

TORONTO STAFF REPORT

June 24, 2003

To: Board of Health

From: City Solicitor

Subject: Provincial Investigation relating to the introduction and spread of Severe Acute Respiratory Syndrome (SARS).

Purpose:

To provide the Board of Health with information relating to the Provincial SARS investigation.

Financial Implications and Impact Statement:

There are no financial implications relating to this report.

Recommendations:

It is recommended that this report be received for information.

Background:

On June 10, 2003 Premier Eves announced he had appointed Mr. Justice Archie Campbell to conduct an independent SARS investigation. Justice Campbell's appointment was made pursuant to section 78 of the Health Protection and Promotion Act.

Comments:

Under section 78 of the Health Protection and Promotion Act, the Minister of Health and Long Term Care has the power to make investigations respecting the causes of disease and mortality in any part of Ontario. The Minister may direct an officer of the ministry or any other person to investigate the cause of any disease and mortality in Ontario. Justice Campbell has been appointed to conduct this investigation.

The provincial SARS investigation will, procedurally, be less formal than public inquiries established under the Public Inquiries Act, such as the Walkerton Inquiry. There will be no issues of standing and Justice Campbell will interview witnesses in private. In other words

witnesses will not be subject to cross examination. Justice Campbell has the power to summons witnesses to provide evidence for purposes of the investigation. Importantly, and pursuant to section 9.1(1) of the Public Inquiries Act, no adverse employment action shall be taken against any employee who provides Justice Campbell with information relating to this investigation.

The Legal division will provide legal support to public health employees who are requested to provide evidence as part of Justice Campbell's investigation. Justice Campbell will not be making any recommendations or findings of fact with respect to civil or criminal responsibility of any person or organization. It is anticipated that the City of Toronto, and in particular, the Toronto Public Health division, will contribute significantly to the investigation.

The Terms of Reference for the investigation include:

1. How the SARS virus was introduced in Toronto and what measures, if any, could have been taken at points of entry to prevent its introduction;
2. How the SARS virus was spread;
3. The extent to which information related to SARS was communicated among health care workers and institutions involved in dealing with the disease;
4. The extent of efforts taken to isolate and contain the virus and whether they were satisfactory or whether they could have been improved;
5. Any suggested improvements to provincial legislation or regulations, and any submissions the province of Ontario should make concerning desirable amendments to federal legislation or regulations; and
6. All other relevant matters that Justice Campbell considers necessary to ensure that the health of Ontarians is protected and promoted and that the risks posed by SARS and other communicable diseases are effectively managed in the future.

A complete text of the Terms of Reference is attached to this report.

The investigation will be conducted in a manner that does not impede ongoing efforts to isolate and contain SARS. Justice Campbell will produce an interim and a final report, both of which will be made available to the public.

Conclusions:

The Honourable Mr. Justice Archie Cambell has been appointed pursuant to section 78 of the Health Protection and Promotion Act to investigate matters relating to the recent occurrence and spread of SARS. Justice Campbell will report publicly on his findings. It is anticipated that employees of the City of Toronto will make a significant contribution to this investigation.

Contact:

Jane Speakman
Solicitor
Tel: 416-392-1563
Fax: 416-392-1017
E-mail: jspeakma@toronto.ca

Anna Kinastowski
City Solicitor

List of Attachments:

Independent SARS Commission: Terms of Reference