Appendix A

Government of Canada Commission
Ontario Commission
Prince Edward Island Order-in-Council
Saskatchewan Order-in-Council

GOVERNMENT OF CANADA COMMISSION

COMMISSION

appointing

The Honourable

Horace Krever

to be a Commissioner under Part I of the Inquiries Act, on the safety of the blood system in Canada.

DATED ...... 27th October, 1993

RECORDED ... 27th October, 1993

Film 688 Document 54
Canada

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

ELIZABETH DEUX, par la Grâce de Dieu, REINE du Royaume-Uni, du Canada et de ses autres royaumes et territoires, CHEF du Commonwealth, Défenseur de la Foi.

DEPUTY ATTORNEY GENERAL

SOUS-PROCUREUR GÉNÉRAL
TO ALL TO WHOM these Presents shall come or whom the same may in any way concern,

GREETING:

WHEREAS, by Order in Council P.C. 1993-1879 of October 4, 1993, the Committee of the Privy Council has advised that a commission do issue under Part I of the Inquiries Act, chapter I-11 of the Revised Statutes of Canada, 1985, appointing the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to be a Commissioner to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980s;

NOW KNOW YOU that We, by and with the advice of Our Privy Council for Canada, do by these Presents appoint the Honourable Horace Krever to be Our Commissioner to conduct such an inquiry;

TO HAVE, HOLD, exercise and enjoy the said office, place and trust unto you, the Honourable Horace Krever, together with the rights, powers, privileges and emoluments unto the said office, place and trust of right and by law appertaining during Our Pleasure;

AND WE DO HEREBY advise that Our Commissioner review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980s, by examining, without limiting the generality of the inquiry,
(a) the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada,

(b) the roles, views and ideas of relevant interest groups, and

(c) the structures and experiences of other countries, especially those with comparable federal systems;

AND WE DO FURTHER advise that the Commissioner

(d) is authorized to adopt such procedures and methods as he may consider expedient for the proper conduct of the inquiry and to sit at such times and in such places in Canada as he may decide,

(e) is authorized to rent such space and facilities as may be required for the purposes of the inquiry, in accordance with Treasury Board policies,

(f) is authorized to engage the services of such experts and other persons as are referred to in section 11 of the Inquiries Act at such rates of remuneration and reimbursement as may be approved by the Treasury Board,

(g) is directed to advise the Governor in Council by November 30, 1993 as to whether, in the opinion of the Commissioner, it is necessary in order to achieve the objectives of the inquiry to provide assistance with respect to the intervenor costs of any of the parties that may appear before the inquiry, the extent of assistance where such assistance would, in the opinion of the Commissioner, be in the public interest, bearing in mind the fiscal restraints program of the Government, and how such funding should be administered,

a) l'organisation et l'efficacité des systèmes actuels et antérieurs d'approvisionnement en sang et en produits du sang au Canada,

b) les rôles, opinions et idées des groupes d'intérêts concernés,

c) les structures et expériences d'autres pays, particulièrement ceux qui ont des systèmes fédéraux comparables;

Nous recommandons en outre que

Notre commissaire :

d) soit autorisé à adopter les méthodes et procédures qui lui apparaissent les plus indiquées pour la conduite de l'enquête et à siéger aux moments et aux endroits qu'il juge opportuns;

e) soit autorisé à louer les locaux et les installations que nécessite l'enquête, conformément aux politiques du Conseil du Trésor;

f) soit autorisé à recourir, comme le prévoit l'article 11 de la Loi sur les enquêtes, aux services d'experts et d'autres personnes qui seront rémunérés et remboursés selon les taux approuvés par le Conseil du Trésor;

g) fasse savoir au gouverneur en conseil, d'ici le 30 novembre 1993, s'il juge nécessaire, pour atteindre les objectifs de l'enquête, de fournir une aide financière à des intervenants pour les dédommager des frais engagés pour témoigner à l'enquête et, si tel est le cas, l'informe de l'étendue de l'aide à accorder à cette fin, quand, à son avis, elle servirait l'intérêt public, compte tenu du programme de restrictions financières du gouvernement, ainsi que de la manière dont elle serait administrée;
(h) is directed to submit an interim report in both official languages to the Governor in Council no later than May 31, 1994 on the safety of the blood system, with appropriate recommendations on actions that might be taken to address any current shortcomings,

(i) is directed to submit a final report in both official languages to the Governor in Council no later than September 30, 1994 with recommendations on an efficient and effective blood system in Canada for the future, including

(i) its managerial, financial and legal principles as well as the medical and scientific aspects,

(ii) the appropriate roles and responsibilities of the provincial, territorial and federal governments, the Canadian Red Cross Society and other relevant organizations,

(iii) the contractual and other relationships that should exist amongst the governments and organizations involved in the system,

(iv) resource implications, including current allocations,

(v) powers that are appropriate to recommendations concerning responsibilities and authorities, and

(vi) actions required to implement these recommendations, and

h) présente au gouverneur en conseil, au plus tard le 31 mai 1994, un rapport provisoire dans les deux langues officielles sur la sécurité du système d'approvisionnement en sang, accompagné de recommandations pertinentes quant aux mesures pouvant être prises pour corriger toute lacune actuelle du système;

i) présente au gouverneur en conseil, au plus tard le 30 septembre 1994, un rapport final dans les deux langues officielles contenant des recommandations quant aux mesures à prendre pour assurer l'efficacité et l'efficience futures du système d'approvisionnement en sang au Canada et traitant notamment :

(i) des principes financiers, juridiques et de gestion qui le gouvernent, ainsi que de ses aspects médicaux et scientifiques,

(ii) des rôles et responsabilités qu'il convient d'attribuer aux gouvernements fédéral, provinciaux et territoriaux, à la Société canadienne de la Croix-Rouge et à d'autres organismes concernés,

(iii) des relations contractuelles et autres qui devraient exister entre les gouvernements et les organismes qui interviennent dans le système,

(iv) des implications en matière de ressources, y compris en ce qui touche les affectations actuelles,

(v) des pouvoirs correspondant aux recommandations faites concernant les responsabilités et les attributions,

(vi) des mesures à prendre pour donner suite à ces recommandations;
(,) is directed to file the papers and records of the inquiry with the Clerk of the Privy Council as soon as reasonably may be after the conclusion of the inquiry.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

Our Right Trusty and Well-beloved Ramon John Hnatyshyn, a Member of Our Privy Council for Canada, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, One of Our Counsel learned in the law, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-seventh day of October in the year of Our Lord one thousand nine hundred and ninety-three and in the forty-second year of Our Reign.

BY COMMAND, DEPUTY REGISTRAR

GENERAL OF CANADA

PAR ORDRE, SOUS-REGISTRARI

GÉNÉRAL DU CANADA
ONTARIO COMMISSION

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO THE HONOURABLE HORACE KREVER, of Our City of Toronto, in Our Province of Ontario, One of Our Justices of Appeal for Ontario,

GREETINGS:

WHEREAS in and by Chapter P.41 of the Revised Statutes of Ontario, 1990, entitled the Public Inquiries Act, it is enacted that whenever Our Lieutenant Governor in Council deems it expedient to cause inquiry to be made concerning any matter that he declares to be a matter of public concern and such inquiry is not regulated by any special law, he may, by Commission appoint one or more persons to conduct such inquiry;

AND WHEREAS Our Lieutenant Governor in Council of Our Province of Ontario deems it expedient to cause inquiry to be made into the matter of the mandate, organization,
management, financing and regulation of the blood system in Ontario including the events surrounding the contamination of the blood system in Ontario in the early 1980s, more particularly set forth in Order in Council numbered 3265/93 and dated the 15th day of December, 1993;

AND WHEREAS by the said Order in Council such matter is declared to be of public concern and that Part III of the Public Inquiries Act applies to the inquiry;

NOW KNOW YE that WE, having and reposing full trust and confidence in you the said Horace Krever DO HEREBY APPOINT you effective the date hereof to be Our Commissioner to examine, inquire into and report upon the matter of the mandate, organization, management, financing and regulation of the blood system in Ontario including the events surrounding the contamination of the blood system in Ontario in the early 1980s, more particularly set out in the said Order in Council, and after due study and consideration to prepare an interim report to Our Lieutenant Governor on or before the first day of May, 1994, on the safety of the blood system with appropriate recommendations on actions that might be taken to address any shortcomings and to prepare a final report to Our Lieutenant Governor on or before the

financement et la réglementation du système ontarien d'approvisionnement en sang, y compris les circonstances entourant la contamination des réserves de sang dans la province au début des années 1980, les détails de l’enquête étant donnés dans le décret numéro 3265/93 en date du 15 décembre 1993;

ET ATTENDU QU’en vertu dudit décret, cette question est considérée d’intérêt public et que la partie III de la Loi sur les enquêtes publiques s’applique à cette enquête;

QU’IL SOIT PAR CONSÉquent ENTENDU QU’ayant pleinement confiance en vous, l’édit Horace Krever, NOUS VOUS NOMMONS PAR LES PRÉSENTES commissaire, à compter de la date indiquée dans les présentes, afin d’enquêter sur le mandat, l’organisation, la gestion, le financement et la réglementation du système ontarien d’approvisionnement en sang, y compris les circonstances entourant la contamination des réserves de sang dans la province au début des années 1980, les détails de cette enquête étant donnés dans le décret mentionné précédemment.

Après avoir étudié et considéré tous les aspects pertinents, vous devrez présenter à Notre lieutenant-gouverneur, le ou avant le premier jour de mai 1994, un rapport provisoire sur la sécurité du système d’approvisionnement en sang, ainsi
thirtieth day of September, 1994 with recommendations on the efficient and effective blood system in Ontario for the future as more particularly set out in the said Order in Council;

AND WE DO HEREBY CONFER on you, Our said Commissioner, the power to summon any person and to require any such person to give evidence on oath or affirmation and to produce such documents and things as you Our said Commissioner may specify as relevant to the subject-matter of the inquiry and not inadmissible in evidence in a court by reason of any privilege under the law of evidence;

AND WE DO HEREBY ORDER that all Our ministries, boards, agencies and commissions shall assist you, Our said Commissioner, to the fullest extent, and that in order to carry out your duties and functions, you shall have the authority to engage such counsel, expert technical advisors, investigators and other staff as you deem proper, at rates of remuneration approved by the Treasury Board;

que des recommandations sur les mesures qui devraient être prises pour remédier à tout manquement. Vous devrez en outre présenter un rapport final à Notre lieutenant-gouverneur au plus tard le trentième jour de septembre 1994, ainsi que des recommandations permettant d’assurer à l’avenir l’efficacité du système ontarien d’approvisionnement en sang, ledit décret contenant plus de détails à ce sujet;

ET NOUS VOUS CONFÉRONS, en votre qualité de commissaire, le pouvoir d’assigner toute personne à comparaître et d’exiger de cette personne qu’elle témoigne sous serment ou qu’elle fasse une affirmation solennelle et qu’elle produise tout document et toute chose qui, selon vous Notre commissaire, se rapporte à l’objet de l’enquête et n’est pas inadmissible comme preuve devant un tribunal en raison d’un privilège accordé en vertu du droit de la preuve;

ET NOUS ORDONNONS PAR LES PRÉSENTES que tous Nos ministères, conseils, organismes et commissions vous aident, en votre qualité de commissaire, au maximum de leurs capacités, et qu’afin de pouvoir assumer vos devoirs et fonctions, vous ayez l’autorité de retenir les services de tous les conseillers, conseillers-experts techniques, enquêteurs et autres membres de personnel que vous jugerez à propos, à des taux de
TO HAVE, HOLD AND ENJOY the said Office and authority of Commissioner for and during the pleasure of Our Lieutenant Governor in Council for Our Province of Ontario.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of Ontario to be hereunto affixed.

WITNESS:

THE HONOURABLE HENRY NEWTON ROWELL JACKMAN, LIEUTENANT GOVERNOR OF OUR PROVINCE OF ONTARIO

at Our City of Toronto in Our said Province, this twentieth day of January in the year of Our Lord one thousand nine hundred and ninety-four and in the forty-second year of Our Reign.

BY COMMAND

BRIAN CHARLTON
Chair of the Management Board of Cabinet
DATED January 20, A.D. 1994

Public Inquiries Act
Revised Statutes of Ontario, 1990
Chapter P.41

Recorded this twenty-fourth day of January, A.D. 1994

As Number 238

In Liber 6

[Signature]
Manager,
Official Documents
Certified to be a true copy of an Order of Her Honour the Lieutenant Governor in Council at its meeting of 9 December 1993.

Executive Council
Prince Edward Island

No. EC659/93

PUBLIC INQUIRIES ACT
APPOINTMENT OF THE HONOURABLE MR. JUSTICE HORACE KREVER COMMISSIONER OF THE INQUIRY ON THE CANADIAN BLOOD SYSTEM

Pursuant to section 1 of the Public Inquiries Act, R.S.P.E.I. 1988, Cap. P-31, and upon the recommendation of the Prime Minister of Canada in order to further the objectives of a Commission appointed by the Committee of the Privy Council of Canada under Part 1 of the Inquiries Act, R.S.C. 1985, c. I-11, Council appointed the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to conduct an inquiry to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including events surrounding the contamination of the blood supply in Canada in the early 1980s.

Further, Council noted that the appointment of this Commission is in the public interest in Prince Edward Island, as concerns have been expressed that some non-governmental agencies or third parties may attempt to limit the scope of the inquiry or impede the investigation by challenging the jurisdiction of a federally created inquiry to review and report on matters falling within provincial jurisdiction.

And further, Council advised that the inquiry will examine, without limiting the generality of the inquiry:

1. the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada;
2. the roles, views, and ideas of relevant interest groups; and
3. the structures and experiences of other countries, especially those with comparable federal systems.

R. Allan Rankin
Clerk of the Executive Council
To ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING

WHEREAS the Committee of the Privy Council, on the recommendation of the Prime Minister, advises that a Commission do issue under Part 1 of the Inquiries Act, R.S.C. 1985, c. I-11, and under the Great Seal of Canada appointing the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to be a Commissioner to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada,

AND WHEREAS concerns have been expressed that some non-governmental agencies or third parties may attempt to limit the scope of the inquiry or impede this investigation by challenging the jurisdiction of a federally created inquiry to review and report on matters falling within provincial jurisdiction,

AND WHEREAS the possible frustration of the objectives of the Inquiry is contrary to public interest in this Province,

THEREFORE by and with the advice of the Executive Council for Prince Edward Island and pursuant to section 1 of the Public Inquiries Act R.S.P.E.I. 1988, Cap. P-31 WE DO APPOINT the Honourable Mr. Justice Horace Krever to conduct an inquiry to review and report on the mandate, organization, management, operations, financing and regulation of all activities of the blood system in Canada, including events surrounding the contamination of the blood supply in Canada in the early 1980s, by examining, without limiting the generality of the inquiry:

1. the organization and effectiveness of past and current systems designed to supply blood and blood products in Canada;

2. the roles, views, and ideas of relevant interest groups; and

3. the structures and experiences of other countries, especially those with comparable federal systems.
IN TESTIMONY WHEREOF We have caused these Our Letters Patent effective 9 December 1993, and the Great Seal of Prince Edward Island, to be hereto affixed.

WITNESS the Honourable Marion L. Reid, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this 9th day of December in the year of Our Lord one thousand nine hundred and ninety-three and in the forty-second year of Our Reign.

By Command,

[Signature]

Clerk of the Executive Council
TO THE HONOURABLE

THE LIEUTENANT GOVERNOR IN COUNCIL:

The undersigned has the honour to report that:

1. Section 2 of The Public Inquiries Act provides as follows:

"2 The Lieutenant Governor in Council, when he deems it expedient to cause inquiry to be made into and concerning a matter within the jurisdiction of the legislature and connected with the good government of Saskatchewan or the conduct of the public business thereof, or that is in his opinion of sufficient public importance, may appoint one or more commissioners to make such inquiry and to report thereon."

2. A federal inquiry into the mandate, organization, management, operation, financing and regulation of all activities of the blood system in Canada, including the events surrounding the contamination of the blood system in Canada in the early 1980’s, was announced in September 1993 following the annual meeting of federal/provincial/territorial ministers of health in Edmonton.

3. The Governor in Council has appointed the Honourable Horace Krever, a Judge of the Ontario Court of Appeal, to act as a Commissioner to conduct the review and to report to the Governor in Council with recommendations on an efficient and effective blood system in Canada for the future.

4. It is of sufficient public importance to cause an inquiry to be made of the Canadian blood system and Saskatchewan’s roles and responsibilities therein to be concurrent with the federal inquiry.

The undersigned has the honour, therefore, to recommend that Your Honour’s Order do issue pursuant to section 2 of The Public Inquiries Act:
(a) appointing the Honourable Horace Krever as a commissioner of
a Commission of Inquiry into the mandate, organization,
management, operation, financing and regulation of the blood
system in Saskatchewan and Canada, including the events
surrounding the contamination of the blood system in the early
1980's, by examining, without limiting the generality of the
inquiry:

(i) the organization and effectiveness of past and current
systems designed to supply blood and blood products in
Canada;
(ii) the roles, views, and ideas of relevant interest
groups; and
(iii) the structures and experience of other countries,
especially those with comparable systems;
(b) directing the Commissioner to prepare an interim report to
the Governor in Council and to provide a copy thereof to the
Lieutenant Governor in Council no later than May 31, 1994 on the
safety of the blood system, with appropriate recommendations on
actions which might be taken to address any current shortcomings;
(c) directing the Commissioner to submit a final report to the
Governor in Council and to provide a copy thereof to the
Lieutenant Governor in Council no later than September 30, 1994
with recommendations on an efficient and effective blood system
for the future, including:

(i) its managerial, financial, and legal principles as
well as the medical and scientific aspects;
(ii) the appropriate roles and responsibilities of the provincial/territorial and federal governments, the Canadian Red Cross Society, and other relevant organizations;
(iii) the contractual and other relationships which should exist amongst the governments and organizations involved in the system;
(iv) resource implications, including current allocations;
(v) powers that are appropriate to recommendations concerning responsibilities and authorities; and
(vi) actions required to implement these recommendations.

RECOMMENDED BY: [Signature]
Minister of Health

RECOMMENDED BY: [Signature]
Minister of Justice and Attorney General

APPROVED BY: [Signature]
President of the Executive Council

ORDERED BY: [Signature]
Lieutenant Governor
REGINA, Saskatchewan

CERTIFIED TRUE COPY
[Signature]
Clerk of the Executive Council
Appendix B

Commissioner and His Staff

**Commissioner**
The Honourable Horace Krever

**Commission Counsel**
Marlys Edwardh
Melvyn Green
Céline Lacerte-Lamontagne
Roy Stephenson

**Associate Commission Counsel**
Delmar Doucette
Leslie Paine
Frédéric Palardy
Louis Sokolov

**Principal Scientific Adviser**
George E. Connell, OC, PhD

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Melinda D’Aoust
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Brenda Meads
Saozinha Medeiros
Patricia Rutt
Neil Zeidenberg

Secretaries
Yvonne Boytel
Rosie Garnet
Jean Phillippe
Lisa Raine
Helen Robinson
Jacqueline Tarne
Gwen Williams
Jean Zadan
Appendix C

Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply

1. It is proposed that in the ordinary course Commission counsel will call and question all witnesses who will be heard at the Inquiry. Counsel for a party* may apply to the Commissioner to adduce a particular witness’ evidence in chief. If counsel is granted the right to do so, examination shall be confined to the normal rules governing the examination of one’s own witness.

2. Parties are encouraged to provide to Commission counsel the names and addresses of all witnesses they feel ought to be heard.

3. Commission counsel have a discretion to decline to call witnesses whose evidence does not appear to them relevant or falls within an area which they intend to cover with other witnesses.

4. If, at the end of a stage of the hearing there are persons who a party believes must be heard and Commission counsel has not called them, the party may apply for leave to have them called as witnesses. If leave is granted, Commission counsel shall call them, subject to Rule 1.

5. The order of examination will be as follows:

   i) Commission counsel will adduce the evidence from the witness. Parties granted formal standing will then have an opportunity to cross-examine the witness;

   ii) Counsel for a witness, regardless of whether or not counsel is representing a party, will cross-examine last, unless he or she has adduced the evidence of that witness in chief, in which case there will be a right to re-examine the witness; and

* The use of the term “party” is intended to refer to those granted standing and is not intended to convey notions of an adversarial context.
iii) Commission counsel may ask questions covering new areas that have been raised through cross-examination conducted by the parties.

6. Witnesses will give their evidence under oath or affirmation.

The Form of the Evidence

7. Commission counsel are entitled to adduce evidence by way of both leading and non-leading questions as they, in their judgement, deem necessary, subject always, of course, to the discretion of the Commissioner.

8. Witnesses may request that the Commission hear their evidence pursuant to a subpoena in which event a subpoena shall be issued.

9. Witnesses who are not represented by counsel for parties with standing are entitled to have their counsel present.

10. Counsel for a witness is entitled to ask questions of the witness after Commission counsel has adduced his or her evidence and the other parties have cross-examined the witness.

11. Counsel for a witness will also have standing for the purposes of that witness' testimony to make any objections thought appropriate.

12. The Commission is entitled to receive evidence which might otherwise be inadmissible in a court of law. The strict rules of evidence will not apply to determine the admissibility of evidence. However, the Commissioner will be mindful of the dangers of evidence not admissible in a court of law and its possible effect on reputation.

13. One copy of the transcript of evidence will be available to be shared by counsel for the parties. The transcript will be kept in an office outside the hearing room. A disk version of the transcript may be ordered by anyone prepared to pay its cost.

14. The media will also have a copy of the transcript as well as a copy of all public exhibits made available to them in their press room.

15. All witnesses and counsel are free to address the Commission in either official language. Simultaneous translation is available.

16. Any witness unable to speak either of the official languages will be given the assistance of an interpreter.
17. Documents to be filed will be filed in the language in which the document was drawn.

18. The order of cross-examination will be determined by the parties having standing and, if they are unable to reach agreement, by the Commissioner.

Confidentiality

19. The Commissioner is committed to a process of public hearings. However, applications may be made to proceed in camera or to otherwise preserve the confidentiality of information.

20. If the proceedings are televised, applications may be made for an order that the evidence of a witness not be filmed.

21. Any witness who is infected with any blood borne disease, or who is related to someone infected with a blood borne disease, has the option of having his or her identity concealed from the public and testifying before the Commission in private. Only the Commissioner, staff members and Commission counsel, counsel for parties with standing and representatives of parties with standing, may be present during testimony being heard in private.

22. A witness whose identity is concealed will not be identified in the records and transcript of the hearing except by non-identifying initials.

23. The reporting of the evidence of a witness granted confidentiality shall avoid references that might reveal the identity of the witness. No photographic or other reproduction of the witness shall be made either during the witness’ testimony or upon his or her entering and leaving the site of the Inquiry.

24. The transcript of evidence of any witness who is granted confidentiality shall be edited to remove references that reveal the identity of the witness.

25. Any reports of the Commission using the evidence of witnesses who have been granted confidentiality will conceal the identities of such witnesses.

26. Any witness who is granted confidentiality will reveal his or her name to the Commission and counsel participating in the Inquiry in order that the Commission and counsel can prepare to question the witness. The Commission and counsel shall maintain confidentiality of the names revealed to them. No such information shall be used for any other purpose either during or after the completion of the Commission’s mandate.
27. Any witness who is granted confidentiality may either swear an oath or affirm to tell the truth using the non-identifying initials given for the purpose of that witness’ testimony.

28. A witness whose identity is concealed has the choice of either testifying in private or testifying in public. The witness’ testimony, though not his or her identity, may be reported. Rules 22, 23, 24 and 25 apply to such a witness.

29. All parties and their counsel shall be deemed to undertake to adhere to the rules respecting confidentiality. A breach of these rules by a party or counsel to a party shall be dealt with by the Commissioner.

**Time of Sittings**

30. During the phase of the public hearings scheduled to occur in Toronto, the Commissioner will sit four days out of five. When the Commission commences hearings across the country, the Commissioner will sit five days out of five.

31. As there will be different stages of the Inquiry, counsel should be aware that some witnesses may be called more than once.

**Documentary Evidence**

32. Originals of relevant documents are to be provided to Commission counsel upon request.

33. The Commission expects all relevant documents to be produced by any party with standing.

34. Documents received from a party, or any other organization or individual, shall be treated as confidential by the Commission unless and until they are made part of the public record as an exhibit. This is not intended to preclude Commission counsel from disclosing a document to a proposed witness prior to the witness giving his or her testimony or as part of the investigation being conducted.

35. Subject to Rule 36 and to the greatest extent possible, Commission counsel will endeavour to provide in advance to both the parties and a witness the documentation that will be referred to during the course of that witness’ testimony.
36. Counsel to the parties will be provided with copies of documents only upon giving an undertaking that these will be used solely for the purposes of the Inquiry. Counsel are entitled to disclose these confidential documents to their respective clients only upon the client entering into a written undertaking to the same effect. This undertaking will be of no force regarding any particular document once that document becomes part of the public record when it is filed as an exhibit.

37. A party who believes that Commission counsel has not included relevant documents in the document book must bring this to the attention of Commission counsel at the earliest possible opportunity. The object of this rule is to prevent witnesses from being surprised with a relevant document that they have not had an opportunity to examine prior to their testimony. If Commission counsel decides the document is not relevant, it shall not be included in the document book. This does not preclude the document from being used in cross examination by any of the parties. Before such a document may be used for the purposes of cross examination, a copy must be made available to all parties by counsel intending to use it not later than the first cross examination of that witness, subject to the discretion of the Commissioner.

The Right to Counsel

38. If a person is employed with someone who holds standing as a party to the Inquiry, Commission counsel will interview that person only after informing counsel for the party, unless the witness says he or she has independent counsel or instructs Commission counsel that he or she does not wish counsel for the party to be present or notified.

39. If a witness has held prior employment with one or more of the parties, Commission counsel will tell the witness that he or she is free to have the benefit of counsel for that party, but Commission counsel will proceed with the interview if the witness indicates that he or she does not wish counsel for the party by whom he or she was employed to be notified or be present during the interview.
Supplementary Rules of Procedure and Practice

1. Except where inconsistent with these Rules, the Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply also apply.

2. The Commissioner retains the discretion to permit a departure from the Rules to ensure fairness.

3. All recipients of Section 13 Notices who intend to respond to the issues raised in their Section 13 Notices shall do so at the time scheduled by the Commissioner for response.

4. Persons responding to a Section 13 Notice by way of adducing documentary evidence that has not already been filed as an exhibit, whether or not they intend to adduce viva voce evidence, shall provide copies of such documents to the Commission by October 1, 1996.

5. Any documents produced pursuant to Rule 4 will be copied and distributed to all parties and persons responding to Section 13 Notices by Commission staff before any viva voce evidence is heard.


7. At the commencement of the tendering of evidence, either viva voce and/or documentary, in response to a recipient’s Section 13 Notice, the recipient shall file the Notice as an exhibit.

8. Testimony offered must be relevant and responsive to the issues raised in the Section 13 Notice. The Commissioner urges counsel to avoid repetition, and as much as possible to ensure that witnesses have firsthand knowledge of matters they discuss.

9. Except as provided for in Rule 14 of the Supplementary Rules, counsel adducing testimonial evidence shall proceed according to the normal rules governing the examination of ones own witnesses.

10. Counsel for a person responding to a Section 13 Notice by way of adducing viva voce evidence shall file with the Commission 14 days in advance of their scheduled commencement date the following:

   1) curriculum vitae, where available, and willsay statements of proposed witnesses;
2) a list of all documents, by exhibit number and page, already filed as exhibits that each witness will make reference to;
3) a list of all documents produced and distributed pursuant to Rules 3 and 4 which the witness will be referred to.

11. Willsay statements, curriculum vitae and lists of exhibits to be referred to will be copied and distributed by the Commissioner’s staff to parties with standing and other recipients of Section 13 Notices who intend to respond to their Section 13 Notices.

12. i) All parties with standing and all recipients of Section 13 Notices or their counsel who have chosen to respond will have the right to cross-examine any witness called in response to a Section 13 Notice. Subject to Rule 12 ii) cross-examination shall be limited to the issues raised in the Section 13 Notice to which the witness is responding.

ii) Cross-examination relevant to issues raised in the Section 13 Notice that the witness has not addressed in chief or raised in other Section 13 Notices will be permitted only with leave of the Commissioner, and when sufficient notice has been given to the witness permitting the witness to prepare adequately.

iii) With respect to the application of Rule 37 of the Rules of Procedure and Practice for the Commission of Inquiry Into the Blood Supply, new documents to be used for the purposes of cross-examination must be made available not only to the parties but also to persons responding to Section 13 Notices and the witness.

13. Applications to compel the attendance of witnesses in order to respond to Section 13 Notices shall be made to the Commissioner on three days’ notice and shall include a statement in writing setting out:

1) the evidence it is expected the witness will give;
2) the need, if any, for a summons.

The issuance of a summons does not relieve the person who obtained the summons from the provisions of Rule 10.

14. Counsel may tender the evidence of a person in the form of a written statement, signed by that witness, dealing with issues that are non-controversial. The Commissioner will hear and determine any application to cross-examine the witness on matters dealt with in the statement or otherwise pursuant to rule 12(ii).
15. The order of cross-examination will be determined by agreement. However, if no agreement can be reached, the order shall be fixed by the Commissioner. Commission Counsel, if they choose to cross-examine, will do so last. Counsel calling the witness shall have a right of re-examination.
Appendix D

Parties Granted Standing and Their Counsel

Canadian Red Cross Society
Earl A. Cherniak
Maureen Currie
Robert Charbonneau
Constance Berrie
Chris Morrison
Beth Walden

Canadian Blood Agency
James H. Smellie
Martha Healey

Canadian Hemophilia Society*
Bonnie A. Tough
Katheryn Podrebarac
Jacques Sylvestre

Canadian AIDS Society*
R. Douglas Elliott
Michael Rodrigues
Patricia Lefebour

Hemophilia Ontario*
Graham Pinos
Toronto and Central Ontario Region
David Harvey

Gignac, Sutts Group*
Paul C. Nesseth

Connaught Laboratories Limited
Allen N. West
Monica McCauley

Jean-Daniel Couture* and
Guy-Henri Godin*
Michel Savonitto
Lyne Beauchamp
Anna Maria Mongillo

Canadian Hemophiliacs Infected
with HIV*
William A. Selnes
Janet Connors*  
Miles Canada Inc./Bayer Inc.  
Randal T. Hughes  
Ian Nordheimer*  
Deborah Campbell  
Tracy Patel  
Province of Saskatchewan  
Province of British Columbia  
Province of Alberta  
Province of New Brunswick  
Province of Nova Scotia  
Province of Manitoba  
Province of PEI  
Province of Newfoundland  
Yukon Territory  
Northwest Territories  
William C. Craik  
Gary Bainbridge  
Darlene Groh (for Alberta only)  
HIV-T Group (Blood Transfused)*  
Kenneth Arenson  
David Harvey  
Allan D.J. Dick  
Lori Stoltz  
Harriet Simand  
The Hepatitis C Group of  
Transfusion Recipients  
and Hemophiliacs*  
Pierre Lavigne  
Adele Berthiaume  
Province of Ontario  
Michele Smith  
Tom Wickett  
Caroline Engmann  
Province of Quebec**  
Serge Kronström  
Michel Jolin  
Nathalie Clark  
Government of Canada  
Donald Rennie  
Linda Wall  
Richard Morneau  
J. Sanderson Graham  
Hepatitis C Survivors Society  
Philip Tinkler  
Ian Blue
Committee of HIV Affected and Transmitted

Association of Hemophiliac Clinic Directors of Canada

Armour Pharmaceutical Company

Kenneth Arenson
Mary M. Thomson
Julia Schatz
Louis Lacoursière
W. Thomas McGrenere

* Participants granted intervener funding.
** The Province of Quebec did not seek standing but cooperated throughout and participated in the hearings in Quebec and in the national hearings.
HIS EXCELLENCY THE GOVERNOR GENERAL

IN COUNCIL, on the recommendation of the Prime Minister, is pleased hereby to authorize the Clerk of the Queen's Privy Council for Canada to make ex gratia payments, in accordance with the criteria and principles set out in Schedule "A" hereto, to assist in the payment of the costs incurred by intervenors to the Commission of Inquiry on the Blood System in Canada, established under Part I of the Inquiries Act by Order in Council P.C. 1993-1879 of October 4, 1993, upon consideration of the advice and recommendations for such payments made on November 30, 1993 by the Honourable Mr. Justice Horace Krever pursuant to paragraph 5 of that Order in Council.
ANNEX "A"

COMMISSION OF INQUIRY ON THE BLOOD SYSTEM IN CANADA

INTERVENOR FUNDING

Within the context of fiscal restraint, the Government has agreed to provide assistance with regard to the costs of certain intervenors appearing before the Commission in accordance with the following principles and criteria:

Principles

- Commission counsel has the primary responsibility for representing the public interest at the inquiry including the responsibility to ensure that all interests that bear on the public interest are brought to the Commissioner's attention.

- Intervenor participation is for the purpose of ensuring that particular interests and perspectives that are considered by the Commissioner to be essential to his mandate will be presented to him; these include interests and perspectives that could not be put forward by Commission counsel without harming the appearance of objectivity that will be maintained by Commission counsel and which the Commissioner believes are essential to the successful conduct of the inquiry.

- The aim of funding is to assist intervenors in presenting such interests and perspectives but is not for the purpose of indemnifying intervenors from all costs incurred.

Criteria

1. The Commission will certify, through the employment of an assessment officer to review accounts, that the fees and disbursements incurred by funded intervenors' counsel are necessary to the presentation of interests and perspectives essential to the successful conduct of the inquiry and that they are consistent with the principles and criteria established for the funding of intervenor participation in the Commission.
2. More particularly regarding fees:

(a) Counsel will only receive funding for attendance at local hearings to be held throughout the country if (i) counsel has clients in the province or territory of that particular local hearing; or (ii) counsel has prior authorization from the assessment officer to attend a particular local hearing because the intervenor has an interest or perspective that is essential to the successful conduct of that particular hearing and will not otherwise be represented;

(b) (i) For those intervenors for whom the Commissioner has recommended senior and junior counsel, no more than two counsel will receive funding for any one hearing; for those intervenors for whom the Commissioner has recommended two senior counsel to share time (these intervenors being an amalgamation of previously separate groups of individuals), no more than one counsel will receive funding for any one hearing except in the unusual circumstances that the amalgamated groups within the intervenor have disparate interests that cannot be represented by one counsel; for all other intervenors, no more than one counsel will receive funding for any one hearing. (ii) Whether more than one counsel should be funded for any particular day of hearing, will be in the discretion of the assessment officer.

(c) Maximums will be set for preparation and hearing time to be billed: (i) 50 hours of preliminary preparation per intervenor prior to February 14, 1994 except when a senior and junior counsel have been authorized in which case it will be 50 hours for the senior counsel and 25 hours for the junior counsel; (ii) thereafter 10 hours of preparation and hearing time for each day counsel attends the inquiry;

(d) Counsel fees will be eligible for funding in accordance with the Justice fee guidelines approved for participant counsel at Commissions of Inquiry.
(e) Counsel fees for intercity travel time will be eligible for funding at one-half the normal hourly rate.

3. Counsel will only receive funding for disbursements that would be reasonable to incur for a client of modest means.

4. When intercity travel is necessary, counsel will receive funding for travel costs (including transportation, accommodation and meals) at Treasury Board rates.
## Appendix F

Persons Appearing before the Inquiry

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of testimony</th>
</tr>
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<tbody>
<tr>
<td><strong>The Canadian Red Cross Society</strong></td>
<td></td>
</tr>
<tr>
<td>Alport, Edward Charles</td>
<td>25–27 May 1994</td>
</tr>
<tr>
<td>Anhorn, Craig A.</td>
<td>18–19 September 1995</td>
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<tr>
<td>Aye, Maung Tin</td>
<td>23–24 and 28–30 November 1995</td>
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<td>Barr, Robert Murray</td>
<td>24–25 October 1994</td>
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<td>Bowen, Thomas</td>
<td>28–29 April 1994</td>
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<td>Bradbury, Donald</td>
<td>19 August 1994</td>
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<td>Buskard, Noel Adams</td>
<td>6–8 July 1994</td>
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<tr>
<td>Crivellari, Lorenzo</td>
<td>23–24 November 1995</td>
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<td>Davey, Martin Geoffrey</td>
<td>8–11, 15–18, 23–26, and 29–31 May and 1, 5–8, and 12–13 June 1995</td>
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<td>Décary, Francine</td>
<td>21 September 1994</td>
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<td>Dunne, Helen</td>
<td>19 August 1994</td>
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<td>Gauthier, Linda</td>
<td>14 September 1994</td>
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<td>Good, Lin</td>
<td>27–28 September 1995</td>
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<td>Gorelick, Max</td>
<td>27–29 July 1994</td>
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<td>Guévin, Raymond</td>
<td>19–20 September 1994</td>
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<td>Hébert, Michel</td>
<td>13–14 September 1994</td>
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<td>Hemming, Harold Robert</td>
<td>27–28 September 1995</td>
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</tbody>
</table>
Houde, Claude 23–24 November 1995
Huntsman, Richard George 15–17 August 1994
Jones, Janet 27–28 September 1995
Kaegi, Andrew 11 July 1995
Laflamme, Léandre 14 September 1994
Lane, Ed 11–12 December 1995
Larke, Peter Bryce 20–21 April 1994
Lidster, Shanno 1 June 1994

MacKay, John Sinclair 14–15 July 1994
MacNutt, Cathy 23–24 November 1995
McSheffrey, John Brian 25–27 May 1994
Morin, Claude 21–22 September 1995
Paterson, Christopher Blakey 27–28 September 1995
Perrault, Roger A. 8–11, 15–18, 23–26, and 29–31 May and 1, 5–8, and 12–13 June 1995

Poon, Man-Chiu 11 July 1995
Rock, Gail Ann 10–12 April 1995
Ross, Helen Elizabeth 2–3 August 1994 and 27 June 1995
Rousseau, Joseph 13–14 September 1994
Roy, Mary Lynne 14–15 July 1994
Schroeder, Marlis 13–14 June 1994
Turc, Jean-Michel 26–27 April 1994
Turner, Andrew Robert 27 April 1994
Van Dusen, Julie 1 June 1994
Vick, Stephen 30 November and 11–12 December 1995
Weber, George 2–3 October 1995

The Canadian Blood Committee and its advisory subcommittee
Anderson, Fred S. 9 August 1995
Boily-Nichol, Elaine 16–17 August 1995
Dreezer, Stephen 8–11 August 1995
Gamble, Robert W. 31 August 1995
Glynn, Peter A.R. 8–11 August 1995
Hauser, Jo 31 August 1995
Hearn, Ambrose M. 8–11 August 1995
Inwood, Martin 4–5 July 1995
Klotz, Randall 16–17 August 1995
Koopmann, Peter 16–17 August 1995
Langley, George Ross 16–17 August 1995
Leclerc-Chevalier, Denise 21–22 August 1995
Poyser, Kenneth 21 June 1995

The Canadian Blood Agency
Dobson, William 17 February 1994
Dresch, Philip 30 November and
14–15 December 1995
Rivet, Colette 30 November 1995
Vermette, Michel 28–29 November 1995

Federal public health officials
Bailey, Keith 29 November 1995
Boucher, D. Wark 25–27 and 30 October and
2 and 6 November 1995
Clayton, Alastair 11–13 October 1995
Furesz, John 25–27 and 30 October and
2 and 6 November 1995
Gill, Peter 23–24 October and
4 December 1995
Gully, Paul 21–22 and 28 November 1995
Hogan, Victoria 24 November 1995
Jessamine, Alexander Gordon 11 October 1995
Kennedy, Douglas 28–30 November 1995
Kirkwood, David Herbert W. 3 November 1995
Liston, Albert Joseph 6 October 1995
Losos, Joseph 21–22 November 1995
Mathias, Richard 21–22 November and 1 December 1995
Michols, Dann 16 February 1994
O'Shaughnessy, Michael 23–24 October 1995
Pope, David C. 25–27 and 30 October and 2 and 6 November 1995
Sutherland, Donald 21–22 November 1995
Wigle, Donald 21–22 November 1995

The National Advisory Committee on AIDS
Gilmore, Norbert 17 and 19–21 April 1995
Mathias, Richard 17 and 19–21 April 1995
Shepherd, Frances A. 17 and 19–21 April 1995
Soskolne, Colin Lionel 17 and 19–21 April 1995

Bayer Corporation
Duchardt, Karl 11–12 December 1995
Ryan, John 11–12 September and 11–12 December 1995

Baxter Corporation
Alderson, Larry 14 September 1995
Pinard, Micheline 14 September 1995

Connaught Laboratories Limited
Cochrane, William 28–29 August 1995
Davies, Alun 28–29 August 1995
Magnin, Anthony A. 23–24 August 1995

The Canadian Blood Bank
Richardson, Charles 15 August 1994
Stanbury, Paul 15 August 1994
Webber, Sharon 15 August 1994
Whalen, Raymond 15 August 1994
**Provincial and local public health officials**

Allard, Denis Gerard  
12 July 1994

Anderson, Catherine Margaret  
30 May 1994

Anderson, Patricia Louise  
14 October 1994

Balram, B. Christofer  
12 July 1994

Blake, Barbara  
12–13 October 1994

Browne, Joseph A.  
12–13 October 1994

Cantin, Réjean  
27 September 1994

Chadwick, Nigel Lyle  
14 October 1994

Cudmore, Douglas W.  
3 August 1994

Demshar, Helen P.  
14 October 1994

Dionne, Marc  
28 September 1994

Dobbin, Lucy C.  
25 July 1994

Fast, Margaret Vanetta  
16 June 1994

Finn, Jean-Guy  
11 July 1994

Gagnon, Reynald  
30 September 1994

Guilfoyle, Francis John  
17 June 1994

Hammond, Gregory  
16 June 1994

Hogan, Kevin Paul  
18 August 1994

Horsman, Gregory  
31 May 1994

Hutchison, Patricia Anne  
30 May 1994

Johnstone, Timothy  
28–29 March 1994

Korn, David Ashley  
9 March 1994

Laberge-Ferron, Denise  
29 September 1994

Larke, Peter Bryce  
20–21 April 1994

Lavigne, Pierre Marcel  
26–27 July 1994

Macdonald, Sharon  
16 June 1994

MacLean, David Robert  
2 August 1994

Macpherson, Alexander Stewart  
17 March and 11 October 1994

Marshall, Carlton M.  
14 October 1994

Matusko, Patricia A.  
16 June 1994

Maynard, Frank Alvin  
17 June 1994

Millar, John S.  
5–6 April 1994

Mindell, William  
22 June 1995
Morisset, Richard 23 September 1994
Pelletier, Michel Y. 28 September 1994
Philippon, Donald J. 18 April 1994
Ratnam, Samuel 18 August 1994
Rekart, Michael Louis 29–30 March and 5 April 1994
Remis, Robert S. 29–30 September 1994 and 10 October 1995
Robert, Jean 23 September 1994
Romanowski, Barbara 25 April 1994
Rozee, Kenneth Roy 2 August 1994
Sarsfield, Peter Aymar 17 June 1994
Schabas, Richard Elliott 12–13 October 1994
Sweet, Lamont Edward 3 August 1994
Wallace, Evelyn Mackenzie 12–13 October 1994
Walters, David John 11–12 July 1994
Waters, John Robert 18–20 April 1994
West, Roy 31 May 1994
Williams, Robert J. 18 August 1994
Yeates, Glenda 30 May 1994

AIDS and gay community organizations

Alloway, Tom 30–31 March 1995
Backé, Horst 17 June 1994
Barnes, Lesley Joan 29 July 1994
Bernard, Kimberley 29 July 1994
Cassidy, David 27 September 1994
Clausson, Nils 1 June 1994
Faulkner, Marilyn 17 June 1994
Frederickson, Robert Erik 29 July 1994
Getty, Grace Anne 13 July 1994
Helquist, Gens 1 June 1994
Hislop, George 30–31 March 1995
Holinda, Daniel 21 April 1994
Jackson, Ed 30–31 March 1995
Jewell, David 21 April 1994
Lavoie, René 27 September 1994
Marchand, Rick 8 April 1994
Massiah, Elizabeth 21 April 1994
McCarthy, Dale 30–31 March 1995
McCarthy, Vern 1 June 1994
Metcalfe, Robin Douglas 29 July 1994
Murray, Glen 17 June 1994
Noble, James Erwin 13 July 1994
Norton, Deborah 1 June 1994
Parsons, Trudy Renee 17 August 1994
Phair, Michael 21 April 1994
Raymond, René 27 September 1994
Shantz, Barbara 8 April 1994
Skoglund, Craig 17 June 1994
Smith, Eric Marshall 29 July 1994
Stewart, Noah 8 April 1994
Sussey, Elaine Brenda 13 July 1994
Thomas, Réjean 27 September 1994
Upward, Wallace 17 August 1994
Welsh, Michael 8 April 1994
Williams, Henry Charlton 13 July 1994
Willoughby, Brian 8 April 1994
Wood, Peter Francis 29 July 1994
Wushke, Ralph 1 June 1994
Yetman, Gerard 17 August 1994

*The Montreal Haitian community*

Adrien, Alix 26 September 1994
Alcindor, Antony 26 September 1994
Rateau, Marlène 26 September 1994
The Canadian Hemophilia Society

David, Lindee 29 November 1995
Gurney, Edwin 28 June 1995
Kreppner, James Rudolph 21 March 1994 and
28–29 November 1995
Mindell, William 22 June 1995
Page, David 18 February and 16 September 1994
Poyser, Kenneth 21 June 1995
Wong-Reiger, Durhane 30 November 1995

Physicians and others treating hemophiliacs, serving on the medical
and scientific committee of the Canadian Hemophilia Society, and
belonging to the Association of Hemophilia Clinic Directors of Canada

Ali, S. Kaiser 27 June 1995
Bartlett, Joy 14 July 1995
Bélanger, Gisèle 12 July 1995
Bell, Carol 14 July 1995
Bernier, Lorraine 12 July 1995
Blanchette, Victor Stanley 6–7 July and 30 November 1995
Card, Robert 19–20 June 1995
Girard, Muriel 12 July 1995
Growe, Gershon 29–30 June 1995
Harrington, Anne 14 July 1995
Herst, Roslyn 15–18 February, 25–28 October,
and 8–9 December 1994 and
6–7 July 1995

Inwood, Martin 4–5 July 1995
Kobrinsky, Nathan 10 July 1995
Lindner, Lois 14 July 1995
Moisey, Clarence G. 26 June 1995
Poon, Man-Chiu 11 July 1995
Rayner, Harry Ledingham 10 July 1995
Rivard, Georges-Étienne 13 July 1995
Ross, Helen Elizabeth 2–3 August 1994 and 27 June 1995
Strawczynski, Hanna 14–16 June 1995
Teitel, Jerome 6–7 July and 28–30 November 1995
Walker, Irwin 4–5 July 1995

Other physicians
Berger, Philip B. 14–15 March and 11 October 1994
Biggins, Kieran 25 April 1994
Bowmer, Michael Ian 18 August 1994
Cowan, Donald Henry 18 October 1994
Dawson, David 25 April 1994
Dupont, Claire Louise 26 September 1994
Fanning, Mary Major 8 March and 11 October 1994
Feinman, Saya Victor 27–28 March 1995
Goresky, Gerald V. 25 April 1994
Greenberg, Mark 18 October 1994
Gross, Allan E. 18 October 1994
Harris, Floyd W. 25 April 1994
Hume, Heather Ann 26 September 1994
King, Susan Margaret 9–10 March 1994
Macauley, John 4 May 1995
Maclean, Alexander 4 May 1995
Noble, William H. 18 October 1994
Pinkerton, Peter Harvey 18 March 1994
Poon, Annette Olive 15–16 March 1994
Tsoukas, Christos Michael 20 September 1995

Infected and affected persons
Antill, Richard William 24 May 1994
Aubin, Claudia 22 February 1994
Aubin, Richard 22 February 1994
Bard, Camil 22 September 1994
Baribeau, Daniel 16 September 1994
Batt, Janet Maureen 31 March 1994
Blackwood, Kelly 11 March 1994
Brown, Grace 13 July 1994
Brown, Mark 15 June 1994
Brown, Patrick Allison 13 July 1994
Brunet, Carole 22 April 1994
Bulbrook, Mark Patrick 23 February 1994
Charland, Michel 22 September 1994
Chapman, Erma 15 June 1994
Chénier, Monique 16 September 1994
Cloutier, Pierrette 16 September 1994
Colley, Garry 31 March 1994
Collins, Linda 21 February 1994
Comeau, Judith 16 September 1994
Conliffe, Michael 24 February 1994
Conners, Janet Irene 22 March 1994
Conners, Randal Duane 22 March 1994
Cook, Deborah 17 October 1994
Coolen, Carl 25 July 1994
Coolen, Gary 25 July 1994
Coris, Laura 31 March 1994
Couture, Jean-Daniel 22 September 1994
Coyle, Derek Edward 15 June 1994
Dadd, Lena Mary 21 February 1994
Decarie, Johanne 22 February 1994
Decarie, William 22 February 1994
Desmarais, Pierre 16 September 1994
Douglas, Ann 31 March 1994
Drew, Joan Moulton 31 March 1994
Drury, Kathleen Anne 24 February 1994
Dubé, Evelyn 16 September 1994
Duffenais, Leonard 19 August 1994
Duffenais, Regina 19 August 1994
Dungey, Barbara 31 March 1994
Dungey, Bradley 31 March 1994
Durk, Dorothy 22 April 1994
Durocher, Jean-Charles 16 September 1994
Elliott, Mary 11 March 1994
Fordham, Brian Leslie 15 July 1994
Fordham, Carla Maureen 15 July 1994
Freise, Marlene 7 March and 17 October 1994
Freise, Norman Jerald 7 March 1994
Gillis, Rose Marie 2 August 1994
Godin, Guy-Henri 22 September 1994
Greszczyszyn, Caroline 24 February 1994
Greszczyszyn, John 24 February 1994
Hackett, Doug 21 February 1994
Hackett, James 21 February 1994
Hall, William James 24 May 1994
Hébert, Nicole 22 September 1994
Hollingshead, Linda M. 21 March 1994
Holmstrom, Bertha 15 June 1994
Holtz, Lisa 22 April 1994
Huneault, Daniel A.J. 21 March 1994
Isaac, Barry 22 April 1994
Johnson, Malcolm 23 February 1994
Kampf, Gabriel 21 February 1994
Kampf, Lynn 21 February 1994
Kiriakidis, Zoe 16 September 1994
Kubin, JoAnn 15 June 1994
Kubin, Lynne 15 June 1994
Laffin, Reta 25 July 1994
Laflamme, Lina 16 September 1994
Lake, Patricia 25 July 1994
Landry, Anne-Marie 13 July 1994
Landry, Normand 13 July 1994
Lane, Solange 22 September 1994
Lee, Cindy 24 May 1994
Lee, Jeffrey 24 May 1994
Lee, Shirley 24 May 1994
Lencucha, Sherry 22 April 1994
Lissel, Victoria Lee 24 May 1994
Lynch, Martin Russell 11 March 1994
Marche, Rita 19 August 1994
Mason, Mark 24 May 1994
Mason, Ron 24 May 1994
Mason, Sheila 24 May 1994
Matychuk, Diane 24 May 1994
McCutcheon, John B. 31 March 1994
McCutcheon, Margaret 31 March 1994
Mervyn, John 31 March 1994
Meston, Allan Ross 15 June 1994
Mitchell, David 22 February 1994
Mitchell, Lori Ann 22 February 1994
Mitchell, Ronald Keith 22 February 1994
Moisey, Clarence G. 26 June 1995
Monette, Jules 16 September 1994
Mueller, Margo 11 March 1994
Mueller, Warren 22 April 1994
Neilson, Patricia Joanne 21 March 1994
Nelson, Earl 22 April 1994
Northrup, Deborah A. 26 June 1995
O’Connor, Patrick Douglas 21 March 1994
Olson, Lorraine 22 April 1994
Osborne, Lois 17 October 1994
Page, David 18 February and 16 September 1994
Parsons, Diana 25 July 1994
Pelletier, Christian 16 September 1994
Pittman, Rochelle 11 March 1994
Plater, John Charles 21 March 1994
Plater, Margaret W.C. 21 March 1994
Ricci, Ronald Reynosa 16 September 1994
Forty-five other persons testified in camera or confidentially, as allowed by Rules 19–29 of the Rules of Procedure (Appendix C).
### Experts who gave opinion evidence

<table>
<thead>
<tr>
<th>Expert</th>
<th>Dates</th>
</tr>
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<tbody>
<tr>
<td>Anderson, Michael</td>
<td>8–9 November 1995</td>
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<tr>
<td>Asher, Thomas M.</td>
<td>13 December 1995</td>
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<td>Bowman, John Maxwell</td>
<td>13 December 1995</td>
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<td>Bruce, Martin</td>
<td>6–7 December 1994</td>
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<td>Carrière, Claude</td>
<td>18 December 1995</td>
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<td>Finlayson, John</td>
<td>27 November 1995</td>
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<td>Francis, Donald P.</td>
<td>7–9 and 13 March 1995</td>
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<td>Gargarella, George</td>
<td>7 November 1995</td>
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<td>Grobbelaar, Berend G.</td>
<td>13 December 1995</td>
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<td>Hyatt, Susan</td>
<td>8–9 November 1995</td>
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<td>Johnson, Jon</td>
<td>18 December 1995</td>
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<td>Klein, Alexander</td>
<td>21 February and 14 March 1994</td>
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<td>Lavoie, Paul</td>
<td>6–7 December 1994</td>
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<td>Louria, Donald B.</td>
<td>6–7 December 1994</td>
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<td>McClatchey, Kenneth</td>
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<td>Mosley, James Wilson</td>
<td>1–3 May 1995</td>
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<td>Read, Stanley</td>
<td>6–7 December 1994</td>
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<td>Remis, Robert S.</td>
<td>29–30 September 1994 and 10 October 1995</td>
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<td>Robins, Jenni Lee</td>
<td>6–7 December 1994</td>
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<td>Schechter, Martin T.</td>
<td>6–7 December 1994</td>
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<td>Shortreed, John</td>
<td>6–7 December 1994 and 20 November 1995</td>
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<td>Shumak, Kenneth Howard</td>
<td>14 February 1994</td>
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<td>Skinner, Harvey</td>
<td>6–7 December 1994</td>
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<td>Voelker, Cameron</td>
<td>20 December 1995</td>
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<td>Walker, Elaine</td>
<td>19 December 1995</td>
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<tr>
<td>Warner, Tim</td>
<td>8–9 November 1995</td>
</tr>
<tr>
<td>Zuck, Thomas F.</td>
<td>6–7 December 1994 and 14–16 March 1995</td>
</tr>
</tbody>
</table>
Participants in round-table discussions

Abels, Robert 6 December 1995
Anderson, Geoffrey 5 December 1995
Brunk, Conrad 20 November 1995
Burger, Reinhard 10 November 1995
Burgess, Michael 21 December 1995
Davis, David 5 December 1995
Dick, John 6 December 1995
Dickens, Bernard 21 December 1995
Gunson, Harold 10 November 1995
Hastings, John 1 December 1995
Hébert, Paul 5 December 1995
Jacques, Louis 20 November 1995
Kain, Kevin 1 December 1995
Khabahz, Rima 1 December 1995
Langstaff, John 6 December 1995
Lowy, Fred 21 December 1995
Mathias, Richard 21–22 November and 1 December 1995
McCull, Stephen R. 20 November 1995
McDaniels, Timothy L. 20 November 1995
McKerracher, Krista 5 December 1995
Proudfoot, Alex 10 November 1995
Rosencrantz, David 5 December 1995
Shannon, Michael 6 December 1995
Shortreed, John 6–7 December 1994 and 20 November 1995
Somerville, Margaret 21 December 1995
Spencer, Richard 5 December 1995
Sternberg, Moshe 6 December 1995
Stratton, Faith 1 December 1995
Tamblyn, Susan 1 December 1995
Van Aken, Willem 10 November 1995
Persons called as witnesses by recipients of Section 13 notices

Chrétien, Michel 16 October 1996
Goldie, James Hugh 12 November 1996
Veinotte, Vincent Leroy 12 November 1996
Wass, Hilary 14 November 1996
Appendix G

Public Submissions to the Commission

Organizations
Yukon Medical Council
Canadian Society of Hospital Pharmacists
Standards Council of Canada
Registered Nursing Staff, Canadian Red Cross Society Blood
  Transfusion Service, Toronto, Ontario
The College of Physicians & Surgeons of Manitoba
College of Physicians and Surgeons of Saskatchewan
The Canadian Society for Transfusion Medicine
Canadian Public Health Association
The Royal College of Physicians and Surgeons of Canada
Canadian Hemophilia Society, Manitoba Chapter Inc.
The Association of Hemophilia Clinic Directors of Canada
Canadian Medical Association
Canadian Anaesthetists’ Society
Canadian Hematology Society and the Canadian Association
  of Pathologists
Canadian Institute for Political Integrity
Ortho Biotech
The Canadian Society of Laboratory Technologists
The Alliance for Public Accountability

Individuals
Chris Chihrin
James E. Parker
John Scythes and Colman Jones
Maurice Joseph Pitre
Roy Schubert
David Fitzgerald
Ronald Abrahams
David Wood
David S. Catton
Appendix H
Interim Report Recommendations

Chapter 4 – Risks to blood safety
1 That the Canadian Red Cross Society and the Bureau of Biologics give immediate consideration to adopting the third-generation assay for screening blood donations for HCV antibody to reduce the residual risk of post-transfusion hepatitis C infection.
2 That the Bureau of Biologics and the Canadian Red Cross Society take steps to identify and implement a strategy to reduce the risk of bacterial contamination in blood.

Chapter 5 – The safety of the blood supply subsystem
3 That Blood Services address at the earliest opportunity the “principal” and “other major” matters of concern identified by the international team at the three blood centres audited; and that this include assessments by all seventeen blood centres of whether the deficiencies listed in the three audit reports of the international team apply to them.
4 That Blood Services conduct internal Good Manufacturing Practices audits of the fourteen blood centres not audited by the international team; that these audits be conducted by auditors with competence in Good Manufacturing Practices processes; and that, if necessary, external experts be retained for this purpose.
5 That Blood Services develop agendas of deficiencies, found by the international team and through internal audit, which need to be corrected nationally and locally; that these agendas give priority to those “principal” and “other major” matters that can be readily corrected or are of the greatest concern; that these agendas list with each deficiency the date by which it is to be corrected; and that they also list the method by which that correction is to be achieved by the proposed date.
6 That Blood Services begin to develop Standard Operating Procedures locally for those tasks that are carried out locally; and that the national office of Blood Services set a reasonable schedule for the development of these Standard Operating Procedures and review them as they are produced to ensure compliance with Good Manufacturing Practices.
7 That the national office of Blood Services develop national Standard Operating Procedures only for those tasks that are directly coordinated by the national office.

8 That Blood Services continue to implement a program of Good Manufacturing Practices, but that it reassess the program of education being used to train its key quality assurance employees to ensure that they are receiving a solid basic understanding of Good Manufacturing Practices concepts.

9 That the Canadian Red Cross Society and the Canadian Blood Agency undertake an audit of the capabilities of the CISCO computer system; that this audit include an evaluation of compliance with both domestic regulatory requirements and those of the U.S. Food and Drug Administration; that it also include an evaluation of the capacity to link laboratory test results electronically with other elements of the database; and that this audit include an evaluation of whether a computer system meeting all Blood Services' needs could be met more effectively through the purchase of existing commercial computer software.

10 That Blood Services develop a policy for locating blood donor clinics so as to avoid areas known to have a significantly higher than normal prevalence, and thus a potentially higher incidence, of HIV or of any other disease transmissible by blood.

11 That the Bureau of Biologics conduct annual inspections of Blood Services' seventeen blood centres and national testing laboratory.

12 That Bureau of Biologics inspections be conducted with an emphasis on Good Manufacturing Practices compliance, and to that end: that Bureau inspectors be trained to understand both Good Manufacturing Practices and the blood industry; that the Bureau give immediate consideration to the adoption or adaption of the critical-control-point checklist developed by Mr Bruce and the way in which it was used by the international team; and that deficiencies found in inspections should be grouped by level of importance in the Bureau's inspection reports.

13 That the Bureau of Biologics, upon the completion of an inspection, promptly provide a detailed, written report to the medical director of the facility inspected.

14 That the Bureau of Biologics require a prompt written response on how deficiencies will be corrected; that the Bureau conduct follow-up inspections to ensure that corrective action has been taken when serious deficiencies have been found; and that the Bureau establish schedules fixing times by which written responses must be received and follow-up inspections conducted.

15 That Bureau of Biologics inspection reports be made public.
Chapter 6 – Appropriate use of blood and blood products

16 That directors of hospital blood banks develop procedures to review the proposed use of any blood component requisitioned by physicians.

17 That peer review by a hospital transfusion committee of physicians’ use of blood for transfusion be a requirement of hospital accreditation.

Chapter 7 – Using the patient’s own blood

18 That programs for pre-operative deposit of autologous blood be made available to patients throughout Canada who are scheduled to undergo elective surgery.

19 That the Canadian Red Cross Society examine the ways in which it can extend its pre-operative autologous service to a greater number of patients over a wider geographic area.

20 That the Canadian Red Cross Society ensure that its autologous blood program is available to patients about to undergo surgery outside their province of residence.

21 That the Canadian Red Cross Society take active measures to publicize its autologous blood transfusion service.

22 That Departments of Health determine in which of the public hospitals that provide elective surgery it would be feasible to create autologous blood programs, and encourage those hospitals to establish such programs.

23 That the institutions which operate autologous blood programs reconsider their criteria for admission to the programs to ensure that the programs are available to the maximum number of patients.

24 That hospitals, surgeons, and physicians inform patients scheduled for elective surgery of the existence of autologous blood programs offered by the Canadian Red Cross Society and by hospitals.

25 That written information on autologous blood services be provided by hospitals, physicians, and surgeons to patients well in advance of elective surgery.

Chapter 8 – The patient’s right to decide

26 That the licensing bodies of the medical profession require in their standards of practice that the treating physician obtain the informed consent of the patient to the administration of blood and blood products, in such a way that patients in Canada, barring incompetency or an emergency surgical procedure, will be informed of the risks and benefits of, and alternatives to, allogeneic blood transfusion.

27 That risks, benefits, and alternatives be presented in language the patient will understand and in a manner that permits questions, repetitions, and sufficient time for assimilation.
28 That the discussion between the physician and the patient take place well in advance of the surgical procedure or blood therapy to enable the patient to employ some of the alternatives to an allogeneic blood transfusion, such as the advance deposit of autologous blood, and to allow the patient to participate in a meaningful way in the decisions relating to the administration of blood and blood products.

29 That the treating physician document in the patient’s medical chart that he or she has discussed the risks, benefits, and alternatives of blood transfusion with the patient.

30 That after treatment patients be informed by the treating physician about the particular blood component or blood product and the quantity thereof that was administered to them in the procedure; and that this information be communicated both to patients who gave prior informed consent to the administration of blood or blood products and to patients who, because of a medical or surgical emergency, did not have the opportunity to consent to the receipt of a blood transfusion.

31 That information on the blood and blood products be recorded in the medical chart of the patient and on the discharge summary, and that it be included in the reporting letter written by the attending physician or surgeon to the referring physician.

Chapter 9 – Notifying those at risk

32 That the Canadian Red Cross Society review and revise its Standard Operating Procedures for trace-back and look-back to require that all donors and recipients are identified and tested where possible; and that revision specifically prevent the closing of an investigation upon the identification of a single positive donor in the case of a trace-back, or of a single negative recipient of an earlier donation in the case of a look-back.

33 That the Canadian Red Cross Society conduct a review of the look-backs and trace-backs it has conducted to the present, and that it re-open and complete any which have been closed following the identification of one positive donor in the case of a trace-back, or of one negative recipient of an earlier donation in the case of a look-back.

34 That hospitals record information pertaining to blood and blood components administered to patients and retain these records indefinitely, and in a manner that they may be readily retrieved for the purposes of both the Canadian Red Cross Society’s trace-back and look-back programs and the direct notification of transfusion recipients by the hospital.

35 That hospitals undertake reviews of their records in order to identify former patients who received blood and blood products between 1978 and the end of 1985; and that, where such records are still in existence, the hospitals directly notify these patients that they have received a blood transfusion, inform them about the risks of HIV infection, and provide counselling about the advisability and availability of HIV testing.
36 That the provinces and territories take such action as may be necessary to permit hospitals access to census information, including current addresses, in the possession of their health insurance commissions for the purpose of locating recipients of blood transfusions.

37 That hospitals undertake reviews of their records in order to identify former patients who received blood products between 1978 and May 1990; and that, where such records are still in existence, the hospitals directly notify those patients that they have received a blood transfusion, inform them about the risks of HCV infection, and provide counselling about the advisability and availability of HCV testing.

38 That physicians routinely question both new and old patients to determine whether they have received blood or blood products, and that such questioning should extend to illnesses and surgical procedures which might indicate a history of blood transfusion.

39 That the bodies governing physicians remind physicians of the importance of taking blood transfusion histories from their patients, and that these governing bodies take such steps as may be necessary to make the taking of blood transfusion histories a standard of practice.

40 That physicians routinely ask their HIV- and HCV-positive patients about the date and location of any blood donations; and that, if a patient has made a donation that poses a potential risk to recipients, the physician request the consent of that patient to provide information concerning the blood donation to the Canadian Red Cross Society for the purpose of locating infected recipients.

41 That the provinces and territories take such action as is necessary to require that physicians request information from HIV- and HCV-positive patients concerning the date and location of any blood donations, and to require further that, if the donation poses a potential risk to recipients, the physician request the consent of the patient to provide information concerning the blood donation to the Canadian Red Cross Society for the purpose of locating infected recipients.

42 That physicians familiarize themselves with appropriate clinics where their patients may be tested for HIV, and that under no circumstances should physicians refer their patients to the Canadian Red Cross Society for HIV testing.

43 That bodies governing physicians assist physicians in familiarizing themselves with the location of appropriate clinic sites for HIV testing, and that they amend their standards of practice to prevent physicians from referring patients to the Canadian Red Cross Society for HIV testing because of the danger to recipients in this practice.
Appendix I

Inquiry Schedule

Organizational Hearing
22–23 November 1993 Ottawa

Introductory Hearings
14–18 February 1994 Toronto
21 February 1994

Regional Hearings
21–25 February 1994 Toronto
7–11 March 1994
14–18 March 1994
21–22 March 1994
28–31 March 1994 Vancouver
5–8 April 1994
18–22 April 1994 Edmonton
25–29 April 1994
24–27 May 1994 Regina
30 May–1 June 1994
13–15 June 1994 Winnipeg
11–15 July 1994 Saint John
25–29 July 1994 Halifax
2–3 August 1994
15–19 August 1994 St John’s
13–16 September 1994 Montreal
19–23 September 1994
26–30 September 1994
11–14 October 1994 Toronto
17–21 October 1994
24–28 October 1994
8–9 December 1994
National Hearings
7–9 March 1995
13–16 March 1995
27–31 March 1995
10–12 April 1995
17 April 1995
19–21 April 1995
1–4 May 1995
8–11 May 1995
15–18 May 1995
23–26 May 1995
29 May–1 June 1995
5–8 June 1995
19–22 June 1995
26–30 June 1995
4–7 July 1995
10–14 July 1995
8–11 August 1995
14–17 August 1995
21–24 August 1995
28–29 August 1995
31 August 1995
11–12 September 1995
14 September 1995
18–22 September 1995
27–28 September 1995
2–3 October 1995
5–6 October 1995
10–13 October 1995
23–27 October 1995
30–31 October 1995
1–3 November 1995
6–7 November 1995
27 November 1995
4 December 1995

Current Issues

Presentations

Toronto

6–7 December 1994
8–9 November 1995
21–24 November 1995
11–15 December 1995
18–20 December 1995
Round-table Discussions
Toronto
10 November 1995
20 November 1995
1 December 1995
5–6 December 1995
21 December 1995

Case Studies
Toronto
28–30 November 1995