paul Officer testified that  
16 you were at a command meeting at 1:33 p.m. on June  
17 25th in which the cessation of the rescue effort  
18 was being discussed. Is that true?

19 A. No. I don't remember being at a  
20 meeting.

21 Q. And your notes don't reflect any  
22 such meeting?

23 A. No, they don't.

24 Q. Now, when did you first learn the  
25 rescue was being called off, Mr. Jones?

1           A.    At a meeting at the community  
2 control centre. I think it was at 3 o'clock. And  
3 that is when I first learned.

4           Q.    Okay. Can I take you to that, the  
5 notes in regard to that, which would be Exhibit No.  
6 3743. That is tab 5 of the brief, and it is at  
7 page 33 of 34, 033, 034. And I will just read some  
8 short passages from it, once you have it open  
9 there, Mr. Jones.

10          A.    Okay.

11          Q.    Starting with Mr. Neadles at the  
12 bottom.

13          A.    Okay.

14          Q.    Bill Neadles -- sorry, just let me  
15 back up to the top to get the attendees. It shows  
16 that you and Mr. Jeffreys are there; correct?

17          A.    Yes, sir.

18          Q.    And you have a recollection of  
19 this meeting --

20          A.    Yes, I do.

21          Q.    -- I assume, given the drama of  
22 it. But Mr. Lacroix is not shown. And then Bill  
23 Neadles, at the bottom, says:

24                   "Decision -- tough one. Based on  
25                   advice from engineer MOL [...]"



1 Who is that engineer?

2 A. That would be Roger Jeffreys.

3 Q. And:

4 "[...] remove HUSAR team from  
5 structure as it has been deemed  
6 unsafe.

7 Stress on stairwell and escalator  
8 beams -- excess of 100% of strength  
9 capacity. Could fall any time --  
10 decision had to be made for safety  
11 of workers.

12 3:05 official designation  
13 reclassified from rescue to  
14 recovery."

15 So that was Mr. Neadles saying as of  
16 that time it has gone to a recovery, and:

17 "Turned back to ELFD  
18 jurisdiction."

19 Now, just dealing with Mr. Neadles,  
20 first of all, do you know what advice Mr. Jeffreys  
21 gave that he is referring to?

22 A. No, that --

23 Q. Were you present when it was  
24 given, to your knowledge?

25 A. No.

1 Q. Were you aware that Mr. Jeffreys  
2 was giving advice from time to time in answer to  
3 questions put to him by Mr. Neadles or others?

4 A. Yes. I think they consulted with  
5 Mr. Jeffreys.

6 Q. All right. And then it has "MOL",  
7 page 34. Under that, somebody -- as you know in  
8 these meetings, or I take it you know, Mr. Jones,  
9 the way they operate is as a roundtable. Each  
10 person with something to update updates their  
11 particular area of concern in turn around the  
12 table; is that correct?

13 So we had Mr. Neadles speaking. Then  
14 MOL is speaking, or was this the first meeting you  
15 had been to?

16 A. This was the first meeting I had  
17 been to.

18 Q. Okay. And so in any event --

19 THE COMMISSIONER: But do you agree  
20 with the way Mr. Carr-Harris has described it?

21 THE WITNESS: I couldn't comment on how  
22 they take notes or whether they --

23 THE COMMISSIONER: Well, not so much on  
24 how they take notes, but do you agree that this was  
25 a roundtable kind of arrangement where each

1 participant said his piece?

2 THE WITNESS: I remember, yeah. Yeah,  
3 that is about it.

4 THE COMMISSIONER: All right.

5 BY MR. CARR-HARRIS:

6 Q. So Bill Neadles and others. Rob,  
7 who was the CAO, spoke first, and then Mr. Neadles  
8 on behalf of the rescue, and then MOL is speaking,  
9 and it is -- first of all, let me read it:

10 "Experienced continuous movement  
11 on stairway and escalator. MOL and  
12 HUSAR engineer -- do not know why  
13 structure is still in place. Beam  
14 is [...]" something.

15 THE COMMISSIONER: It looks like  
16 "bowed".

17 BY MR. CARR-HARRIS:

18 Q. Yes, I see it:

19 "[...] bowed under all weight  
20 shifting. It is opening up more and  
21 more. Tracking movement. Things  
22 are moving. 100% overstressed.  
23 When it goes it will go  
24 catastrophically. MOL stop order so  
25 no one can enter".

1                   So first of all, who is speaking on  
2 behalf of the MOL in this section; is that you or  
3 Mr. Jeffreys?

4                   A.     That would have been Mr. Jeffreys.

5                   Q.     And so Mr. Jeffreys is commenting  
6 on the status of the structure. That would be  
7 outside your realm, I take it, Mr. Jones?

8                   A.     Yes. They would have wanted his  
9 opinion on stress and structure.

10                  Q.     And then when you come down to the  
11 part about "when it goes it will go  
12 catastrophically", then the last sentence:

13                             "MOL stop order so no one can  
14 enter".

15                  Again, is that Mr. Jeffreys speaking?

16                  A.     I can't recall.

17                  Q.     Did you --

18                  A.     I don't know if that would have  
19 been something -- I don't remember exactly what he  
20 said. The person who took the notes may recall.

21                  Q.     But it wasn't you?

22                  A.     It was not me.

23                  Q.     You did not say:

24                             "MOL stop order so no one can  
25 enter"?

1 A. No.

2 Q. Now, did you have any involvement  
3 in the decision to call off the rescue?

4 A. I did not.

5 Q. And were you aware that Mr.  
6 Neadles was going to make this announcement when  
7 you went to this meeting on the 3rd?

8 A. No, I wasn't.

9 Q. And I take it, as you have said  
10 before, up until this meeting and when you heard  
11 what Mr. Neadles said and what Mr. Jeffreys said,  
12 you were not aware of any idea of calling off the  
13 rescue or shutting down the rescue?

14 A. No, I was not.

15 Q. Now, what order is being referred  
16 to there? Do you know that?

17 A. I don't.

18 Q. Can you go to Exhibit No. 5052,  
19 tab 17 in the brief. And what I am looking at is a  
20 Field Visit Report, dated 25 June, 2012 -- or  
21 sorry, the visit date is June 2012 on the 25th.  
22 Can you tell us what this document is?

23 A. It is a Field Visit Report written  
24 to the mall owner, and in it are three orders.

25 Q. Yes. And this order, it is an

1 order you made, Mr. Jones; is that correct?

2 A. It is.

3 Q. That is your signature at the  
4 bottom of each page?

5 A. It is, sir.

6 Q. And I believe the other signature  
7 is Rhonda Bear, who is the Manager of the mall?

8 A. That's correct.

9 Q. And does this order constitute an  
10 order in the words of -- let me get it in front of  
11 me again so I get it right. Exhibit No. 3743. Can  
12 we just leave this one where we can get it, Ms.  
13 Kuka, and go back to what the statement was made at  
14 the meeting, which is Exhibit No. 3743.

15 Yes, thank you. In the middle -- at  
16 the end of the MOL update, it says:

17 "MOL stop order so no one can  
18 enter."

19 Does this order that we are now looking  
20 at, Exhibit No. 5052, does that order say that it  
21 is a stop order so no one can enter?

22 A. My order specifically allows entry  
23 for rescue. It is stated right in my order.

24 Q. So what is Mr. Jeffreys referring  
25 to when he says that? What MOL order is he

1 referring to?

2 A. Those, to my understanding, aren't  
3 Mr. Jeffreys' notes, so someone wrote that. I  
4 don't know what they are referring to.

5 Q. Do you remember what was said  
6 about the stop order -- or the order at the time?  
7 You were there.

8 A. No.

9 Q. And are you saying that that  
10 statement at the bottom is not an accurate  
11 statement? If you don't remember what he said, how  
12 do you say that is not an accurate statement?

13 A. It wasn't Mr. Jeffreys' statement.  
14 I said he didn't write those notes, those minutes.  
15 Whoever wrote them would have to verify what they  
16 meant or what they heard when they wrote that.

17 Q. And whatever he said, you didn't  
18 object to it at the time?

19 A. No.

20 Q. And this order that we did look  
21 at, which is Exhibit No. 5050, and it is up front  
22 on the screen at the moment, why did you put that  
23 order out at that time? First of all, tell us what  
24 it is an order to do and not to do, and then tell  
25 us why you issued it.

1           A.    The order is an order to the  
2 employer to not allow workers --

3           Q.    If you could flip it over a page  
4 or two, just to the first --

5           A.    To not allow workers to re-enter  
6 until an engineer can verify that the building is  
7 safe.  The structure encompasses the whole mall.  
8 One section of the mall had collapsed.  There were  
9 other sections that we were being asked if people  
10 could go into, like the hotel, and the hotel does  
11 not have rooftop parking.

12           I was aware that people wanted to  
13 re-enter the mall to obtain items, to get cars off  
14 the roof, so the first order is a requirement to  
15 have an assessment done of the mall to determine  
16 the extent of the damage or other hazards, and the  
17 other orders follow that up by saying, "You can't  
18 have workers going in there until you do that,  
19 until you ensure that the mall is safe."

20           And the order is written to the entire  
21 mall complex, to the owner.  The same company owns  
22 it all.

23           Q.    What about the third order?  Well,  
24 I guess there is just the two.

25           So in terms of what your intention was,



1 and if you look at the second order, it excludes  
2 rescue and recovery people.

3 A. Very clearly, yes.

4 Q. Very clearly. And everybody else  
5 is excluded who isn't involved in the  
6 rescue/recovery operation. Is that generally  
7 right?

8 A. Yeah. The intent -- that's right.  
9 The intent of the order is to allow rescue to  
10 continue, to allow an engineer to go in and do  
11 assessments as the dynamics change.

12 THE COMMISSIONER: Is that on the third  
13 page? Is there a third page here?

14 THE WITNESS: There is, yeah.

15 BY MR. CARR-HARRIS:

16 Q. This is B, sorry. This is what we  
17 have been talking about, the second order. Well,  
18 actually, there are three orders contained in here,  
19 correct, Mr. Jones, just to be square?

20 A. Yes, that's right.

21 Q. And the first one is as we  
22 described it; the second one is to make  
23 assessments.

24 A. The three are related, if you read  
25 them through. The first order requires an engineer

1 opinion, and basically that is to address the rest  
2 of the mall, the structure.

3 And then the second makes it clear to  
4 the owner that the tenants, the people who have  
5 businesses in the mall, can't simply resume  
6 operation because they weren't directly adjacent to  
7 the collapse part.

8 Q. Uhm-hmm.

9 A. So it applies to the entire  
10 structure.

11 Q. And this, can you tell us when  
12 this order was issued?

13 A. It was issued to Rhonda Bear on  
14 the 26th of June.

15 Q. And why was it issued? What was  
16 the concern at that stage? If I can just add, the  
17 OPP told us that they had the site secure, which  
18 you must have observed --

19 A. Yeah.

20 Q. -- both internally and externally,  
21 so nobody could get in there except rescue  
22 operators. They did that for their own purposes.

23 A. Yeah.

24 Q. So if this isn't the order, why is  
25 this issued on June 25, as you have described?

1           A.     In my role, I would have to deal  
2 with the owner of the premise. The mall had just  
3 collapsed, so I would be required to give the owner  
4 some guidance of what we expect.

5           When I first arrived, the rescue was in  
6 full bloom, and I didn't even, when I arrived  
7 there, know who owned the mall. And by this time,  
8 by the 25th, I had found out who owned it and that  
9 the mall manager was available.

10          When I write an order, I need somebody  
11 to give it to.

12          Q.     And that took two days? I think  
13 you could read it in the newspapers. Why did it  
14 take so long to find out who the owner was and  
15 where they were?

16          A.     Well, the owner wasn't available.  
17 They weren't here. They weren't in Elliot Lake.

18          Q.     And so what time of the day was  
19 it? This was served on Ms. Rhonda Bear on June  
20 26th, was it?

21          A.     Yes.

22          Q.     And it was prepared on June 25th,  
23 which is described, I guess, as the visit date at  
24 the top of it?

25          A.     Yes.

1 Q. And what does the "visit date"  
2 mean?

3 A. The system we use populates that  
4 date when it was entered, when I wrote it. But it  
5 was in the evening of the 25th, and so it was the  
6 next day before I could arrange to have it  
7 delivered to Rhonda Bear.

8 Q. At the 3 o'clock meeting, there is  
9 the reference to the order. This is the only order  
10 that was issued anywhere around this time frame,  
11 isn't it, on the 25th or 26th?

12 A. This is the only order.

13 Q. Yes. And the order that was  
14 referenced by whoever referenced the order under  
15 the heading "MOL", that was at 3 o'clock in the  
16 afternoon. You have just told me this was prepared  
17 in the evening of the 25th. So what order is being  
18 referred to there in the meeting?

19 A. I don't know.

20 Q. And was it in any way related to  
21 the fact that the rescue was being called off, this  
22 order that we have been referring to, Exhibit No.  
23 5052? Did you issue that arising out of or in  
24 relation to the stoppage of the rescue?

25 A. The order would have to be issued

1 at some point, so what time of day or exactly what  
2 day wouldn't be of particular significance.

3 Q. No, that wasn't my question. Let  
4 me try again. This order, was the reason why it  
5 was issued in any way related to the fact that the  
6 rescue had been stopped at 3 o'clock that  
7 afternoon, the 25th?

8 A. It may be related in that at the  
9 time when we would be giving the scene back, at  
10 that time and prior to the police relinquishing  
11 control of the scene, at some point the owner needs  
12 to have some direction from the Ministry of Labour.

13 Q. So is your answer no to my  
14 question, that it doesn't have anything to do with  
15 the stoppage of the rescue that you issued --

16 A. The order had to be written  
17 whether the rescue continued or didn't.

18 Q. I understand that, but that is a  
19 different question. The question is: Did the  
20 motivation for this order, which is your order, on  
21 the 25th, which you told us you prepared in the  
22 evening on the 25th, this would have been after the  
23 3 o'clock meeting initially announcing it and  
24 perhaps even after the press conference at 5  
25 o'clock. We know there were people in the street.

1 They weren't happy. And so my question again is:  
2 Was the motivation for this order, in whole or in  
3 part, did it have anything to do with the  
4 announcement of the stoppage that same day?

5 A. And my answer would be the same.  
6 The order had to be written --

7 Q. Sir, that is -- you are not  
8 answering my question. You wrote this, prepared  
9 this order. So my question is, and it seems to me  
10 it has a yes or no answer, was this order motivated  
11 by the events I have just described to you, the  
12 stoppage of the rescue?

13 A. The order was written because of  
14 what had happened, because a part of a mall had  
15 collapsed.

16 Q. So is the answer --

17 A. And the orders would have been  
18 written regardless.

19 Q. Is the answer -- I'm sorry?

20 A. The orders would have been written  
21 whether the rescue had continued or not.

22 Q. That is not the question. The  
23 question is --

24 MS. MACKAY: Perhaps you could rephrase  
25 the question, because I think it is just that

1 Mr. Jones doesn't understand what you are asking.

2 BY MR. CARR-HARRIS:

3 Q. By the time --

4 THE COMMISSIONER: Try a third time,  
5 Mr. Carr-Harris.

6 BY MR. CARR-HARRIS:

7 Q. Did the stoppage of the rescue  
8 that you knew about at 3 o'clock or thereabouts on  
9 June 25th have any impact on you, or was it the  
10 motivation for you, in whole or in part, to issue  
11 this order at this time?

12 A. I don't believe it did.

13 Q. Okay. Thank you. At the time of  
14 the collapse and throughout while you were there,  
15 Mr. Jones, what was your understanding of the  
16 authority MOL had to shut down a rescue and  
17 recovery? I am talking then, not now.

18 A. My understanding? I'm not sure  
19 what you are asking me this time.

20 Q. The authority of the MOL to shut  
21 down a rescue/recovery operation, did they have  
22 that authority at that time?

23 A. I believe the Occupational Health  
24 and Safety Act would give the MOL that authority,  
25 but there are some exceptions in the Act that

1 address rescue and preservation of life and  
2 relieving of suffering.

3 Q. And were you consulted at all  
4 about the legality of the stoppage by Mr. Jeffreys  
5 or anyone else at the time the decision was made?

6 A. No.

7 Q. And I think we talked about this a  
8 bit already, but you were aware at the time  
9 following the announcement of the stoppage that  
10 there was a fairly strong adverse reaction in the  
11 community?

12 A. Yes.

13 Q. And did you attend that 5 o'clock  
14 press conference?

15 A. No, I did not.

16 Q. And were you aware at that time  
17 that MOL was being blamed for the stoppage, having  
18 issued the stoppage order, having people believing  
19 that is what had happened?

20 A. Having people believe that is what  
21 had happened. I was told -- I was not present at  
22 the press conference, and I learned later that the  
23 Ministry of Labour was being blamed, and I was  
24 surprised that we were being blamed. I understood  
25 that people were upset at the announcement. I was



1 surprised by the announcement myself.

2 Q. Why were you surprised?

3 A. Well, I was wishing that more  
4 information or -- had been conveyed or more  
5 information about other plans, alternatives. I  
6 wasn't at the press conference, but people said  
7 that it was hard to just be told that the rescue  
8 had stopped. And I guess I expected that there  
9 would be some alternatives or some other options  
10 put forward, but I didn't hear about those, so I  
11 was just told it didn't go well, and I was told  
12 that the Ministry of Labour was being blamed.

13 Q. And did you think that was fair at  
14 the time --

15 A. I did not.

16 Q. -- that the MOL should be --

17 A. No, I did not.

18 Q. You were aware that Mr. Jeffreys  
19 was at least advising the rescuers from a  
20 structural standpoint?

21 A. Yes.

22 Q. And you would assume, given the  
23 outcome, that that advice included that it was  
24 unsafe and, therefore, had to be shut down?

25 A. That would be speculating. I

1 think they asked him his advice on different  
2 occasions, and I think he was the right person to  
3 ask for advice. I think he gave advice as best he  
4 could, and then they made decisions based on that  
5 and probably their own observations.

6 Q. Okay. Now, just one last question  
7 on the order that you issued, Exhibit No. 5052. Is  
8 there anything you could have -- first of all, you  
9 served it on the owner through Rhonda Bear;  
10 correct?

11 A. Yes, sir.

12 Q. And did you give it to anybody  
13 else?

14 A. No.

15 Q. And so would it have helped to  
16 have made it clear at the time when you issued it,  
17 either through the Control Group or otherwise, that  
18 this order had been issued. It did not include the  
19 rescuers involved in the rescue? That discussion  
20 never arose, I take it?

21 A. No. No one asked me about it, and  
22 we typically issue an order to an owner. It would  
23 not have effect -- the order doesn't refer to the  
24 rescue other than the exception. I mean, the  
25 rescue went on before the order was issued; the

1 rescue went on after the order was issued. So I  
2 think they all -- at least I -- no one came and  
3 said, "Hey, does that include us?" So I think they  
4 all understood that.

5 Q. But I assume Ms. Bear wouldn't be  
6 walking around showing it to everybody.

7 A. No.

8 Q. But in terms of from the  
9 perspective of the municipality, that the  
10 municipality would know that this order was out  
11 there, and it was limited; it wasn't to get  
12 everybody out of the mall? They were all out  
13 anyway.

14 A. Yeah. Anyone who wanted to know  
15 the content of the order would have asked or could  
16 have asked.

17 Q. You felt no obligation to publish  
18 it?

19 A. No.

20 Q. Okay. Those are my questions.  
21 Thank you. Thank you, Mr. Jones. There may be  
22 some others.

23 THE COMMISSIONER: Ms. MacKay,  
24 in-chief.

25 EXAMINATION IN-CHIEF BY MS. MACKAY:

1 Q. I would just like to pull up for  
2 the record Exhibit No. 7020, please. This is an  
3 Event Information Form from the Ministry of Labour,  
4 and, Mr. Jones, have you seen this document before?

5 A. I have.

6 Q. Yes. But had you seen it before  
7 you arrived on-scene at Elliot Lake?

8 A. No.

9 Q. Okay. Could we go to the second  
10 page, please. Now scroll down a bit. And you  
11 would agree with me that this is a record of a call  
12 from Martinette Venter, the owner of Shoppers Drug  
13 Mart, to the Ministry of Labour?

14 A. Yes.

15 Q. And she is reporting that a  
16 worker, Lucie Aylwin, is missing?

17 A. That's right.

18 Q. And is this a sort of call that  
19 would be a regular occurrence with the Ministry of  
20 Labour?

21 A. Yes.

22 Q. And is that because an employer is  
23 required to report a fatality or a critical injury?

24 A. Yes, they are required by the Act.

25 Q. So when something comes in like

1 this, what happens after that?

2 A. An Inspector would be dispatched  
3 or sent to the scene to verify what happened,  
4 verify the events, gather information, and begin an  
5 investigation into the cause of the occurrence.

6 Q. And is that what happened in this  
7 case?

8 A. That is what happened.

9 Q. And you were that Inspector?

10 A. I was.

11 Q. And Mr. Lacroix was sent as well?

12 A. Yes, that's right.

13 Q. And why were both of you sent?

14 A. When I got the call, I asked if  
15 help would be available, if I could have another  
16 Inspector, because it sounded like something large  
17 and possibly a fatality, a critical -- at least a  
18 fatality, possibly multiple fatalities for all I  
19 knew at the time.

20 Q. And is it a regular occurrence to  
21 send more than one Inspector in those types of  
22 situations?

23 A. If the other Inspector is  
24 available, yeah.

25 Q. Okay. Did anyone on the scene or

1 any of the first responders ever ask you what MOL  
2 was doing on the scene?

3 A. No. I have worked with the  
4 police, OPP and local police before, and they know  
5 what we do, and in this case, they were expecting  
6 me there. The detachment people knew we were  
7 coming.

8 Q. Okay. And would it be your normal  
9 practice to have those type of conversations when  
10 you arrived on the scene to explain what you were  
11 doing or what your authority was?

12 A. No, unless somebody didn't know  
13 who we were, but we often give out a business card  
14 if it is someone new that we are meeting. Then it  
15 is written on our hard hat who we are. So most  
16 people in workplaces know, know who we are and what  
17 our role and function is.

18 Q. Okay. And Mr. Carr-Harris touched  
19 on this briefly, but I just wanted to go back to  
20 some information that Mr. Officer gave this Inquiry  
21 a couple of weeks ago. And he indicated that it  
22 was his understanding at 1:33 on the afternoon of  
23 June 25th that there was an MOL order in place, and  
24 that it applied to everybody; there was no  
25 exclusions. And he indicated that that information

1 had come to him at a meeting in the command tent at  
2 that time, and that you were present and Roger  
3 Jeffreys was present.

4 Did you ever attend a meeting in the  
5 command tent?

6 A. No.

7 Q. You did go into the command tent,  
8 you told us earlier, but that wasn't for meetings?

9 A. That's right.

10 Q. And are you aware at any time of  
11 any verbal order ever being issued by any of the  
12 MOL people on-site?

13 A. I'm not aware of one.

14 Q. And did you ever issue one?

15 A. I did not.

16 Q. And the only written order that  
17 you ever issued was the one that we looked at  
18 previously today?

19 A. That is right.

20 Q. And would you have known if anyone  
21 issued a verbal order?

22 A. I would have. Either Mr. Lacroix  
23 or Mr. Jeffreys would have discussed it with me.

24 Q. And why would they have discussed  
25 it with you?

1           A.     In this case, I was the Lead  
2 Inspector, and so they would have discussed with me  
3 if they believed an order should be issued.

4           Q.     Okay. And Mr. Officer also told  
5 us it was his understanding that the MOL was just  
6 waiting for paperwork from Toronto to come  
7 regarding the order. Are you required to wait for  
8 paperwork from Toronto to issue an order?

9           A.     No. No. When I write up an  
10 order, I issue it.

11          Q.     And you don't need any approval  
12 for that?

13          A.     No, I don't.

14          Q.     Okay. Now, with respect to the  
15 timing of the order that you made, you told us it  
16 was in the evening on June 25th?

17          A.     That's right, yeah. I worked -- I  
18 put it together over the course of the evening. I  
19 think I spent a couple of hours.

20          Q.     And you did send it to Legal  
21 Services in Toronto to look at?

22          A.     Yes. For the reference to  
23 engineering work, I asked Roger Jeffreys, Mr.  
24 Jeffreys, his opinion about anything that would  
25 make it clearer, and when I was done putting the



1 orders together, I sent them to legal to see if  
2 they had suggestions for improving them or changing  
3 them, and they had none. And so the order was  
4 prepared then.

5 Q. And do you recall what time you  
6 heard back from legal on that?

7 A. Oh, it was about midnight. I  
8 think it was quite late.

9 Q. So is it fair to say that when you  
10 were drafting the order, the rescue was actually  
11 back on, that this was after the Premier's call?

12 A. Oh, yeah. Yeah. Yeah.

13 Q. And you told us that you served  
14 the order on Rhonda Bear?

15 A. That's correct.

16 Q. Did you make other attempts to  
17 somehow contact the owner before you got a hold of  
18 Ms. Bear?

19 A. I think that is something I  
20 discussed -- that was one of the things I think I  
21 wanted legal to tell me is if it had to be to the  
22 owner or if -- there was some suggestion to me that  
23 maybe Ms. Bear didn't work for him anymore.

24 Q. Did you talk to Mr. Fabris at all?

25 A. I talked to Mr. Fabris, and there

1 was a point where Mr. Fabris, apparently, didn't  
2 work for him anymore.

3 Q. So just to clarify, did you feel  
4 that you could serve the order on Mr. Fabris?

5 A. If he was his counsel, then I  
6 could.

7 Q. And what you have just told us is  
8 that at some point, you thought he wasn't his  
9 counsel?

10 A. I spoke with him and -- actually,  
11 I wanted to just serve it to Rhonda Bear, and she  
12 was reluctant and nervous, and then I said that she  
13 was free to contact Mr. Fabris.

14 Q. Okay.

15 A. And I think we ended up both  
16 talking to Mr. Fabris.

17 Q. Okay. Did you ever contemplate  
18 that you would make an order while the rescue was  
19 ongoing?

20 A. Not while the rescue was ongoing.  
21 Like, an order to stop the rescue?

22 Q. Right.

23 A. No.

24 Q. Okay. And are you aware of Mr.  
25 Jeffreys ever making an order stopping the rescue?

1 A. No.

2 Q. And in your view, did MOL have any  
3 role in the cessation of the rescue on June 25th?

4 A. No. The decision was made by the  
5 rescue people.

6 Q. Okay. Those are all my questions  
7 in-chief.

8 THE COMMISSIONER: Thank you. Bearing  
9 in mind the time, we will start with  
10 cross-examination after the before-noon break,  
11 Mr. Registrar.

12 -- RECESSED AT 10:29 A.M.

13 -- RESUMED AT 10:50 A.M.

14 THE COMMISSIONER: Okay, Ms. Carr.

15 CROSS-EXAMINATION BY MS. CARR:

16 Q. Good morning, Mr. Jones.

17 A. Good morning.

18 Q. My name is Alex Carr, and I am  
19 counsel for ELMAC, which is a community group that  
20 is participating in this Inquiry.

21 I understood from your evidence that  
22 your role at the scene on June 23rd onwards was to  
23 investigate the cause of the collapse; is that  
24 right?

25 A. That's correct.

1 Q. And I also took it from your  
2 evidence that you did not understand your role to  
3 be supervising the rescue in any way or the safety  
4 of the rescue in any way?

5 A. That's correct.

6 Q. Okay. And I take it that is  
7 because there is some recognition that a rescue, an  
8 emergency rescue is going to be inherently unsafe  
9 and that the responders have some training in how  
10 to identify when the risk is too great to continue?

11 A. That's correct.

12 Q. And I take it you don't receive  
13 any training in how to identify risk or how to  
14 investigate the safety of a rescue operation?

15 A. That's correct.

16 Q. Okay. If the MOL is notified of a  
17 workplace incident that is still in a rescue stage,  
18 are they entitled to wait until the rescue is over  
19 to show up at the scene?

20 A. The MOL would normally get to the  
21 scene as quickly as we can. We wouldn't know when  
22 the rescue may or may not end, so we would go at  
23 our -- you know, at our first opportunity.

24 Q. Okay.

25 A. If the rescue was still in

1 operation, which it normally isn't, the first  
2 responders -- ambulance people, rescue and fire  
3 people -- normally have completed their work by the  
4 time we get there. We don't specifically wait. We  
5 would go at the first opportunity, but normally  
6 they are done, and often they are gone. Usually  
7 they are gone.

8 Q. Okay. And is there any  
9 requirement to collect evidence during the actual  
10 rescue, and in this case, did you actually -- was  
11 it useful to be there during the rescue?

12 A. Yes, it was, for evidence.

13 Q. For evidence, okay. And what was  
14 done during the days June 23rd to June 27th that  
15 helped with your investigation?

16 A. The beam that we believe failed  
17 and caused the collapse was, in fact, removed to  
18 facilitate the rescue, but by being there and  
19 recognizing that that beam would be eventually  
20 significant, I was able to ensure that that beam  
21 was put aside, and we maintained control over that  
22 beam.

23 Q. But I take it if you hadn't been  
24 there, the OPP could have done that for you, and  
25 you would have figured out that that beam was

1 significant?

2 A. I don't know if the OPP would have  
3 looked at the same things that we would look at.

4 Q. Okay. Switching topics, did you  
5 attend any Community Control Group meetings other  
6 than the 3 o'clock meeting on June 25th?

7 A. I don't think so.

8 Q. Who asked you to attend the 3  
9 o'clock meeting on June 25th?

10 A. I don't remember who asked me to  
11 go there.

12 Q. You don't have any recollection of  
13 why you ended up at the CCG meeting on the 25th?

14 A. I think we were just informed that  
15 it was going to be an announcement or that it was  
16 an important meeting, and if we could come, to  
17 come.

18 Q. Who is "we"?

19 A. Myself --

20 Q. And Mr. Jeffreys?

21 A. And anybody -- yes, Roger, whoever  
22 was available. There were only three of us from  
23 Ministry of Labour there, but yeah.

24 Q. Okay. But I take it you can't  
25 tell me anything else about why you were there?

1                   A.    I don't recall exactly who let me  
2 know about the meeting or what was going to be  
3 said, no.

4                   Q.    Okay. Thank you. Those are my  
5 questions.

6                   THE COMMISSIONER: Ms. McKenna.

7                   CROSS-EXAMINATION BY MS. McKENNA:

8                   Q.    Hi, Mr. Jones. My name is Carolyn  
9 McKenna, and I am counsel for the Ontario  
10 Association of Fire Chiefs.

11                  A.    Yes.

12                  Q.    Okay. So we have heard you  
13 testify this morning that Ministry of Labour  
14 Inspectors must undergo a certain amount of  
15 training when they begin their jobs.

16                  A.    That's correct.

17                  Q.    Okay. And I assume that your  
18 training would be consistent with other Ministry of  
19 Labour Inspectors, and that this would be  
20 standardized training.

21                  A.    That's correct.

22                  Q.    Okay. And what does that training  
23 consist of exactly?

24                  A.    We are trained in the provisions  
25 of the Act, the Occupational Health and Safety Act,

1 and the regulations in all phases of the job  
2 actually.

3 Q. Okay. And how long is that  
4 training?

5 A. Approximately six months.

6 Q. Six months, okay. And in response  
7 to Ms. Carr, I believe you testified that you have  
8 no training with respect to how to identify the  
9 safety risks in a rescue operation.

10 A. We don't play a major role in  
11 rescue operations. It is not part of our mandate.

12 Q. Right. So you do not have  
13 training with respect to identifying the risks in  
14 that type of operation; correct?

15 A. Not specifically for rescue.

16 Q. Okay. And so I take it that as a  
17 Ministry of Labour Inspector, you are not trained  
18 with respect to National Fire Protection  
19 Association Standards regarding technical rescue;  
20 correct?

21 A. That is a fair statement.

22 Q. Okay. And so I take it that you  
23 have never had any training with respect to shoring  
24 structures for the purpose of making a safe entry  
25 into a collapsed structure and things of that



1 nature?

2 A. Correct.

3 Q. Okay. And in any event, I assume  
4 that you don't have any specific training in terms  
5 of how to safely rescue individuals who are trapped  
6 under a collapsed structure?

7 A. That's correct.

8 Q. And, in fact, you wouldn't have  
9 any specific training in terms of how to as safely  
10 as possible rescue individuals who are in a  
11 position of danger?

12 A. No, we wouldn't.

13 Q. Okay. But you would agree with me  
14 that emergency responders, such as fire fighters,  
15 are specifically trained with respect to how to  
16 safely take a person from a position of danger to a  
17 position of safety in terms of performing a rescue  
18 operation?

19 A. I would say.

20 Q. Okay. And you just don't have  
21 that type of training because you are not the  
22 rescue expert; they are; correct?

23 A. That's right.

24 Q. Okay. So I take it that you would  
25 agree with me that you don't have the depth of

1 training that first responders, such as fire  
2 fighters, have in terms of identifying the risks  
3 associated with making rescues?

4 A. That's right.

5 Q. So I take it that you would agree  
6 with me that emergency responders are, in fact,  
7 better placed than an MOL inspector, such as  
8 yourself, to judge the safety of the rescue efforts  
9 being made?

10 A. Would you repeat that, please?

11 Q. You would agree with me that  
12 emergency responders, such as fire fighters, are  
13 better placed than an MOL inspector, such as  
14 yourself, to judge the safety of the rescue efforts  
15 being made?

16 A. I would agree, yes.

17 Q. Okay. Because basically you are  
18 not qualified to make such judgments?

19 A. That is true. We would only note  
20 very, very obvious hazards.

21 Q. Okay. But you are not qualified  
22 to judge the safety of the actual rescue operation?

23 A. I am not.

24 Q. And do you have any training with  
25 respect to how your enforcement authority ought to

1 be exercised in the context of a rescue effort?

2 A. Not specifically in dealing with  
3 rescue, no.

4 Q. Okay. And I believe you testified  
5 in response to a question from Commission Counsel  
6 that the MOL does, in fact, have authority to shut  
7 down a rescue, but there are some particular  
8 exemptions with respect to that?

9 A. That is correct.

10 Q. And did any of those exemptions  
11 apply to limit your authority in the case of the  
12 Elliot Lake incident?

13 A. Would you ask the question again,  
14 please?

15 Q. Uhm-hmm. Would any of the  
16 exemptions that you alluded to in the Occupational  
17 Health and Safety Act have applied to limit your  
18 authority during the incident in Elliot Lake in  
19 terms of shutting down the rescue operation?

20 A. Well, I believe the Act applies  
21 across the board with those exceptions that we  
22 talked about.

23 Q. Did they apply during the course  
24 of the days from June 23rd to June 27th, let's say?  
25 Did they limit your authority?

1           A.    I believe the -- technically, I  
2 believe an MOL Inspector has the authority, if they  
3 see something unsafe, to intervene or to stop, but  
4 that was not the case in Elliot Lake. The rescue  
5 people on-site were doing good work.

6           Q.    Right. So it is your position  
7 that while you did have authority to shut down the  
8 rescue, you had no intention of doing so in Elliot  
9 Lake?

10          A.    Correct.

11          Q.    Okay. And now you have already  
12 told me that emergency responders are better placed  
13 to make the call as to whether the rescue operation  
14 is being conducted safely.

15          A.    Yes.

16          Q.    Okay. And you have also told me  
17 that you are, in fact, not qualified to make such  
18 judgments.

19          A.    Correct.

20          Q.    So you would agree with me that it  
21 doesn't make much sense that you have the authority  
22 to make such judgments and shut down the operation?

23          A.    We have the authority if, as I  
24 said, if we see something that is an obvious  
25 hazard, whether it would harm a rescue person or

1 any other worker. So the authority technically I  
2 believe exists and it is there, but as you pointed  
3 out, that was not the case with that rescue  
4 operation.

5 Q. But there is certain judgments in  
6 a rescue operation that you would not be qualified  
7 to make, as you have testified?

8 A. That's correct.

9 Q. So to you, does it make sense that  
10 you would have the authority to shut down the  
11 rescue operation with respect to safety issues that  
12 you are not qualified to judge?

13 A. Let me give you an example, if I  
14 could.

15 Q. Uhm-hmm.

16 A. I don't take air quality tests,  
17 but I could inquire if someone were going into a  
18 confined space, has anyone checked to see if it is  
19 an explosive atmosphere. I could ask some basic  
20 questions, and if the answer was "Oh, no, we never  
21 thought of that," then it may change my thinking,  
22 and I would inquire further.

23 Q. Okay. Those are all my questions.  
24 Thank you.

25 MR. OLIVER: I have just one question.

1 THE COMMISSIONER: Go ahead.

2 CROSS-EXAMINATION BY MR. OLIVER:

3 Q. Good morning, Mr. Jones.

4 A. Good morning.

5 Q. For the record, my name is Richard  
6 Oliver, lawyer for the City of Toronto.

7 A. Good morning.

8 Q. During your examination in-chief,  
9 you were taken to the timeline of authority, and I  
10 took your evidence to be that that was something  
11 created for your own purposes?

12 A. That is correct.

13 Q. We have heard evidence from Chief  
14 Officer and numerous other witnesses that at least  
15 during the rescue stage, the authority over the  
16 incident never left the Fire Chief. Is your  
17 timeline in any way meant to have an opposing view?

18 A. No, I would not argue. My  
19 notation there was for my reference. It is not  
20 official, so if someone else actually had  
21 authority, I wouldn't argue it.

22 Q. So it is not your evidence that  
23 during the rescue stage, the authority ever left  
24 the Fire Chief?

25 A. If the Fire Chief went off-site

1 for something, he may well have passed it to  
2 someone else. I don't know. And it wasn't a  
3 situation where official meetings were called and  
4 people were designated and saying, "Well, now, it  
5 is this person, or now it is" --

6 Q. But in other words, you wouldn't  
7 dispute the evidence that has been presented  
8 previously that the Fire Chief maintained  
9 authority?

10 A. No, I wouldn't --

11 Q. Thank you very much.

12 A. -- I would not.

13 MR. FEAVER: I have no questions.

14 Thank you.

15 MR. THORNE: No questions.

16 THE COMMISSIONER: Thank you. Anybody  
17 else? Mr. Cassan.

18 CROSS-EXAMINATION BY MR. CASSAN:

19 Q. Good morning, Mr. Jones.

20 A. Good morning.

21 Q. Mr. Commissioner, Mr. Jones, and I  
22 have a long history of working together and against  
23 each other, so it is good to see a face from home.

24 I wonder, Ms. Kuka, if we could start  
25 with Exhibit No. 8025, and I am going to turn to

1 page 6. Mr. Jones, while Ms. Kuka is bringing this  
2 up, I'm taking you to the notes of Chief Officer,  
3 and specifically I'm going to be talking to you  
4 about the events of June 25th and the issue of the  
5 Ministry of Labour involvement in the decision to  
6 stop the rescue.

7 So if I can draw your attention,  
8 Mr. Jones, to the entry about two-thirds of the way  
9 down the page, it says, "Approximately 13:33," do  
10 you see that?

11 A. I do.

12 Q. So this call is a command meeting  
13 to discuss building movement:

14 "Fire Chief, HUSAR IC, and command  
15 staff, MOL, OFM staff".

16 My understanding of that entry means  
17 that in attendance at the meeting were, of course,  
18 Chief Officer, Bill Neadles, other command staff,  
19 somebody from the Ministry of Labour; and OFM staff  
20 was, as I understand it, Bob Thorpe.

21 Now, Chief Officer has testified that  
22 he believes you were at that meeting.

23 Unfortunately, the notes don't reflect who was  
24 there from the MOL or not. Do you know whether or  
25 not you were at that meeting?



1           A.    I wasn't there, and I say that  
2 because I tried to capture the meetings that I did  
3 attend in my own notes, and my own notes and my own  
4 memory would indicate I wasn't there.

5           Q.    As we proceed down, we see that at  
6 13:50 the:

7                   "Elliot Lake Fire Department,  
8                   HUSAR group was asked to assemble".

9           And my understanding of Chief Officer's  
10 evidence was that this is, essentially, a  
11 continuation of the command meeting, and this was  
12 where the rescue teams were told that the rescue  
13 had to stop because of the danger that the building  
14 presented.

15           Do you recall being involved in that  
16 discussion?

17           A.    No, I don't.

18           Q.    We then see an entry at 14:01, so  
19 this is after the get-together, that the:

20                   "[...] hydraulic equipment will be  
21 removed from area, area will be  
22 reassessed because of significant  
23 movement and escalator beam was 100%  
24 overstressed. Building is  
25 completely unsafe for rescue

1 operations, no options available to  
2 make a secure area rescue operation.  
3 Reassessment efforts to continue."

4 Do you recall being involved in that  
5 discussion?

6 A. No.

7 Q. And do you know who, apart from  
8 you, from the Ministry of Labour may have been  
9 involved in that discussion?

10 A. No.

11 Q. As Chief Officer has told us,  
12 during this time, somebody from the Ministry of  
13 Labour indicated that the escalator was continuing  
14 to move; that the beam underneath the escalator was  
15 overstressed, and we have seen various calculations  
16 with respect to that, and that the rescuers could  
17 not continue in the manner that they were at that  
18 time. They essentially had to come out of the  
19 building until a new plan was arrived at.

20 Certainly all of the evidence of the  
21 Commanders that I have heard indicates that that  
22 was the right decision, so certainly I'm not  
23 standing here suggesting to you that the Fire  
24 Department is saying that there is anything wrong  
25 with coming to that decision, and certainly it

1 appeared that it was supported, if not instigated,  
2 by the Ministry of Labour. And I just wonder if  
3 you have any information about that.

4 A. No. The decision would have been  
5 made by the rescue people.

6 Q. Now, if you were talking to  
7 rescuers or to Chief Officer about a decision to  
8 pull people out, one that was to be enforced by the  
9 Ministry of Labour -- and I am talking  
10 hypothetically now -- if you were going to do that,  
11 what words would you use?

12 A. I'm not sure what you are asking.

13 Q. Okay. I am asking you to imagine  
14 that you are in a situation where you, as a  
15 Ministry of Labour Inspector, are going to shut  
16 down the scene. Leave aside the issue of legality.  
17 You have made this decision for whatever reason.  
18 You have seen something that in your mind has said,  
19 "These people can't be in there; somebody is going  
20 to be killed."

21 What words would you use to the  
22 Incident Commander or whoever you would address to  
23 say: "I'm going to shut down this site"?

24 A. If I saw something that gave me a  
25 great deal of concern about the safety or

1 well-being of the rescuers, I would talk to the  
2 Incident Commander or whoever was available and  
3 just let them know my concern.

4 Q. Right.

5 A. Because they would, in my opinion,  
6 appreciate a point of view, but they would know  
7 more about how to address the concern. They would  
8 speak to it. It would be a conversation.

9 Q. Sure, and fair enough. Would you  
10 use words like, "I'm going to put a stop work order  
11 on"?

12 A. I wouldn't. A stop work order is  
13 a written order, as we have seen here. So that is  
14 the kind of order that I would issue.

15 Q. I'm going to leave the CCG meeting  
16 that you were at for a little bit later and take  
17 you down to the bottom quarter of the page at the  
18 entry approximately 18:00. This says:

19 "Attended Command meeting at OPP.  
20 Discuss optional plans to move  
21 forward."

22 Chief Officer has testified that this  
23 was with respect to a meeting that took place after  
24 the CCG meetings and the command meetings that we  
25 have talked about and that at this meeting it was

1 discussed what was going to happen with the  
2 Ministry of Labour order, because the understanding  
3 going into that meeting was that the Ministry of  
4 Labour order prevents anybody from going into the  
5 scene and that at that meeting, somebody came up  
6 with the idea of exemptions from the order.

7 And Chief Officer's evidence was that  
8 the exemptions from the order that were discussed  
9 at that meeting are the same as the exemptions that  
10 appear in your order at Exhibit No. 5052, if you  
11 need to go to it. So, in other words, that was the  
12 meeting where the exemptions were discussed that  
13 rescue and recovery would be permitted to continue.

14 Were you involved in that meeting?

15 A. I was at that meeting, but it  
16 seems as though you are talking about an order that  
17 hasn't been written yet.

18 Q. That's right.

19 A. Yeah.

20 Q. And that was my understanding from  
21 Chief Officer's evidence, that the -- and just so  
22 that you are clear, there has never been a document  
23 that has been put forward to say that the first  
24 order -- I'm going to call it that although I know  
25 that you are saying that you weren't part of it.

1 There has never been a document put forward to  
2 suggest that the first order was in writing and  
3 that it was a stop work order that kept everybody  
4 out, and that this meeting at 18:00 is where the  
5 exemptions come up.

6 A. Okay. And I'm not sure what these  
7 other orders even are. I testified earlier that  
8 when I arrived at the scene, people were saying --  
9 they were talking about some stop work order that  
10 apparently had come from the Ministry of Labour,  
11 and I said, "Well, I just got here. I don't know  
12 anything about any stop work order."

13 Q. And that is on the 23rd.

14 A. That was on the 23rd, and they  
15 explained that there was some kind of  
16 miscommunication or misunderstanding.

17 Q. That's right.

18 A. And so at that time, I thought it  
19 was clear enough that there was no stop work order.  
20 There was nothing preventing the rescue operation.

21 Q. And that is on the 23rd. And just  
22 so that you are clear about what I am talking  
23 about, I'm talking about the understanding that,  
24 certainly, the leaders of the rescue teams have  
25 testified to that there was, I'm going to call it a

1 verbal order, issued by the Ministry of Labour  
2 requiring the rescuers to leave the building on the  
3 25th at about 1:30.

4 A. That order -- no such order came  
5 from me.

6 Q. Okay. So what I am asking you now  
7 is I'm taking you to this meeting at the OPP  
8 station at 18:00 hours, so that is 6 o'clock. And  
9 you were at that meeting?

10 A. Yes.

11 Q. And do you recall a discussion  
12 about being able to exempt the rescuers from the  
13 order?

14 A. Again, if there was discussion  
15 about a future order and if somebody asked for  
16 clarification about, "Well, how would the rescue go  
17 on," it would probably have been made clear then  
18 again that the order would in no way impede rescue.

19 Q. Do you recall the discussions with  
20 respect to the Ministry of Labour at that meeting?

21 A. No, I don't.

22 Q. Do you have anything in your notes  
23 about those discussions?

24 A. I believe I have some information  
25 about those discussions. Is there something you

1 wanted to refer to?

2 Q. Well, I'm looking at the meeting  
3 at the OPP station in Elliot Lake at about 6  
4 o'clock p.m. or 18:00 hours. I wonder, Ms. Kuka,  
5 can we pull up Exhibit No. 7021, and it would be  
6 the page doc ID number 115. And, Mr. Jones, this  
7 might assist you.

8 This appears to be, effectively, the  
9 last page of your notes of the June 25th day; is  
10 that correct? Yes? Sorry, I didn't hear you.

11 A. That is the page that starts with:

12 "HUSAR leader Bill Neadles said  
13 the structure was deemed unsafe for  
14 rescue [...]"

15 Q. Yeah. That is the page, yeah.  
16 Yeah, we are all looking at the same page.

17 A. Okay.

18 Q. So I guess the reason I'm bringing  
19 you to this page is that also on the bottom of this  
20 page is June 26th, and so I expect that you keep  
21 your notes chronologically, and so somewhere on  
22 this page should be any notes that you have made  
23 about the meeting at the OPP station?

24 And I can see that you are nodding your  
25 head yes.



1 MS. MACKAY: You have to say yes or no  
2 for the record.

3 THE WITNESS: Very good. No, I don't  
4 see. I don't see --

5 BY MR. CASSAN:

6 Q. Well, at the dash, about a third  
7 of the way down, it does say:

8 "Meeting re safety of extraction".

9 And then:

10 "June 27 orders 5.1.m".

11 Does that have anything to do with that  
12 meeting?

13 And then it goes on to "prevent access"  
14 and then something about "stop".

15 Can you interpret those for us?

16 A. That is me putting my thoughts  
17 down on paper. That meeting was involved in people  
18 trying to figure out what to do next.

19 Q. Yes.

20 A. And so I was looking at my next --  
21 my next activity would be to put some kind of  
22 orders together.

23 Q. Is this document any part of the  
24 discussion at the OPP station at 6 o'clock p.m. on  
25 June 25th?

1 A. I don't know for sure.

2 Q. Because it seems to be consistent  
3 with Chief Officer's discussion that there was a  
4 discussion about preventing access, but the  
5 exceptions and stop. What do those numbers mean?  
6 Maybe does that help you?

7 A. The numbers are sections from the  
8 Occupational Health and Safety Act.

9 Q. So does that help you recall  
10 whether this was part of the OPP discussion?

11 A. I don't know that it was part of  
12 the OPP discussion. I think you had some minutes  
13 from that or -- this wasn't an attempt for me to  
14 keep minutes. This was my thoughts about what I  
15 would have to set about doing.

16 Q. So you don't have any other notes  
17 about that meeting?

18 A. I don't.

19 Q. But you were at that meeting?

20 A. I believe I was.

21 Q. Okay. I wonder, Ms. Kuka, then  
22 can we go to Inspector Jollymore's notes, which are  
23 Exhibit No. 6396, and first, we will start at page  
24 11. You have not reviewed these, I expect,  
25 Mr. Jones, but these are the notes that have been

1 kept by Inspector Jollymore.

2 And I'm looking for page 11. Thank  
3 you. I'm looking at the 15:05 entry first, and I  
4 suppose that this is the CCG meeting; is that  
5 correct? That would be the right time?

6 A. It says "EOC meeting".

7 Q. Yes, I'm sorry. There has been --  
8 we have been calling them either the CCG meeting or  
9 the EOC meeting.

10 A. Okay.

11 Q. So at 15:05, you see that  
12 Inspector Jollymore indicates:

13 "MOL Engineer experienced increase  
14 in movement and evaluated structure,  
15 do not know why it is still  
16 standing. Visual Movement observed,  
17 things are 100% overstressed, will  
18 go catastrophically".

19 Do you remember that discussion?

20 A. That would have been Mr. Jeffreys.

21 Q. And then the next sentence:

22 "MOL will put 'stop order' on  
23 building//Stop Order."

24 Who was talking about the stop order?

25 A. I don't know. Just so that I am

1 clear, is that the meeting where there was  
2 discussion about the next steps if -- like who  
3 would be taking control of the building and who  
4 would --

5 Q. In fairness to you, what I am  
6 going to do is I'm going to leave this exhibit for  
7 now, and I am going to go to Natalie Bray's notes.  
8 And she was the person who was keeping the minutes  
9 for -- the actual official minutes for the CCG  
10 meetings. So, Ms. Kuka, that is Exhibit No. 3743,  
11 and we will start, if we can, on page 34.

12 If we could go one page earlier than  
13 that. Thank you.

14 So, Mr. Jones, this is the  
15 documentation of the 3 o'clock p.m. CCG meeting on  
16 June 25th, and the first thing that Ms. Bray does  
17 when she keeps her minutes is indicates the people  
18 who are attending. And you will see that you and  
19 Mr. Jeffreys are at the bottom of the first column.

20 A. Yes.

21 Q. Okay? So just to refresh your  
22 memory about the meeting, this particular meeting,  
23 it starts with Rob, who is the CEO, Rob deBortoli,  
24 saying:

25 "Rescue efforts have been called

1                   off - attempt for rescue cannot  
2                   happen - safety reasons, logistics -  
3                   Mayor and Inspector to visit hall  
4                   and notify families.

5                   Need the to focus on press  
6                   conference.

7                   Need Civic Centre."

8                   Do you remember being there for that  
9 meeting when Mr. deBortoli started there?

10                  A.    I do.

11                  Q.    Okay.  So then we have Mr. Neadles  
12 speaking, and so it appears that you go around the  
13 table, and each person will present their position.  
14 And so Mr. Neadles indicates that the:

15                   "Decision -- tough one.  Based on  
16 advice by engineer MOL remove HUSAR  
17 team from structure as it has been  
18 deemed unsafe.

19                   Stress on stairwell and escalator  
20 beams - excess of 100% of stress  
21 capacity".

22                   Do you remember Mr. Neadles saying  
23 that?

24                  A.    I remember him saying that the  
25 rescue had been called off.

1 Q. And so it appears that Ms. Bray  
2 has noted that he also said that he was advised to  
3 do that by the MOL. Do you remember him saying  
4 that?

5 A. Yes, yeah.

6 Q. And then if we can turn the page,  
7 please, Ms. Kuka, in the centre there is a section  
8 called "MOL", and I understand that to be a  
9 presentation made by somebody, and I think that it  
10 is you. Do you remember speaking at this meeting?

11 A. I didn't speak at the meeting.

12 Q. So somebody from the MOL -- I  
13 guess it would either be you or Mr. Jeffreys --  
14 indicates:

15 "Experienced continuous movement  
16 of stairway and escalator.

17 MOL and HUSAR Engineer -- do not  
18 know why the structure is still in  
19 place. Beam is bowed under all  
20 weight shifting. It is opening up  
21 more and more. Tracking movement.  
22 Things are moving. 100%  
23 overstressed. When it goes it will  
24 go catastrophically. MOL stop order  
25 so no one can enter."

1                   So it appears that Ms. Bray has taken  
2 this down to suggest that somebody from the MOL  
3 said that their -- said, all I can say is the words  
4 "MOL stop order so no one can enter", and that is  
5 consistent with what Chief Officer has said. So  
6 there are two people that have perceived that. It  
7 is consistent with what Inspector Neadles has said,  
8 so I suppose there is three.

9                   What do you say about that?

10                  A. All I can say is there was no stop  
11 order at that time.

12                  Q. But what was the discussion about  
13 stop order? I just find it interesting that all of  
14 these people are coming up with this concept.

15                  A. These aren't my notes, so --

16                  Q. That is true.

17                  A. -- I really can't comment on them.  
18 It wasn't me speaking there because I don't  
19 remember speaking at that meeting, but there was no  
20 stop work order at that time.

21                  MR. CARR-HARRIS: May I interrupt,  
22 Commissioner? We are advised that the webcasting  
23 has gone down, so there won't be anybody watching  
24 us.

25                  THE COMMISSIONER: A temporary

1 situation, Paul?

2 A/V TECHNICIAN: The French is working;  
3 the English is not working.

4 THE COMMISSIONER: Well, it is  
5 important that this be televised, so let's take a  
6 few minutes to see whether we can get this fixed.

7 -- RECESSED AT 11:30 A.M.

8 -- RESUMED AT 11:35 P.M.

9 THE COMMISSIONER: Okay. Let's give it  
10 another shot. Go ahead.

11 BY MR. CASSAN:

12 Q. Thank you, Mr. Commissioner.

13 So I think we were looking at Exhibit  
14 No. 3743 at page 35. Thank you, Ms. Kuka.

15 So is it fair to say, Mr. Jones, that  
16 you just don't remember this discussion about the  
17 "MOL stop order so no one can enter"?

18 A. I remember that I didn't speak  
19 there, so, you know, I can't comment on what  
20 somebody else wrote down for notes or what somebody  
21 else said.

22 Q. Sure. At any point in that  
23 meeting, did you tug on Mr. Jeffreys' coattails and  
24 say, "Hey, wait a minute. That is not what we are  
25 doing"? I guess what I mean is did you ever object



1 to anything that was said during that meeting about  
2 the Ministry of Labour?

3 A. I didn't object to anything I  
4 heard. I don't remember. And if Roger was asked  
5 his opinion on something, he is very well qualified  
6 to give an opinion. So I would have no  
7 disagreement, I expect, if Roger gave an opinion on  
8 something or said something.

9 Q. To your knowledge, can Roger issue  
10 a stop work order so no one could enter?

11 A. Roger would discuss that with me  
12 if that was his intention.

13 Q. So are you suggesting that these  
14 notes are simply wrong?

15 A. I can only recount what I  
16 remember. And I didn't take the notes, so I don't  
17 know what was intended or what they were attempting  
18 to capture.

19 Q. So now I'm going to take you back  
20 to Inspector Jollymore's notes. And, Ms. Kuka,  
21 could we turn up again Exhibit No. 6396, page 11.  
22 And so these are Inspector Jollymore's notes of the  
23 same meeting that we were just talking about, and  
24 here you can see, again, very similar wording  
25 talking about:

1                   "Movement observed, things are  
2                   100% overstressed, will go  
3                   catastrophically. MOL will put  
4                   'stop order' on building".  
5                   It is exactly the same words that  
6                   Natalie Bray took down.

7                   THE COMMISSIONER: What is the  
8                   question?

9                   THE WITNESS: So he is saying MOL --

10                  THE COMMISSIONER: We haven't heard a  
11                  question yet.

12                  BY MR. CASSAN:

13                  Q. So the question is: Does this  
14                  help you recall, or does it change your evidence  
15                  about the meeting?

16                  A. No. My recollection is the same.

17                  Q. So you would agree with me that,  
18                  certainly, Natalie Bray understood that the MOL had  
19                  put a stop work order on the building at that  
20                  point, because that is why she wrote it down?

21                  A. I can't speak for what she  
22                  understood. All I know is that there was no stop  
23                  work order.

24                  Q. And you would agree, certainly, it  
25                  appears from Inspector Jollymore's notes that that

1 was his interpretation of the meeting?

2 A. I can't speak for what he believed  
3 or understood.

4 Q. No, that is fair. I wonder, Ms.  
5 Kuka, can we pull up Exhibit No. 7109. This is an  
6 e-mail from Carol-Lyn Chambers, who is from the  
7 Ontario Fire Marshals office, and she is relaying,  
8 in the e-mail, information from Bob Thorpe, and you  
9 will see that in the second paragraph, it says:

10 "As of 13:50 hours the HUSAR lead,  
11 in consultation with both engineers  
12 have determined that the building  
13 will be deemed closed by the MOL,  
14 when the rescue operation is  
15 terminated and changed to recovery  
16 [...]"

17 Do you recall ever having discussions  
18 with Mr. Thorpe from the Ontario Fire Marshals  
19 office about this?

20 A. No.

21 Q. Okay. It appears that there is  
22 certainly a lot of misunderstanding about what  
23 happened here. Certainly the appearance of many  
24 people's notes is that the Ministry of Labour did  
25 issue at least a verbal order at that time. Is

1     there a way you can think of to alleviate this  
2     confusion?  And really what I am asking you is:  It  
3     is certainly the job of the Commission to come up  
4     with recommendations going forward, and whether it  
5     was your intention or not to issue an order, it  
6     certainly seems that a lot of people thought that  
7     somebody from the Ministry of Labour did.

8                     And I am just wondering if there is a  
9     way to alleviate that miscommunication or  
10    misunderstanding.

11                    A.     Perhaps if one of them would have  
12    come to me and said, "Have you issued a stop work  
13    order?"  I don't recall anyone asking me that.  And  
14    as I have testified, there was no stop work order.

15                    Q.     Mr. Jones, I know that Chief  
16    Officer indicated that with respect to this  
17    decision that was made, regardless of how it got  
18    made, that it was the right decision; that it was  
19    the right decision to avoid putting the rescuers in  
20    danger of that escalator collapsing on them.

21                    Do you agree with that?

22                    A.     That the decision was probably the  
23    right decision?

24                    Q.     Yes.

25                    A.     It -- I'm not an engineer, and I

1 am not a rescue expert, so the decision was made by  
2 people I believe did make good decisions and did  
3 know the dangers, inherent dangers in rescue.

4 Q. And how would you say all of the  
5 people seemed to work on the scene, particularly  
6 with respect to the command and -- how did it go  
7 generally?

8 A. I thought it went very well. I  
9 thought they were all capable, dedicated, and I  
10 thought they worked cooperatively, extremely  
11 professional. They did great -- good work, great  
12 work.

13 Q. And, Mr. Jones, you were on scene,  
14 and I know from my conversations with Chief Officer  
15 that he certainly was appreciative of the  
16 assistance that the Ministry of Labour did. And I  
17 think that people should realize that you as well  
18 as the rescuers were in the building, and certainly  
19 on behalf of Chief Officer, I would like to thank  
20 you for coming to Elliot Lake and assisting us.

21 A. Thank you.

22 THE COMMISSIONER: Any further  
23 cross-examination?

24 Re-examination?

25 RE-EXAMINATION BY MS. MACKAY:

1 Q. One question. When Mr. Cassan was  
2 asking you questions, he referred to a first order  
3 and a second order, and I just want to be clear  
4 that your evidence is there is no first order or  
5 second order. There was one order, and that was  
6 the written order delivered to Rhonda Bear on June  
7 26th?

8 A. That's correct.

9 Q. And that is the only order you  
10 have knowledge of?

11 A. That's correct.

12 Q. And it is your belief that if any  
13 other order had been issued, you would have had  
14 knowledge of it?

15 A. That's correct.

16 Q. As the Lead Inspector?

17 A. That's correct.

18 Q. Those are all my questions in  
19 re-examination.

20 THE COMMISSIONER: Mr. Carr-Harris.

21 RE-EXAMINATION BY MR. CARR-HARRIS:

22 Q. Yes, two questions.

23 First of all, you testified, Mr. Jones,  
24 as I recall it, and correct me if I'm wrong, that  
25 you had the authority -- I'm speaking of you as an

1 MOL Inspector -- to shut down the rescue if the  
2 circumstances demanded; is that correct?

3 A. Technically, I believe the  
4 authority is there within the Occupational Health  
5 and Safety Act.

6 Q. And even in the case of the  
7 exception for rescuers, if you thought that they  
8 were acting unsafely, making allowances for the  
9 fact that they are rescuers, you could do it in  
10 that event as well, shut it down?

11 A. Technically, if there was a hazard  
12 that I was aware of, I believe the authority is  
13 there.

14 Q. Okay. And then would you agree  
15 with me that the rescuers, and indeed the public,  
16 would assume that unless they were told otherwise,  
17 that you would have this authority that you have  
18 just described to us that you could make such an  
19 order?

20 A. If they are familiar with the  
21 Occupational Health and Safety Act, they would know  
22 that the exception is there to preserve life and  
23 relieve human suffering; that they could disturb a  
24 scene, and they could do what needed to be done for  
25 those reasons.

1 Q. And they knew --

2 A. And -- sorry. And they would know  
3 that police and fire and certain other occupations  
4 are specifically set out as some dangers inherent  
5 in their work.

6 Q. Correct. My question was the  
7 public -- unless you told them otherwise and based  
8 on the authority you have described to us, the  
9 public and the rescuers would assume you could do  
10 it if the circumstances were right, and I mean by  
11 that, shut it down?

12 A. I can't speak to what they would  
13 be thinking or what they would know or understand.

14 Q. Okay. Well, that is fine.

15 Now, the last thing is can I take you  
16 to Exhibit No. 9177. And this is just a  
17 housekeeping point, but once you have that up, you  
18 will see it is dated at the top August 3rd, 2012,  
19 and it is signed by you, Mr. Jones, and am I  
20 correct that this is a letter or whatever to  
21 Mr. Fabris indicating that authority over the scene  
22 is now being transferred from the Ministry of  
23 Labour to the owner?

24 A. Yes, that is correct.

25 Q. And so that effective date was



1 August 3, 2012?

2 A. Yes.

3 Q. Thank you, sir. Those are my  
4 questions.

5 THE COMMISSIONER: Anything arise out  
6 of that? Nothing in particular?

7 Thank you very much, Mr. Jones, for  
8 your evidence today.

9 THE WITNESS: You are welcome. Thank  
10 you.

11 THE COMMISSIONER: And our next  
12 witness, then, is Trudy Rheume.

13 MR. CARR-HARRIS: Trudy Rheume be  
14 called to the stand.

15 THE COMMISSIONER: Are you ready to go  
16 now, Mr. Carr-Harris?

17 MR. CARR-HARRIS: We are. I'm being  
18 asked to be granted five minutes to get some things  
19 organized.

20 THE COMMISSIONER: Sure.

21 MS. MACKAY: And, Mr. Commissioner, if  
22 I may be excused.

23 THE COMMISSIONER: Thank you very much,  
24 Ms. MacKay, sure.

25 -- RECESSED AT 11:45 A.M.

1 -- RESUMED AT 11:50 A.M.

2 MR. CARR-HARRIS: Yes, the next witness  
3 is Trudy Rheume.

4 THE COMMISSIONER: Hi, Ms. Rheume.  
5 How are you?

6 THE WITNESS: Fine. Thank you.

7 THE COMMISSIONER: Good.

8 TRUDY RHEAUME: SWORN.

9 EXAMINATION IN-CHIEF BY MR.

10 CARR-HARRIS:

11 Q. Welcome, Ms. Rheume. You are the  
12 Administrative Assistant to the Fire Chief?

13 A. That is correct.

14 Q. And you are also the Community  
15 Emergency Management Coordinator under the  
16 Emergency Response Plan for Elliot Lake; am I  
17 correct?

18 A. That's correct.

19 Q. Thank you. You have been kind  
20 enough to provide us today with a job description  
21 for both those things, which is set out in detail.  
22 I don't intend to dwell on it. If we could simply  
23 mark that as the next exhibit, and then we will  
24 begin with the more substantive part of our  
25 examination. What exhibit would that be?

1 MS. KUKA: Just hold on one second.

2 MR. CARR-HARRIS: Did you get a copy,  
3 Mr. Commissioner?

4 THE COMMISSIONER: No. Well, do we  
5 want to put it up on the board?

6 MR. CARR-HARRIS: No. I wasn't going  
7 to go through it. We will be dealing with --

8 THE COMMISSIONER: Does everybody else  
9 have a copy?

10 MR. CARR-HARRIS: Yes. Mr. Cassan has  
11 handed it out to everyone here.

12 THE COMMISSIONER: Oh, okay.

13 MR. CARR-HARRIS: And he will send it  
14 to all participants, even those who aren't here,  
15 I'm sure.

16 MS. KUKA: It will be Exhibit No. 9891.

17 EXHIBIT NO. 9891: Job description for  
18 the position held by Ms. Rheaume.

19 THE COMMISSIONER: Thank you.

20 BY MR. CARR-HARRIS:

21 Q. Exhibit No. 9891, thank you.

22 As I understand it, the -- and I am  
23 going to call it the CEMC, instead of pronouncing  
24 it in the long form, is a position required under  
25 the Emergency Management and Civil Protection Act?

1 A. That's correct.

2 Q. And the Act came into force in  
3 Ontario in 2003?

4 A. That's right, in April, I believe.

5 Q. And the regulations?

6 A. In December 2004.

7 Q. And how long have you occupied the  
8 position of Emergency Management Coordinator at the  
9 City of Elliot Lake?

10 A. Since approximately 2000  
11 informally, and then I was officially appointed by  
12 Council. I believe it was in 2002. Prior to the  
13 Act coming into play, Emergency Management Ontario  
14 sent letters to municipalities requesting that a  
15 CEMC be appointed because of the upcoming change in  
16 legislation.

17 Q. So you were, in fact, in that  
18 position before the statute came in force at the  
19 request of the Province?

20 A. That's correct.

21 Q. Okay. And there was a formal  
22 appointment process at the City appointing you to  
23 that position?

24 A. That's correct. There was a  
25 report provided to Council, and a resolution was

1 passed.

2 Q. And prior to your appointment  
3 formally as CECM under the 2003 statute, Ms.  
4 Rheaume, what sort of training, emergency response  
5 training had you had?

6 A. I started with the Fire Department  
7 approximately in 1988, and the Fire Chief, at that  
8 time, had sent me to an Emergency Management course  
9 in Arnprior, Ontario, and that dealt with Emergency  
10 Management and the operation of Emergency Operation  
11 Centres, and that would have been in the late '80s,  
12 early '90s.

13 Q. Any other training apart from  
14 that, up to that time?

15 A. I took a BEM course, which was  
16 Basic Emergency Management, and I believe that was  
17 around 2000, 2001.

18 Q. Okay.

19 A. And I believe that was probably as  
20 a result of Emergency Management Ontario's letter.

21 Q. We will get to the BEM course in  
22 due course.

23 A. Okay.

24 Q. But those were, essentially, the  
25 two training sessions that you had before the plan

1 was fully set up in Elliot Lake?

2 A. That's correct. And -- yes.

3 Q. And were there any prerequisites  
4 or qualifications required to be appointed to the  
5 CECM job?

6 A. I believe one was you had to be a  
7 municipal employee. You had to be available to  
8 take training offered by Emergency Management  
9 Ontario, and you were required to be responsible  
10 for the implementation and as well as the  
11 maintenance of an Emergency Management Program.

12 Q. So you were the person --

13 A. Yes.

14 Q. -- that was in charge, okay. And  
15 after they appointed you, were you required to take  
16 additional training?

17 A. It was a course called the  
18 Community Emergency Management Coordinator Course,  
19 which dealt more so on the requirements of the  
20 legislation and what the responsibilities of the  
21 CEMC was.

22 Q. Okay. Now, am I right that the  
23 Act itself requires a municipality to have an  
24 Emergency Response Plan?

25 A. That's correct.

1 Q. And if we look at what is Exhibit  
2 No. 8090, tab 1 of the brief, you can confirm for  
3 us, Ms. Rheaume, that what we are looking at is, in  
4 fact, the City of Elliot Lake Emergency Response  
5 Plan that was in place at the time of the collapse  
6 in June 2012?

7 A. That's correct.

8 Q. And am I right that the Act  
9 requires that the Emergency Management -- that the  
10 Act requires the plan. It also requires there be  
11 an Emergency Management Program Committee?

12 A. Yes, sir. Yes.

13 Q. As well as a Control Group, a  
14 Community Control Group?

15 A. Yes.

16 Q. And we have heard evidence about  
17 these previously, but can you tell us what the role  
18 of the Emergency Management Program Committee is,  
19 just generally speaking?

20 A. Generally speaking, the role of  
21 the committee would be to review plans, supporting  
22 documents, which were risk-based emergency plans,  
23 which would be introduced to the committee to be  
24 added to the Emergency Plan. It would be to vote  
25 as a whole as to the acceptance of these plans.

1                   Another duty would be to review any  
2 information coming in from Emergency Management  
3 Ontario. It would be introduced to the committee  
4 as to keep them up to date.

5                   And as well, the committee would review  
6 the Emergency Management Program as well each year.

7                   Q. And as I recall, all those issues  
8 are required in the statute, that they basically  
9 monitor the plan, and there has to be an annual  
10 review and updated if necessary?

11                  A. That's correct. That's correct.

12                  Q. All right. And you are on that  
13 committee?

14                  A. Yes, I am.

15                  Q. And we have, of course, heard  
16 about the Community Control Group, and can you tell  
17 us your -- and we can do a little more detail on  
18 it, because we have heard a great deal of evidence  
19 here, and you probably even still know more than we  
20 do, but tell us roughly what the Community Control  
21 Group does.

22                  A. The Community Control Group is  
23 members of the community representing different  
24 factions of the community, and the group comes  
25 together to report as a whole as to how the



1 emergency might be affecting their area. For  
2 example, you would have the Director of Operations  
3 there representing Public Works and, you know, the  
4 Plants Department. You would have police there as  
5 well as fire, EMS.

6 So the emergency at hand, it would be  
7 reviewed by all those at the table as to how it was  
8 affecting their areas. And it would support the  
9 emergency and to assist in the coordination.

10 Q. The Community Control Group, we  
11 understand so far that it is not actively involved  
12 in the search and rescue, the tactical response to  
13 that.

14 A. No. It is more of a strategic  
15 group.

16 Q. And if we look at the Exhibit No.  
17 8090, page 14, the make-up of the Community Control  
18 Group is set out there on the page 14. And is this  
19 list of individuals or positions, I guess I would  
20 call them, of CCG members, are these pretty well  
21 standard in all communities that have an Emergency  
22 Response Plan?

23 A. Yes, they would be. In developing  
24 the plan, we did use examples provided by the  
25 Province.

1 Q. And in terms of the roles, are the  
2 roles set out in the Emergency Plan?

3 A. Yes. In the Emergency Plan, each  
4 member has different duties and responsibilities  
5 which are assigned to them, which is used as a  
6 checklist for them.

7 Q. And when you say "used as a  
8 checklist", what does that mean?

9 A. Well, it is a reminder of things  
10 which they may need to do during an emergency.  
11 They might not perform all those duties, and,  
12 again, it depends on the emergency. It is a  
13 checklist as a reminder.

14 Q. And, again, do these checklists  
15 tend to be pretty much the same in each Ontario  
16 city that has an Emergency Response Plan?

17 A. I would believe so, and, again, it  
18 is just because reference in developing this plan  
19 was made to Emergency Management Ontario's example.

20 Q. Okay. Are the members of the  
21 Emergency Response Committee the same members as  
22 the Emergency Control Group?

23 A. On the committee, there is a  
24 couple of extra members who are community partners,  
25 and they sit on the committee. However, they do

1 not sit on the Community Control Group.

2 Q. And when you say "community  
3 partners", what does that mean?

4 A. We have a representative from the  
5 local hospital and -- I'm trying to think. The  
6 hospital is the only one I can think of now.

7 Q. Are you drawing a blank?

8 A. Yes, sorry.

9 Q. No worries. Now, what about  
10 the -- the regulations, in looking through, they  
11 require the municipality establish an Emergency  
12 Operations Centre.

13 A. That's correct.

14 Q. And one is established here in  
15 Elliot Lake, we know. Can you tell us officially  
16 which one is the primary location for the EOC?

17 A. The primary location for the EOC  
18 is in City Hall, and should the City Hall be  
19 unavailable, we have two alternate sites that are  
20 spoken to.

21 Q. And just on a little history, the  
22 City did have an Emergency Management Plan at some  
23 point prior to the new statute; correct?

24 A. That's correct.

25 Q. And what would that consist of,

1 Ms. Rheaume?

2 A. Okay. In doing my research, I  
3 found that it actually went back to 1964; that the  
4 City actually became involved in Emergency Plans.  
5 At that time, it was in support of the Federal  
6 Government, and throughout the years, in 1970, I  
7 believe it was updated, and again prior to Y2K in  
8 1999, the plan was again updated.

9 Q. Okay. And were you involved in  
10 those updates in 1999?

11 A. In 1999, in a very small clerical  
12 role. Someone was hired to actually do the major  
13 input of that.

14 Q. Okay. And in terms of developing  
15 the plan that we have identified as Exhibit No.  
16 8090, which is the current plan, did you use pretty  
17 much the template that other cities use for the  
18 development of a plan?

19 A. I used the template provided by  
20 Emergency Management Ontario, and it is based on a  
21 community called Trillium, and that was the  
22 template that I used. And it was a 2003/2004  
23 template.

24 Q. Okay. And what was the attraction  
25 of having it patterned on Trillium? Is there a

1 story there?

2 A. Trillium is an Ontario community,  
3 much like with all communities, and, again, using  
4 the template, Emergency Management is standard. A  
5 lot of the aspects would apply to all  
6 municipalities, large or small.

7 Q. Of course, yes. Now, did the  
8 Emergency Management of Ontario, did it help you in  
9 terms of support? Apart from direction, did it  
10 help you in terms of support financially or  
11 otherwise to develop your version of the plan?

12 A. Financially, no. But they do  
13 provide support by the way of a Field Officer,  
14 which would be an employee of Emergency Management  
15 Ontario to whom you could go to for advice.

16 Q. Okay. Now, let's just go to your  
17 specific job -- this aspect of your job for now,  
18 the CEMC job. What are your responsibilities?

19 A. My main responsibility, as is  
20 spoken to, is to coordinate the development, the  
21 implementation, and the maintenance of an Emergency  
22 Management Act -- or not the Emergency Management  
23 Act, I'm sorry -- the Emergency Management Program  
24 for Elliot Lake.

25 My job there is to ensure that we meet

1 legislation, and that is by doing quite a number of  
2 things. There is a checklist that we use, and one  
3 would be to identify a CEMC in the community,  
4 identify an Emergency Information Officer, ensure  
5 that annual training and exercise is completed for  
6 the CCG and staff. Those are a few of the  
7 examples.

8 Q. Those are the examples. Now,  
9 Mr. Hefkey, when he testified here, described your  
10 position as CEMC in the following way, and I quote:

11 "We wanted to have someone who was  
12 overall accountable to make sure  
13 that all the pieces of the  
14 municipality's Emergency Management  
15 Program are actually occurring."

16 [As read.]

17 Does that sound right?

18 A. Yes, it is.

19 Q. So you are the one that is the  
20 coordinator in every sense of the word? You are  
21 what makes it tick?

22 A. That's correct.

23 Q. And you mentioned previously the  
24 BEM course as a course that you took. Is that a  
25 course that is involved in the training as we know

1 it today under the new plan?

2 A. Yes. It would be recommended for  
3 anyone who has anything to do with the Emergency  
4 Management Plan to take this training.

5 Q. Okay. And it is basically, as it  
6 says, it is a basic course covering all the  
7 waterfront in terms of the responsibilities.

8 A. It explains what Emergency  
9 Management is in Ontario.

10 Q. Okay. And maybe I will just get  
11 you to go to that at Exhibit No. 9451. And that  
12 is, for those of us with the brief, tab 9, Exhibit  
13 No. 9451. And if you go to page 9 of the document  
14 on page 008 in Relativity, you will see it there  
15 under the heading of "Course Lessons", and what we  
16 are looking at under that heading is what is in the  
17 BEM course lessons and their estimated times, as it  
18 says there.

19 A. Okay.

20 Q. And it has an introduction. It  
21 talks about Emergency Management in Canada and  
22 basically sets out a variety of lessons for a total  
23 of 19.6 hours for beginners and, I guess, some  
24 people who go for a refresher course from time to  
25 time too; is that right?

1           A.     Well, a refresher course, we  
2 haven't had anybody yet go for a refresher course,  
3 but in Elliot Lake, this course was presented to  
4 most of our group, and we captured 20 people at the  
5 time. For people who come in and play a part of  
6 our plan, they are -- they go to Sudbury now, and  
7 they take the course there. So everybody who is  
8 involved, it is ensured that they do have this  
9 course.

10           Q.     And who pays for that?

11           A.     The City of Elliot Lake would pay  
12 for that.

13           Q.     Okay. Now, when you were  
14 appointed, and I guess for some time before, what  
15 was your day job, your full-time job?

16           A.     My full-time job is Administrative  
17 Assistant to the Fire Chief.

18           Q.     And how would you characterize the  
19 CEMC job? Is it a part-time job?

20           A.     It is a big job. And, yes, it is  
21 a part-time job, yes. The Fire Department work is  
22 my first job, and Emergency Management comes second  
23 in priority.

24           Q.     So if we go back to when the new  
25 statute came in force, you were -- as the CEMC, one



1 of your primary duties is to make sure that the  
2 City is in compliance with the requirement of that  
3 Act; correct?

4 A. That's correct.

5 Q. And you were involved in that to a  
6 great extent, were you not?

7 A. Yes, I was.

8 Q. And who else was involved at the  
9 City?

10 A. The Fire Chief as well. He would  
11 have been a go-to for myself in questions, and in  
12 the development of -- in meeting the mandate, all  
13 the information was taken to the committee, and the  
14 committee would pass resolution on each item.

15 Q. And if you go to what is Exhibit  
16 No. 9673, at page 11 -- just could you back it up a  
17 page more? I'm just not sure I have got -- I can't  
18 read the page number there. The next page over.

19 Yes. It starts at paragraph 35. Thank  
20 you. And there is this. I'm just reading from  
21 this:

22 "On April 07, 2005 the Ministry of  
23 Community Safety and Correctional  
24 Services, Emergency Management  
25 Ontario confirmed in a Letter of

1 Recognition to Elliot Lake Head of  
2 Council that it had received all  
3 required documentation for the  
4 establishment of an Emergency  
5 Management Program in Elliot Lake.  
6 Elliot Lake met the following  
7 requirements and conformed to the  
8 new legislation and continues to  
9 this day to maintain compliance."

10 And then the list goes on:

11 "Designated a Community Emergency  
12 Management Coordinator".

13 And that is you, of course, Ms.

14 Rheaume.

15 "Formed a Community Emergency  
16 Management Program Committee".

17 Could you flip the page for us, Ms.

18 Kuka:

19 "Passed By-law 2005-15 adopting  
20 its emergency management program.

21 Completed a Community Risk  
22 Profile known as Hazard  
23 Identification and Risk Assessment.

24 Passed by-law 2005-15 [...]"

25 And it goes on and on.

1                   When you read it, that is a lot of  
2 work, isn't it? That was a lot of work to do?

3                   A. Yes, it is, and it was.

4                   Q. And how many hours would you put  
5 in to do that to make the City compliant with the  
6 new legislation?

7                   A. It was a lot of hours. I would  
8 say in addition to the time that I spent during  
9 normal working hours, there was probably over 220  
10 overtime hours.

11                  Q. And who paid you the overtime?

12                  A. There was no pay.

13                  Q. So there was no financial support  
14 from the Province in respect of -- and the  
15 indulgence of the Chief, I guess, in letting you  
16 take this time as well?

17                  A. That's correct.

18                  Q. And similarly, is any of this work  
19 that you do as a CEMC, is that paid for?

20                  A. No, it isn't.

21                  Q. Do you think -- do you think more  
22 help?

23                  A. Assistance would help. I mean,  
24 limited resources. We did have part-time help at  
25 one time. However, with budgetary constraints in

1 2010, the part-time help was cut.

2 Q. And would you say you are  
3 understaffed now in order to do this work in a  
4 timely way, the way you would like to?

5 A. Personally, yes. I would feel --  
6 I do feel that this part of the program is  
7 understaffed.

8 Q. So the Province doesn't -- apart  
9 from giving you the documents or the templates or  
10 whatever, they don't actually provide you with any  
11 financial resources?

12 A. Not financial resources, no.

13 Q. Can I speak to you about the  
14 training and exercises?

15 A. Certainly.

16 Q. The Act requires the members of  
17 the Community Control Group to receive training; is  
18 that correct?

19 A. That's right, each year.

20 Q. Yes. And you have to do it  
21 annually and report on the annual training; is that  
22 correct?

23 A. That's right.

24 Q. And is there a basic training  
25 course? I think we have talked about this already

1 with the BEM. Can you just describe for us what  
2 kind of courses they take, and are they required,  
3 and how many are they required to take in order to  
4 be compliant annually?

5 A. Okay. Exercise and training are  
6 two separate functions. So each year, myself and  
7 perhaps with the assistance of the Fire Chief, we  
8 would try to come up with a training for the group.  
9 Things that we have done in the past -- and I will  
10 just refer to my training records which everybody  
11 has received --

12 Q. Okay. I think for people in the  
13 brief, that is tab 29 and Exhibit No. 9749. Is  
14 that the right document?

15 A. That's correct.

16 Q. And what are we looking at here,  
17 Ms. Rheaume?

18 A. Okay. So from this document, you  
19 would be able to see that, for example, in 2004,  
20 when legislation was mandated or changed --

21 Q. So that is under the date column  
22 2004, yes?

23 A. Yes. So there, that year, the  
24 exercise was based on a HazMat scenario and a power  
25 outage, so we physically activated an EOC and had

1 members of all the CCG show up for this exercise.

2 The training was an introduction to  
3 Basic Emergency Management and the roles of the  
4 CCG, and that was presented by one of our fire  
5 fighters.

6 Another training was there for that  
7 year offered was BEM Train the Trainer, where we  
8 had two fire fighters and a community assistant  
9 take the course in BEM Train the Trainer.

10 So through the years, just to give some  
11 more examples --

12 Q. Just feel free to flip the page.

13 A. Okay.

14 Q. And just let us know when you are  
15 on the next page so that everybody is together.

16 A. Oh, okay. 2004, going down, we  
17 can go to 2006, and the exercise that year actually  
18 happened to be a power outage, and it was the  
19 physical activation of our alternate EOC. Training  
20 that was provided that year, it was on the pandemic  
21 and what happens. It was a pandemic workshop.

22 And also we sent our animal control  
23 officer to a training course, pandemic preparedness  
24 for animal services.

25 So each year, a specific exercise or

1 training would be offered.

2 Q. Yeah. And these exercises and  
3 training, you develop them locally, do you,  
4 typically, apart from the BEM one obviously, but --

5 A. Yes, we do. And, again, they are  
6 with some of our community partners. We did a  
7 training or an exercise a few years ago with the  
8 Ministry of Natural Resources. It was a tabletop  
9 where the Ministry of Natural Resources had  
10 representatives at the table, and, as well, our CCG  
11 members and support staff sat around the table. A  
12 scenario was presented to the group to  
13 problem-solve, and as the exercise proceeded, they  
14 were provided with inputs as to -- what I mean by  
15 that is issues that were arising during the  
16 emergency, and as a group, they would troubleshoot  
17 that.

18 Q. Okay. So this would change the  
19 dynamic, and they had to adjust and --

20 A. That's correct. That's correct.

21 Q. Yes. Well, it certainly looks  
22 like since 2003, there has been quite an increase  
23 in the annual training that has been going; is that  
24 right?

25 A. We do offer the training. For

1 example, in 2007 there was nine different training  
2 types of sessions offered, and that captured 44  
3 people that year.

4 Q. Okay. Now, just before I leave  
5 that, let me just ask you a couple of short  
6 questions. Is there an annual minimum amount of  
7 training that has to be done by the CCG?

8 A. For CCG and support staff,  
9 training minimum? The Province speaks to four  
10 hours of training.

11 Q. And so each one of these would be  
12 -- that is the requirement by the Province, four  
13 hours annually?

14 A. They speak to four hours, yes.

15 Q. And are you able to comply with  
16 that most years for all of the --

17 A. Most years, I guess in combination  
18 of the trainings that are offered, we would provide  
19 the four hours or anywhere between, maybe, three,  
20 four; two, three. Two to three hours on maybe one  
21 training or in another training. When they take  
22 the BEM course, that is two days of training. So  
23 the exact equivalent of four hours, I'm not sure.

24 Q. And does that training include  
25 specific training for members of the CCG as within



1 their responsibility, specific responsibilities?  
2 So, for example, the Information Officer or some of  
3 the others, whatever, is there training directed  
4 specifically at their function as part of the CCG?

5 A. There is training offered by  
6 independent businesses, and we are made aware of  
7 that, and it is made aware to the committee and the  
8 EIO, or the Emergency Information Officer, and it  
9 is to schedule those times.

10 Q. Okay. You said that training and  
11 exercise, there is a difference. What did you  
12 mean?

13 A. Training is knowledge that you are  
14 learning about different emergencies or different  
15 -- it is perhaps learning how a community partner  
16 responds to an emergency, so that if the City  
17 becomes involved, they have forehand knowledge of  
18 that. That would be an example of training.

19 An exercise is actually dealing with an  
20 emergency, and so all people at the table would be  
21 performing those roles that they would take in the  
22 event of an emergency.

23 Q. And just on that very subject, if  
24 you go to the end -- flip, Ms. Kuka, to the end of  
25 the training -- you'll see that the actual 2012

1 collapse exercise was treated as training for the  
2 people that were active in it. They were counting  
3 that. That was countable as training; correct?

4 A. It was for an exercise.

5 Q. Sorry, it is one back. I beg your  
6 pardon.

7 A. Page 9?

8 Q. Yes.

9 A. Yes. The Province accepts an  
10 actually declared emergency as an exercise --

11 Q. And so --

12 A. -- for the year.

13 Q. And so it has been included in  
14 here, starting in 2012, for a number of people?

15 A. Yes.

16 Q. Thank you. And who administers  
17 the training exercise? Who directs it? Who  
18 coordinates it?

19 A. Well, whoever I can find. For  
20 example, one year for training, I had -- our EMS  
21 partner who sits on the committee, he provided a  
22 training session on Critical Incident Stress  
23 Management.

24 Another year, I had Public Health  
25 present a training session on pandemic and

1 awareness of pandemics.

2 I'm not a trainer. I'm not an  
3 instructor. I never want to be.

4 Q. So you get others to set it up and  
5 operate it?

6 A. Yes. And as the Fire Chief and I,  
7 we are exploring on having someone trained to do  
8 exactly that for us in the future.

9 Q. Okay. Now, have you done any  
10 specific training on IMS as a system? You know  
11 what I am speaking of?

12 A. Yes, I certainly do. IMS was  
13 introduced to the group. I believe it was about  
14 2009. A report was presented to the committee  
15 advising them that there was an IMS online course  
16 through Emergency Management Ontario. As a result  
17 of that memorandum, the committee asked if I could  
18 source out someone to come in and actually teach  
19 the group rather than have 12, 13 people taking it  
20 online.

21 EMO's Field Officer, they were  
22 agreeable to that, and I believe it was in 2010  
23 that the Field Officer came to Elliot Lake and  
24 presented the IMS basic introduction to the group.  
25 We captured, I believe, at that time, 21 people;

1 and on that, I know Emergency Management, in one of  
2 their records, they indicated that Elliot Lake only  
3 had seven staff trained. The number is more like  
4 21 people trained.

5 Q. And so that included the people  
6 that needed to be trained on the IMS?

7 A. On IMS, it would be, again,  
8 Community Control Group as well as support staff,  
9 and also we invited some of our community partners  
10 to the training.

11 Q. Very good. And has there been any  
12 further training since then, 2010?

13 A. On IMS, since 2010? No.

14 Q. Thank you. In terms of the job  
15 that you do, Ms. Rheaume, as the Coordinator,  
16 Emergency Coordinator -- and you have mentioned the  
17 fact that an assistant would be helpful.

18 A. Uhm-hmm.

19 Q. Are there any other resources that  
20 you think are required to make this work better for  
21 you, for the City?

22 A. Well, as I spoke to earlier, I'm  
23 not a trainer. I'm not an instructor. And one  
24 thing that would definitely make it better is to  
25 have somebody trained to do that specifically for

1 us, and as I spoke to, the Fire Chief and I have  
2 discussed that. And we are having a retired fire  
3 fighter who has moved to Elliot Lake -- and he has  
4 already taken the BEM course, and our intent is to  
5 have him provide training and exercises. He was an  
6 instructor when he was a fire fighter. Now he is  
7 retired.

8 Q. And will that be a paid position,  
9 or will the Province support it?

10 A. We will have to pay for his time  
11 to provide the training.

12 Q. Now, I think we mentioned earlier  
13 there is an annual report that goes to the Province  
14 as to all the things that you have been doing.

15 A. That's correct.

16 Q. And can I pull up Exhibit No.  
17 9454, Exhibit No. 9454. And this is to the EMO,  
18 the Emergency Management Ontario. And can you just  
19 tell us what we are looking at here, Ms. Rheaume?

20 A. Okay. Basically, this would be a  
21 maintenance checklist. This is a checklist for  
22 both the Field Officer -- that would be the person  
23 for the area that I report to -- and also, it is a  
24 checklist that I also use. I also use a program  
25 worksheet, and these are the different things that

1 we need to do. We confirm the CEMC designation as  
2 well as alternate and ensure that they have the  
3 training required.

4 We report to Emergency Management  
5 Ontario, the committee and the members of the  
6 committee, that the by-law is in place, annual  
7 review has taken place of the Community Risk  
8 Profile, response plan, the by-law is current.  
9 They like us to confirm that the Emergency  
10 Operations Centres are still where we had told  
11 them.

12 And also we report to the staff annual  
13 training and as to the exercise. These are letters  
14 that I provide to them. I list the exercise, the  
15 subject matter, and I list the attendees, and that  
16 is taken from rosters that we have at both those  
17 events.

18 Q. And this goes annually to the  
19 Province?

20 A. That goes annually to the  
21 Province.

22 Q. And if they have a beef, they will  
23 come back to you?

24 A. That's right.

25 Q. And do they?

1 A. Not so far.

2 Q. All right. I want to switch new  
3 to communications, if I can.

4 A. Okay.

5 Q. Under the plan, the Mayor is  
6 designated as the spokesperson for the City?

7 A. That's correct.

8 Q. And if we can go to Exhibit No.  
9 8090, again, the plan, and take you to page 30.  
10 And that, if you look at that, the responsibility  
11 for -- this is the information for the Community  
12 Emergency Information Staff. It says:

13 "The Mayor or alternate will act  
14 as the Official Media Spokesperson  
15 in the event of an emergency [...]"

16 And does the plan allow for press  
17 conferences too?

18 A. Yes, it definitely does.

19 Q. And where are they held typically?

20 A. Okay. They would either be held  
21 in the Council Chambers, which is at City Hall.  
22 However, they would also -- it is a plan that they  
23 could also be held at the Civic Centre.

24 Q. And is there any training in the  
25 management of the media by, for example, the

1 information member?

2 A. The Emergency Information Officer  
3 and people who are spoken to under the specific  
4 plan, they would be provided with BEM, Basic  
5 Emergency Management, and, again, like I mentioned  
6 earlier, there was an independent company that does  
7 provide media training. They are from Southern  
8 Ontario, and --

9 Q. And the current EIO, if I can use  
10 that, is Kate --

11 A. Matuszewski.

12 Q. And did she take that training?

13 A. No, she has not had the media  
14 training. Kate came on, I believe, it was October  
15 2011, and as yet, she has not had the opportunity.

16 Q. And is it intended that she will  
17 have that opportunity?

18 A. Definitely. Definitely.

19 Q. She, I understand, is the tourism  
20 person on the CCG.

21 A. Yes. She is the Arts and Culture  
22 Coordinator. We -- the position title has changed,  
23 but not the duties.

24 Q. Okay. And in her real life, what  
25 does she do?



1           A.     Kate, she is the Arts and Culture  
2 Coordinator, so in her actual job, she does have  
3 dealings with the media. So when placing people  
4 into the different roles of the Emergency Plan, we  
5 try to place them in areas that they would be  
6 somewhat comfortable, and because Kate does deal  
7 with the media, we -- it is felt that she would be  
8 good for this role.

9           Q.     Okay. And as you say, as you  
10 point out, she has some experience too, which  
11 helps.

12          A.     Would be.

13          Q.     Can I take you to Exhibit No.  
14 8087, tab 2, which is -- sorry, Exhibit No. 8087,  
15 page 21. And I just want to read this and then ask  
16 you a question, if I can. On page 21 under the  
17 "Objective", the Emergency Information Plan, there  
18 is a separate plan for emergency information.

19          A.     It is a supporting plan. That's  
20 correct.

21          Q.     And it says that the emergency  
22 information tools are news releases and news  
23 conferences.

24                     And then if you go over to the next  
25 page, it says "objective", and it says:

1                    "It is the goal of the Emergency  
2                    Information Plan to ensure the  
3                    release of accurate information to  
4                    the news media and issue  
5                    authoritative instructions to the  
6                    public as well as respond to and  
7                    redirect individual requests for  
8                    reports on information concerning  
9                    any aspect of the emergency. The  
10                    Emergency Information Plan allows  
11                    control of the public affairs  
12                    agenda.

13                    Direct communication from the  
14                    Mayor provides the sought-after  
15                    reassurance to the people from  
16                    someone trusted and respected.  
17                    Keeping the public well informed  
18                    prevents panic, dispels rumours, and  
19                    precludes the need for people to  
20                    wander around to see what has  
21                    happened."

22                    So just from your own take on things,  
23                    Ms. Rheume, do you think the CCG met the objective  
24                    required there to communicate this information to  
25                    the public satisfactorily, that the Mayor provides

1 the reassurance for the public and population?

2 A. In my opinion, the CCG has. They  
3 issue press releases. They did have press  
4 conferences, and I felt that they were following  
5 the plan.

6 THE COMMISSIONER: Are we talking about  
7 the 23rd of June?

8 MR. CARR-HARRIS: I'm sorry?

9 THE COMMISSIONER: I don't think you  
10 have specified that, but I presume that is what you  
11 are talking about?

12 THE WITNESS: That is what I was  
13 talking about.

14 THE COMMISSIONER: All right.

15 BY MR. CARR-HARRIS:

16 Q. On the 23rd of June?

17 A. Yes.

18 Q. What were you --

19 A. Oh, I'm sorry. I thought you  
20 meant did I feel that the CCG met the objectives  
21 during the emergency.

22 Q. I beg your pardon. That is my own  
23 fault. What I was looking for was an overall  
24 report card on how you think the City did in  
25 meeting the objectives that are set out in the

1 Emergency Information Plan, in other words,  
2 conveying all the appropriate information necessary  
3 to the people that needed it, including the public  
4 and the Mayor playing his role as the trusted  
5 spokesperson.

6 A. Okay. I would definitely hope  
7 that in an emergency that they do. I believe that  
8 they are trained in this. We have responded to  
9 different emergencies in the community, and we do  
10 have some experience in issuing press releases on  
11 the events that are happening, and I believe, yes,  
12 that the CCG would meet the objectives.

13 Q. And so let me ask you, then, for a  
14 report card on how you think they did in this  
15 recent emergency, because you were on the CCG all  
16 throughout; correct?

17 A. I attended the CCG on Sunday, the  
18 24th, at approximately 5:30 p.m.

19 Q. And were you there for all the  
20 meetings?

21 A. The meetings after that point,  
22 yes.

23 Q. Yes. And so at the end of it all,  
24 when it is over and you look back and see how the  
25 communications was handled in light of the

1 objectives we have been talking about, what kind of  
2 a grade would you give the City and the Mayor for  
3 how it went?

4 A. I thought they did an exceptional  
5 job, from my perspective. We had Kate Matuszewski  
6 and Christine Ouimet from OPP. They were  
7 coordinating -- I'm sorry -- press releases. They  
8 were setting up appointments for the Mayor to do  
9 telephone interviews. Press conferences were being  
10 set up. I thought they were doing an exceptional  
11 job.

12 Q. Thank you. When did you first  
13 learn about the collapse at the mall, Ms. Rheaume?

14 A. I first learned about it probably  
15 about 4:30 on Sunday evening. My husband and I  
16 were out of town, and we have no outside  
17 communication, no cell service in the area. So  
18 when I returned to town at 4:30, it was actually a  
19 family member who had seen us arrive in town and  
20 immediately called us and -- to tell us what had  
21 happened.

22 Q. That must have been pretty  
23 startling, I guess, was it?

24 A. Shell-shocked is more -- a better  
25 description.

1 THE COMMISSIONER: We saw a document --  
2 I forget the exact exhibit it was, ma'am -- but  
3 that provided for alternates for people on the --

4 THE WITNESS: That's correct.

5 THE COMMISSIONER: And who was your  
6 alternate?

7 THE WITNESS: Bruce Ewald was my  
8 alternate as a CEMC.

9 THE COMMISSIONER: Thank you.

10 BY MR. CARR-HARRIS:

11 Q. Yes. And did he fill in for you  
12 in that time until you got there?

13 A. I believe he did. I believe he  
14 was wearing two hats.

15 Q. Could I bring up Exhibit No. 6621,  
16 please.

17 THE COMMISSIONER: Well, perhaps before  
18 we change subjects, Mr. Carr-Harris, we ought to  
19 break for lunch. It is about that time. And we  
20 can deal with that subject at 2 o'clock this  
21 afternoon, Mr. Registrar.

22 -- RECESSED AT 12:43 P.M.

23 -- RESUMED AT 2:00 P.M.

24 THE COMMISSIONER: Good afternoon.

25 MR. CARR-HARRIS: Good afternoon,

1 Commissioner.

2 THE COMMISSIONER: Go ahead,  
3 Mr. Carr-Harris.

4 BY MR. CARR-HARRIS:

5 Q. Thank you. Ms. Rheaume, I just  
6 have a couple more questions for you.

7 A. Certainly.

8 Q. Did the CCG or the committee  
9 conduct any kind of debriefing after the event?

10 A. No, we haven't.

11 Q. And is there a reason for that?

12 A. A debriefing was scheduled.

13 However, it was brought to our attention that in  
14 lieu of the Inquiry happening, that perhaps the  
15 debriefing could take place later. So that was the  
16 reason the debriefing was cancelled.

17 Q. Can I get you to look at Exhibit  
18 No. 9892, which is an e-mail exchange between you  
19 and Inspector Jollymore?

20 A. Uhm-hmm.

21 Q. You have obviously seen this?

22 A. Just give me two seconds.

23 Q. That is Exhibit No. 9892. Yes.

24 Thank you.

25 Starting at the bottom, there is an

1 e-mail from Percy Jollymore, sent July 26th, 2012,  
2 at 9:31 to you.

3 A. Uhm-hmm.

4 Q. Copied to Mr. deBortoli, and it  
5 says:

6 "Trudy a couple of things before I  
7 respond to this".

8 What was he referring to, the request  
9 for the debriefing?

10 A. I had sent out a general e-mail to  
11 everybody who was involved with the emergency, and  
12 I had scheduled a debriefing.

13 Q. And that's what --

14 A. This is a result of his -- he  
15 e-mailed me as a result of that scheduled meeting I  
16 had sent out.

17 Q. Thank you. It then goes on:

18 "A[n] hour is far to [sic] short.

19 The Emergency is still in place.

20 Just to prepare for this would take  
21 hours of time. A full review of the  
22 Emergency Plan and everyone's role,  
23 what we did and how it worked.

24 This is something that needs a  
25 far amount of thought and review.



1                   In addition we are all facing an  
2                   inquiry, a Public Inquiry meaning  
3                   that the findings of this would have  
4                   to be available to them."

5                   So that is what you mean, that some  
6                   people were concerned that there was an Inquiry  
7                   coming, and that was the reason to delay the  
8                   debriefing?

9                   A.     It seemed plausible to delay it  
10                  because of the inquiry, and then the inquiry would  
11                  most likely help out with the debriefing in  
12                  providing us with answers as to what went well and  
13                  what could be improved upon.  And through direction  
14                  from the CAO, that is what we decided to do.

15                  Q.     And your e-mail requesting a  
16                  debriefing when you did --

17                  A.     Yes.

18                  Q.     -- was that in conformity with the  
19                  plan, the Emergency Response Plan?  Is one called  
20                  for, a debriefing, in the plan?

21                  A.     It is general practice that a  
22                  debriefing be taken afterwards.

23                  Q.     And typically, as soon after as  
24                  possible, while all memories are fresh.  Isn't --

25                  A.     That's correct.

1 Q. But in this case, a decision was  
2 made to be delayed?

3 A. That's right.

4 Q. And who made that decision?

5 A. Well, the CAO, in a response  
6 e-mail to myself, made the decision.

7 Q. Okay. And that would be Mr.  
8 deBortoli?

9 A. That's correct.

10 Q. Okay. There was a requirement, as  
11 you well know, in the plan that each individual  
12 member of the CCG is to keep a personal log of  
13 their activities.

14 A. That is basically a checklist that  
15 we have there for different things for them to do,  
16 and it is preferred that they do keep a log. Not  
17 all members do. We know Natalie Bray is the Duty  
18 Officer, and we know that she will be capturing the  
19 events that happen in the CCG, and again, not all  
20 of us take logs. You have to remember in the event  
21 of an emergency, we are calling in a lot of people  
22 to attend to it who doesn't normally attend to  
23 emergencies in their everyday life. They are put  
24 under an extreme amount of stress, and it is hard  
25 to function when you are under stress. Like

1 myself, in preparing for this, the last couple of  
2 days, I have been misplacing things.

3 So I think a lot of people were dealing  
4 with issues as they came up and didn't quite, I  
5 guess, even have time to start a log or to do a log  
6 and, again, because it is not part of something  
7 they normally do.

8 Q. That is a great defence. You  
9 should be a lawyer.

10 A. No. I can relate to it because I  
11 tried doing a log, and my notes are all over the  
12 place.

13 Q. So going forward --

14 A. Yes.

15 Q. -- do you agree that it is  
16 important to get into the habit of keeping these  
17 logs --

18 A. Yes.

19 Q. -- should it happen?

20 A. Yes. And I definitely think it  
21 would be good to do some training on that in the  
22 future.

23 Q. All right. Those are my  
24 questions, Commissioner. Thank you very much.

25 THE COMMISSIONER: Just imagine the

1 stress on us doing the Commission for nine months,  
2 what it is doing to us.

3 Thank you.

4 Cross-examination or examination -- are  
5 you appearing, I'm sorry, as -- not you, Ms.  
6 Parker. Any questions in direct?

7 EXAMINATION IN-CHIEF BY MR. CASSAN:

8 Q. Good afternoon, Trudy.

9 A. Good afternoon.

10 Q. The first thing I would like to  
11 take you to is your log, ironically.

12 A. Uhm-hmm.

13 Q. Exhibit No. 6621, please, Ms.  
14 Kuka, if we could just have the first page of that.  
15 I just want you to identify: Is this a copy of  
16 your log that you kept during the response?

17 A. It definitely is, yes.

18 Q. And, Ms. Kuka, can we turn to the  
19 eleventh page of this document. And next one,  
20 please. Trudy, it seems that at the bottom of that  
21 page, you have notes at 3 o'clock. Are these notes  
22 of the CCG?

23 A. Yes, it would be a meeting that we  
24 had at 3:00.

25 Q. And I presume that you were in

1 attendance with that?

2 A. Yes, I was.

3 Q. Do you have a memory of that  
4 meeting?

5 A. Yes.

6 Q. And I see that it indicates that  
7 the:

8 "Rescue efforts called off."

9 Did that stick in your mind?

10 A. Very much so.

11 Q. And if we could turn to the next  
12 page, I'm going to ask you to look at your notes  
13 and tell the Commissioner what you recall about the  
14 Ministry of Labour's involvement.

15 A. My recollection and perception of  
16 what had happened was that the Ministry of Labour  
17 had put a stop order on the operations as they had  
18 been proceeding.

19 Q. And was that at this meeting that  
20 that was discussed?

21 A. The information was provided at  
22 that meeting.

23 Q. And who provided that from the  
24 Ministry of Labour?

25 A. I don't recall who it was.

1 Q. Do you know who was there for the  
2 Ministry of Labour? I mean, at the meeting.

3 A. I wouldn't -- like to see them,  
4 would I recognize them, and would I know who they  
5 are? No.

6 Q. There was a gentleman on the stand  
7 just before you, and I wonder if you recognized  
8 him?

9 A. I recognized him, but I wouldn't  
10 have been able to tell you who he was, if I would  
11 have -- yeah.

12 Q. Fair enough. So you don't know  
13 who made this statement?

14 A. No. I'm sorry; I don't.

15 Q. Okay. During a response where the  
16 Fire Chief is the Incident Commander, does the Fire  
17 Chief or the Incident Commander have control over  
18 the CCG?

19 A. No. The Incident Commander or the  
20 Fire Chief would be providing input, and the CCG,  
21 as a whole, would be making decisions.

22 Q. Okay. And with respect to media  
23 releases, does the Fire Chief have a veto over  
24 those?

25 A. No.

1 Q. How did decisions get made in this  
2 case about the content of the media releases, do  
3 you know?

4 A. After I attended the CCG on  
5 Sunday, I understand that Kate Matuszewski and  
6 Christine Ouimet, they were working together, and I  
7 believe they were preparing the press releases, and  
8 they would be authorized by either the CAO or the  
9 Mayor.

10 Q. Okay. And what about discussions  
11 with respect to what was going to go into the press  
12 releases? Do you know about that?

13 A. Okay. There would have been  
14 discussions.

15 Q. Who would have participated in  
16 those?

17 A. I would have said the CAO and the  
18 Mayor and probably the Fire Chief. I guess the  
19 emergency response -- the emergency teams would  
20 have input into what was --

21 Q. Are you surmising, or were you  
22 able to see it?

23 A. I'm surmising. I'm surmising.  
24 Like, our plan speaks to the fact that they should  
25 be approved by the CAO.

1 Q. Okay. I just wondered if you  
2 actually saw how it worked in this scenario.

3 A. Not really.

4 Q. Okay. I would like you to tell us  
5 about what the Ottawa Training Centre was and what  
6 happened to it.

7 A. Okay. The Ottawa Training Centre  
8 was a program provided by the Federal Government,  
9 and it was provided to all provinces, and there was  
10 no charge for the training, and it centred on  
11 operations, the operations in an Emergency  
12 Operation Centre and the different positions that  
13 would make up a Community Control Group and what  
14 their responsibilities were. I believe it was a  
15 two- to three-day course. It was quite intense  
16 from the time that I attended it. They provided  
17 accommodation -- the Federal Government provided  
18 accommodation as well as meals, so the only cost  
19 was the person's time. It was excellent training.  
20 They brought in -- we spoke to media before and  
21 training in media. It was probably one of the only  
22 venues I have ever seen where they actually did  
23 specifically speak to media.

24 Q. When you say "speak to media", do  
25 you mean they are speaking to reporters, or they



1 are teaching you about reporters?

2 A. They are teaching -- part of the  
3 -- they would do an exercise, and they would  
4 actually go through the motions and come up to the  
5 various persons with a mic in their face and ask  
6 them questions about the emergency. So the  
7 person --

8 THE COMMISSIONER: Tell you never to  
9 say "no comment".

10 THE WITNESS: And the person would have  
11 to respond. So it was actually very hands-on  
12 training.

13 BY MR. CASSAN:

14 Q. Is that still available?

15 A. No, it is not. Unfortunately,  
16 that was cancelled last year along with -- they had  
17 a funding program as well at the time, and it is  
18 called JEPP, and that is Joint Emergency  
19 Preparedness Program funding, and I believe it was  
20 a 60/40 split between the municipality. EMO  
21 brokered the deals, so you would have to meet  
22 certain criteria and went through Emergency  
23 Management Ontario and then to the Federal  
24 Government.

25 They provided financial assistance for

1 mock exercises, which were actually hands-on  
2 exercises, and generators, if a generator was  
3 needed for an EOC, it could provide funding. Their  
4 funding was a little antiquated, a little old with  
5 regards to some of the costs that they would  
6 provide. Like, for a generator, they would provide  
7 up to \$10,000, where we had a study done a few  
8 years ago, and to power up City Hall, it would have  
9 cost us close to 240.

10 So that was an example of some of the  
11 funding.

12 Q. Okay. Would it be helpful if that  
13 sort of training and that kind of an operation was  
14 available for you in the future?

15 A. I think it would be great.

16 Q. Thank you, Trudy.

17 A. Thank you.

18 THE COMMISSIONER: Cross-examination?

19 Ms. Filgiano.

20 CROSS-EXAMINATION BY MS. FILGIANO:

21 Q. Good afternoon, Ms. Rheaume.

22 A. Good afternoon.

23 Q. My name is Carolyn Filgiano, and I  
24 am a lawyer with ELMAC, which is a citizen group  
25 with standing at this Inquiry.

1 A. Okay.

2 Q. I just wanted to start by pulling  
3 up Exhibit No. 8090 and the document ID number  
4 ending 0016. And about halfway down the page, what  
5 -- if we could go back a page actually. What this  
6 section of the Emergency Response Plan details is  
7 the Community Control Group responsibilities. So  
8 then if we could just go forward a page, Ms. Kuka.

9 A. Okay.

10 Q. About halfway down the page,  
11 you'll see it reads:

12 "Arranging food and shelter on a  
13 temporary basis for residents in  
14 need of assistance as well as for  
15 emergency response personnel."

16 Do you see that?

17 A. Yes.

18 Q. And to the best of your knowledge,  
19 did the CCG engage in providing food and shelter  
20 for the people at Collins Hall?

21 A. Yes. To my knowledge, it was  
22 provided.

23 Q. Do you know what type of  
24 assistance was provided or resources?

25 A. My understanding was our alternate

1 for liaison for emergency social services -- that  
2 is dealing with the needs of the people -- she was  
3 in attendance there as well as a group called  
4 VCARS. And in addition, I understood that Red  
5 Cross members were also there to provide emotional  
6 support.

7 Q. Ms. Kuka, if we could go to page  
8 26, 026 of the same exhibit. And that would be the  
9 director of community services or --

10 A. That's correct. The title has  
11 changed. However, the duties have remained the  
12 same. She is -- yes.

13 Q. And that would fall under her  
14 mandate?

15 A. That's correct.

16 Q. And do you know if they supplied  
17 food and beverages --

18 A. I understand that food and  
19 beverages were supplied.

20 Q. We heard evidence yesterday from  
21 Ms. Robin Kerr of Victim Services Algoma --

22 A. Okay.

23 Q. -- that on the night of June 23rd  
24 there was nothing in Collins Hall -- no food, no  
25 beverages, no sleeping bags. Do you know why that

1 would have been the case?

2 A. I don't know. I wasn't privy to  
3 what happened on the evening of June 23rd, and I  
4 have never questioned it, so I'm sorry.

5 Q. And it hasn't come up in any  
6 debrief since?

7 A. No, it hasn't.

8 Q. Okay. I also wanted to ask you if  
9 the Community Control Group would designate a  
10 person to be in touch and liaise with the victims'  
11 families.

12 A. I'm sorry. Could you repeat that?

13 Q. Was there any person in the  
14 Community Control Group or designated by the  
15 Community Control Group to liaise with the victims'  
16 families, so to provide updates from the Community  
17 Control Group?

18 A. Okay. I believe that was Mayor  
19 Hamilton as well as Inspector Jollymore.

20 Q. And was your understanding that  
21 they would have been attending to the families  
22 periodically?

23 A. Yes, it was.

24 Q. Okay. Thank you. I have no  
25 further questions.

1 THE COMMISSIONER: Any other questions?  
2 Re-examination?

3 MR. CARR-HARRIS: No re-examination.  
4 Thank you, Commissioner.

5 THE COMMISSIONER: Ms. Rheaume, thank  
6 you very, very much for being here.

7 THE WITNESS: Thank you.

8 THE COMMISSIONER: You are our last  
9 witness this week, and we will rise -- I take it  
10 you have no other business for me, Mr. Carr-Harris?

11 MR. CARR-HARRIS: No. We have no  
12 further witnesses.

13 THE COMMISSIONER: We will rise now  
14 until Tuesday, October 1st, and just -- I think  
15 counsel will be communicating with participants'  
16 counsel in relation to Witness No. 118, Mr. John  
17 Green, and you can expect to be receiving some  
18 information in that respect, I gather, either today  
19 or shortly thereafter.

20 MR. CARR-HARRIS: That is my  
21 understanding, Mr. Commissioner.

22 THE COMMISSIONER: Thank you. Have a  
23 good weekend, everybody. I know it is a little  
24 early to say that, but for those of you that are  
25 working tomorrow, well, have a good weekend

1 starting Saturday morning.

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3 -- Adjourned at 2:16 p.m.

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REPORTER'S CERTIFICATE

I, DEANA SANTEDICOLA, RPR, CRR,  
CSR, Certified Shorthand Reporter, certify:

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 26th day of September, 2013.

*Deana Santedicola*

NEESON & ASSOCIATES

COURT REPORTING AND CAPTIONING INC.

PER: DEANA SANTEDICOLA, RPR, CRR, CSR



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