

<p style="text-align: center;">COMMISSION OF INQUIRY ON HORMONE RECEPTOR TESTING</p> <p style="text-align: center;">BEFORE THE HONOURABLE JUSTICE CAMERON - COMMISSIONER</p> <p style="text-align: center;">June 16, 2008</p> <p>Appearances:</p> <p>Bernard Coffey, Q.C. Commission Co-counsel Sandra Chaytor, Q.C. Commission Co-counsel</p> <p>Rolf Pritchard/Stephen Mills Her Majesty in Right of NL</p> <p>Jane Hennebury Doctors Kara Laing et al</p> <p>Daniel Simmons Eastern Regional Integrated Health Authority</p> <p>Pamela Taylor Members of the Breast Cancer Testing Class Action</p> <p>Mark Pike NL Medical Association Jennifer Newbury Canadian Cancer Society (NL Division) Blair Pritchett. Central, Western and Labrador-Grenfell Regional Integrated Health Authorities</p>	<p style="text-align: center;">LIST OF EXHIBITS</p> <p>EXHIBITS P-1606 THROUGH P-1613, INCLUSIVE Pg. 5 EXHIBITS P-1615 THROUGH P-1617, INCLUSIVE Pg. 5 EXHIBIT P-1622 ENTERED Pg. 5 EXHIBITS P-1623 THROUGH P-1625, INCLUSIVE Pg. 226 EXHIBITS P-1668 THROUGH P-1670, INCLUSIVE Pg. 226</p>
<p style="text-align: center;">TABLE OF CONTENT</p> <p>MS. TANSY MUNDON - SWORN</p> <p>Examination by Sandra Chaytor, Q.C. Pgs. 4 - 377</p> <p>Certificate</p>	<p style="text-align: right;">Page 4</p> <p>1 COMMISSIONER: 2 Q. Please be seated. Ms. Chaytor. 3 CHAYTOR, Q.C.: 4 Q. Good morning, Commissioner. 5 COMMISSIONER: 6 Q. Good morning. 7 CHAYTOR, Q.C.: 8 Q. The witness this morning is Tansy Mundon. If 9 she could be sworn or affirmed, please? 10 MS. TANSY MUNDON (SWORN) EXAMINATION BY SANDRA CHAYTOR, 11 Q.C. 12 REGISTRAR: 13 Q. Would you please state and spell your complete 14 name for the Commission? 15 MS. MUNDON: 16 A. Tansy Mundon, T-a-n-s-y, Mundon, M-u-n-d-o-n. 17 REGISTRAR: 18 Q. Thank you. 19 CHAYTOR, Q.C.: 20 Q. Good morning, Ms. Mundon. 21 MS. MUNDON: 22 A. Good morning. 23 CHAYTOR, Q.C.: 24 Q. We'll have a number of exhibits and they'll 25 come up on the screen in front of you. And</p>

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1 you have a mouse that you can control the
 2 exhibits. For the most part we'll probably do
 3 that for you, but at any time if you wish to
 4 scroll down, you can certainly do that.
 5 Commissioner, we have a number of new exhibits
 6 this morning. We're have P-1606 through to
 7 1613, 1615, 1616, 1617 and 1622. If I could
 8 have those entered, please?
 9 COMMISSIONER:
 10 Q. Entered.
 11 EXHIBITS P-1606 THROUGH P-1613, INCLUSIVE, ENTERED INTO
 12 EVIDENCE.
 13 EXHIBITS P-1615 THROUGH P-1617, INCLUSIVE, ENTERED INTO
 14 EVIDENCE.
 15 EXHIBIT P-1622 ENTERED INTO EVIDENCE.
 16 CHAYTOR, Q.C.:
 17 Q. Ms. Mundon, if we could begin, please, by
 18 telling the Commissioner a brief overview of
 19 your educational and professional background?
 20 MS. MUNDON:
 21 A. Okay. Following graduation from high school I
 22 completed journalism at Durham College in
 23 Ontario. I'm also completing a Bachelor of
 24 Communications through Athabasca, and four
 25 courses from completion. In terms of my

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1 background or my experience, I worked in
 2 journalism for approximately two years before
 3 starting with government. My first position
 4 with government was in July, 2000, I was hired
 5 as a communication specialist in the
 6 Department of Fisheries and Aquaculture.
 7 Within a year from that time I was appointed
 8 as the director of communications in the
 9 Intergovernmental Affairs Secretariat, and
 10 from there I held a number of positions as
 11 director of communications, including the
 12 former Department of Youth Services and Post-
 13 Secondary Education, the Department of
 14 Industry, Trade and Rural Development. And
 15 then following the election in 2003 at which
 16 time our positions were advertised for the
 17 Public Service Commission, I was successful in
 18 holding the position of director of
 19 communications for Tourism, Culture and
 20 Recreation, which was December of 2003, until
 21 I started at Health and Community Services in
 22 September, 2005. I held that position until
 23 my maternity leave in August, 2007.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. So you've been with government since

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1 2000 and you started as a communications
 2 specialist for one year?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. And after that you've consistently held
 7 director of communication positions for
 8 various departments within the Provincial
 9 Government?
 10 CHAYTOR, Q.C.:
 11 Q. That's correct.
 12 CHAYTOR, Q.C.:
 13 Q. Okay. And your position with the Department
 14 of Health and Community Services began
 15 September, 2005?
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. And what does it mean to be a director
 20 of communications, in particular, within the
 21 Department of Health and Community Services,
 22 what are your duties?
 23 MS. MUNDON:
 24 A. My duties as a director of communications
 25 would include providing advice on

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1 communications policy for the minister and the
 2 senior executive of the department. I would
 3 prepare the minister for his or her role in
 4 the House of Assembly; prepare communications
 5 plans for Cabinet submissions and other major
 6 policy initiatives of government; I would
 7 liaise with media and arrange media
 8 interviews; also arrange media scrums and news
 9 conferences and prepare the related materials
 10 with that. And with respect to Department of
 11 Health and Community Services, I would
 12 certainly say that it is much more demanding
 13 than that of any other department in
 14 government from communications perspective
 15 just because of the scope and the, certainly
 16 the size of the department and you know, I
 17 would say it was a much more demanding role.
 18 CHAYTOR, Q.C.:
 19 Q. Yes, and I guess the subject matter, too, that
 20 would be covered are very public issues?
 21 MS. MUNDON:
 22 A. Yes, that's true.
 23 CHAYTOR, Q.C.:
 24 Q. And so you started there September, 2005. So
 25 Minister Ottenheimer would have been the

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1 minister at the time?
 2 MS. MUNDON:
 3 A. Yes.
 4 CHAYTOR, Q.C.:
 5 Q. And you've worked then through with Minister
 6 Osborne and currently Minister Wiseman?
 7 MS. MUNDON:
 8 A. That's correct.
 9 CHAYTOR, Q.C.:
 10 Q. And are you currently in your position or are
 11 you on leave?
 12 MS. MUNDON:
 13 A. I'm still on maternity leave.
 14 CHAYTOR, Q.C.:
 15 Q. You're still on maternity leave. And when did
 16 you begin your maternity leave?
 17 MS. MUNDON:
 18 A. In August, 2007.
 19 CHAYTOR, Q.C.:
 20 Q. Okay.
 21 MS. MUNDON:
 22 A. And I'm scheduled to return to work in
 23 September this year.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. Are you involved--do your duties

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1 involve preparing House of Assembly briefing
 2 notes or any portions of the House of Assembly
 3 briefing notes for the minister?
 4 MS. MUNDON:
 5 A. I'm not directly responsible for preparing
 6 briefing notes. However, I would assist the
 7 ADM or the ADM staff with the key messages, on
 8 times.
 9 CHAYTOR, Q.C.:
 10 Q. Okay. And what about the questions and
 11 answers?
 12 MS. MUNDON:
 13 A. Some of the questions and some of the key
 14 messages, yes.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, so you would be involved with that?
 17 MS. MUNDON:
 18 A. Yes. Some, not all.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And the current procedure for signing
 21 off on briefing notes, do you have any
 22 involvement in that?
 23 MS. MUNDON:
 24 A. I wouldn't be in a position to provide final
 25 sign off on briefing notes. That would be

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1 done by the deputy minister.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. And in terms of when you would get to
 4 see the briefing note after having worked on
 5 any portion of it, would it go to you before
 6 it goes on to the ADM or the DM?
 7 MS. MUNDON:
 8 A. No. It would go from the staff within the
 9 division to the ADM, who would sign off on it,
 10 then it would go to me and then on to the
 11 deputy minister or sometimes directly from the
 12 ADM to the deputy minister.
 13 CHAYTOR, Q.C.:
 14 Q. Okay.
 15 MS. MUNDON:
 16 A. Just depends who was--like, for example, if I
 17 was putting together the binder for the House
 18 of Assembly, then I might be gathering them
 19 all myself and then handing them to the deputy
 20 minister in one package. Some ADMs prefer to
 21 just bring them to the deputy minister and
 22 then give them, he would then turn them over
 23 to me after for the binder.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. And are you also involved in preparing

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1 media releases?
 2 MS. MUNDON:
 3 A. Yes, I am.
 4 CHAYTOR, Q.C.:
 5 Q. And who is it that you report to?
 6 MS. MUNDON:
 7 A. I report to the deputy minister in the
 8 department which I serve, and I also report
 9 to, in writing, to the assistant secretary to
 10 Cabinet for communications. However, the day-
 11 to-day reporting structure is with the deputy
 12 minister in the department.
 13 CHAYTOR, Q.C.:
 14 Q. So when would you report to the assistant
 15 secretary, secretary to Cabinet?
 16 MS. MUNDON:
 17 A. I would report to her on occasion, certainly
 18 there'd be direct contact between the
 19 communications consultations branch and the
 20 department on a regular basis. So it would
 21 depend on the issue or the day, but just
 22 because of timing purposes and the fact that
 23 the deputy minister would be in the same
 24 department, typically the day-to-day reporting
 25 relationship would be with the deputy

Page 13

1 minister.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. So you report within the department
 4 directly to the deputy minister, but you also
 5 report to the assistant secretary to Cabinet.
 6 Would there be particular issues then that
 7 would arise that you would automatically
 8 report to her on?
 9 MS. MUNDON:
 10 A. Yes, well, it would depend on the nature of
 11 the issue.
 12 CHAYTOR, Q.C.:
 13 Q. Yes. And so what types of issues would that
 14 be?
 15 MS. MUNDON:
 16 A. Well, it would be basically a call on my part
 17 as to what I would feel that I would need to
 18 call her about, but typically, you know,
 19 major, major files I would contact her on.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. And is that Josephine Cheeseman?
 22 MS. MUNDON:
 23 A. Yes.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. And major files, how would you, in your

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1 definition, then, if it's left to your
 2 discretion, how would you define a major file?
 3 MS. MUNDON:
 4 A. I would define a major file as a file that I
 5 would think would be significant, you know, in
 6 the public domain, but also I would, you know,
 7 analyze it from the perspective of whether or
 8 not I would think that Ms. Cheeseman would
 9 already know about the issue. And what I mean
 10 by that is that the deputy ministers report
 11 directly to Cabinet Secretariat as part of
 12 Executive Council, so there may already be a
 13 situation where the deputy minister would have
 14 already reported in to Cabinet Secretariat and
 15 through that reporting that Ms. Cheeseman
 16 would already be aware of an issue.
 17 CHAYTOR, Q.C.:
 18 Q. And when you report to her, how do you do
 19 that, do you do that in writing, verbally, are
 20 there -
 21 MS. MUNDON:
 22 A. Verbally mostly.
 23 CHAYTOR, Q.C.:
 24 Q. Verbally?
 25 MS. MUNDON:

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1 A. Yes.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. So you would phone her, mostly?
 4 MS. MUNDON:
 5 A. Yes. Because again, like, the day-to-day
 6 reporting structure would be the deputy
 7 minister, simply because, you know, from a
 8 timing perspective then and otherwise and just
 9 from, you know, the fact that Ms. Cheeseman is
 10 overseeing all departments from that
 11 perspective whereas the deputy minister is
 12 focused in on one department.
 13 CHAYTOR, Q.C.:
 14 Q. And do you have any regular meetings with Ms.
 15 Cheeseman?
 16 MS. MUNDON:
 17 A. There would be regular meetings of
 18 communication staff on a monthly basis, but no
 19 one-on-one meetings, no.
 20 CHAYTOR, Q.C.:
 21 Q. And have you, over the course of time,
 22 reported to Ms. Cheeseman on the ER/PR issue?
 23 MS. MUNDON:
 24 A. I would say that I have reported to her on
 25 occasion, but Ms. Cheeseman would also be

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1 copied on media clippings and things like
 2 that, so she would be aware of the issue.
 3 CHAYTOR, Q.C.:
 4 Q. Okay. And do you recall when did you first
 5 report on the ER/PR issue to Ms. Cheeseman?
 6 MS. MUNDON:
 7 A. I wouldn't be able to specifically recall
 8 that, but I would know that Ms. Cheeseman
 9 would be aware of the issue when I came to the
 10 department, I'm assuming she would simply
 11 because of the fact that Ms. Chaplin would
 12 have gone over to Executive Council where Ms.
 13 Cheeseman was.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. So you don't remember yourself having
 16 contact with her when you first arrived in
 17 September in the department, but you would
 18 assume that she would be aware through Ms.
 19 Chaplin of the issue?
 20 MS. MUNDON:
 21 A. Yes, and I also know that once the story broke
 22 in the media in October, early October, 2005,
 23 that Ms. Cheeseman was copied on some e-mails,
 24 as well, on that issue.
 25 CHAYTOR, Q.C.:

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1 Q. Yes. So your first contact, then, or
 2 discussion with Ms. Cheeseman on the issue
 3 would have come after the story broke in the
 4 media?
 5 MS. MUNDON:
 6 A. It would have been on the Friday before the
 7 story broke, which would have been September
 8 30th. Ms. Cheeseman would have been copied on
 9 e-mails at that time.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. And that was your first contact with
 12 her on the issue?
 13 MS. MUNDON:
 14 A. That I can recall, yes.
 15 CHAYTOR, Q.C.:
 16 Q. That you can recall, okay.
 17 CHAYTOR, Q.C.:
 18 Q. The meetings that you have, the monthly
 19 meetings of, that's all the directors of
 20 communication throughout government, I take
 21 it, is it?
 22 MS. MUNDON:
 23 A. Correct.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. And has the ER/PR issue been discussed

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1 in those meetings?
 2 MS. MUNDON:
 3 A. Not that I would recall.
 4 CHAYTOR, Q.C.:
 5 Q. And how is the agenda set for those meetings?
 6 MS. MUNDON:
 7 A. The agenda is typically set by the
 8 communications and consultations branch.
 9 CHAYTOR, Q.C.:
 10 Q. Okay. And are the departments asked whether
 11 or not there are any issues that they wish to
 12 have on the agenda?
 13 MS. MUNDON:
 14 A. They may. But typically the nature of the
 15 meetings are such that because we only have
 16 them on a monthly basis, that there's usually
 17 not enough time to get into, like, individual
 18 department issues. It would be like higher
 19 level issue, like, say, in terms of, you know,
 20 broader communications policy, you know,
 21 perhaps talking about some new guidelines or
 22 things like that, very high level.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. When you began your job in September,
 25 2005, was there any overlap period with Ms.

Page 19

1 Chaplin?
 2 MS. MUNDON:
 3 A. There was, I recall going over to the
 4 department the week prior to starting. Ms.
 5 Cheeseman would have gone over there with me,
 6 so it would have been an afternoon that I
 7 would have spent with Ms. Chaplin before
 8 starting in the department.
 9 CHAYTOR, Q.C.:
 10 Q. Okay. And of course, you replaced her in the
 11 department. In terms of an orientation, as
 12 such, to the department and the issues that
 13 were ongoing in the department at the time,
 14 did Ms. Chaplin do that with you or how did
 15 that happen?
 16 MS. MUNDON:
 17 A. As I said, I met with Ms. Chaplin during the
 18 afternoon and she would have left some files
 19 on her desk for me. The majority of those
 20 files, I recall, were related to outstanding
 21 requests for proposals related to marketing
 22 campaigns. She also introduced me to some of
 23 the key staff in the department. And she
 24 would have just had a very high-level
 25 discussion with me about the role, the

Page 20

1 department, you know, the demands of the job,
 2 those sorts of things.
 3 CHAYTOR, Q.C.:
 4 Q. And the files that were left on the desk for
 5 you, included in those was there any file on
 6 the ER/PR issue?
 7 MS. MUNDON:
 8 A. Not that I can recall, no.
 9 CHAYTOR, Q.C.:
 10 Q. And is that something that you think you would
 11 recall?
 12 MS. MUNDON:
 13 A. I think I would recall. And I also, you know,
 14 just looking back at the time frame, I know
 15 that there was no briefing note prepared in
 16 the department at that time, so I'm just
 17 wondering what actually would be in a file
 18 folder on ER/PR at that time, if there was no
 19 briefing note and no stories in the media,
 20 from our perspective what would be in a file
 21 from communications division at that time on
 22 this issue.
 23 CHAYTOR, Q.C.:
 24 Q. We do know there was a briefing note prepared
 25 by Eastern Health on the issue and given to

Page 21

1 the department on July 21st, 2005. Were you
 2 aware of that document?
 3 MS. MUNDON:
 4 A. No, I was not.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. And have you since seen that document?
 7 MS. MUNDON:
 8 A. Yes, I have.
 9 CHAYTOR, Q.C.:
 10 Q. And when did you first see that document?
 11 MS. MUNDON:
 12 A. I think I would have seen that document in the
 13 spring of 2007 when I was compiling a binder
 14 for the minister with all related documents on
 15 ER/PR.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. So quite some period of time after you
 18 took up your duties?
 19 MS. MUNDON:
 20 A. Yes.
 21 CHAYTOR, Q.C.:
 22 Q. So that wasn't included, I take it, in any
 23 file folder or any communication to you when
 24 you started your position?
 25 MS. MUNDON:

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1 A. Not that I can recall, no.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. Did Ms. Chaplin provide you with a CD?
 4 MS. MUNDON:
 5 A. Yes, she did.
 6 CHAYTOR, Q.C.:
 7 Q. And was there anything in relation to the
 8 ER/PR issue on that CD?
 9 MS. MUNDON:
 10 A. No, not to my knowledge.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. Do you still have the CD?
 13 MS. MUNDON:
 14 A. I think the CD would be left in the
 15 department.
 16 CHAYTOR, Q.C.:
 17 Q. Okay.
 18 MS. MUNDON:
 19 A. But the CD that Ms. Chaplin would have left me
 20 would have been her own personal files,
 21 because there is a shared directory within
 22 government within the division. So anything
 23 that I would have written, for example, during
 24 my time in the department would all still be
 25 accessed through a shared directory as of

Page 23

1 today.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. And -
 4 MS. MUNDON:
 5 A. And that would be shared between the director
 6 and the communications specialist within the
 7 department.
 8 CHAYTOR, Q.C.:
 9 Q. And the--you were still in the department when
 10 there was a request for any documents that
 11 would be relevant to the issue of ER/PR?
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. And was that CD checked at that time to
 16 determine whether it had any information
 17 regarding ER/PR?
 18 MS. MUNDON:
 19 A. I can't recall specifically if that would have
 20 been checked because I think what I would have
 21 done would have been moved over any documents
 22 from there. As I said, there wouldn't have
 23 been a lot of documents on that CD other than,
 24 you know, a personal documents that Ms.
 25 Chaplin had, most of them would have already

Page 24

1 been on the shared drive, anyway.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. And was there anything on the shared
 4 drive then or the shared directory with
 5 respect to the ER/PR issue?
 6 MS. MUNDON:
 7 A. Not that I can recall. I do know that there
 8 was a reference to it in the summer of 2007
 9 communications plan and I believe that you
 10 have access to that now, but I wasn't aware of
 11 that at the time.
 12 CHAYTOR, Q.C.:
 13 Q. Okay.
 14 MS. MUNDON:
 15 A. What I did, in terms of searching for
 16 documents, what I did was I asked one of the
 17 IT people within the department to search for
 18 documents on my behalf.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And, I'm sorry, who did you ask?
 21 MS. MUNDON:
 22 A. I asked one of the IT people within the
 23 department, particularly in relation to e-
 24 mails to make sure that there wasn't an e-mail
 25 that I would have been missing in my search.

Page 25

1 CHAYTOR, Q.C.:

2 Q. Yes, okay. And I'm just trying to get some

3 sense as to you're new coming into the

4 department and you're now going to be the

5 director of communications, so I'm just trying

6 to determine what, at that point in time, you

7 would have had available to you. So you have-

8 -you don't have the July 20th, 2005 briefing

9 note. You don't have discussion with Ms.

10 Chaplin on the issue or any verbal briefing on

11 the issue?

12 MS. MUNDON:

13 A. Not that I can recall, unless she had a very

14 high-level discussion with me in the context

15 of numerous other files, but not, certainly

16 not something that stood out in my mind, and I

17 do believe that it would have.

18 CHAYTOR, Q.C.:

19 Q. Yes, knowing the magnitude now of the issue?

20 MS. MUNDON:

21 A. Yes.

22 CHAYTOR, Q.C.:

23 Q. You think that's something you would recall?

24 MS. MUNDON:

25 A. Yes.

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1 CHAYTOR, Q.C.:

2 Q. Okay. So no documentation provided to you, no

3 file folder and no verbal communication on the

4 issue from Ms. Chaplin when you started your

5 job?

6 MS. MUNDON:

7 A. Not that I can recall, no.

8 CHAYTOR, Q.C.:

9 Q. And did anyone then speak to you about the

10 issue, anyone within the department when you

11 first began?

12 MS. MUNDON:

13 A. My first recollection of dealing with the

14 issue was on September 30th, which was the day

15 that we were given heads up by Eastern Health

16 that the story was about to break in the

17 media.

18 CHAYTOR, Q.C.:

19 Q. Okay. So up until that point, so your first--

20 you're there about a month, I take it, at that

21 point in time?

22 MS. MUNDON:

23 A. I started in the department on September 6th

24 and that would have been on September 30th, so

25 less than a month, yes.

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1 CHAYTOR, Q.C.:

2 Q. Okay. And I take it then if you don't recall

3 any discussion with Ms. Chaplin, it wasn't

4 something that was flagged to you as something

5 that could be going public, that--or any kind

6 of caution from her that she was expecting

7 that this could become a public issue quite

8 imminently?

9 MS. MUNDON:

10 A. Not that I can recall, no.

11 CHAYTOR, Q.C.:

12 Q. Okay. And I take it then there was also no

13 discussion as to the status of the issue at

14 the time that you started.

15 MS. MUNDON:

16 A. No.

17 CHAYTOR, Q.C.:

18 Q. Okay. So tell us then how you first hear

19 about the ER/PR issue?

20 MS. MUNDON:

21 A. Well, I received a call from Ms. Bonnell on

22 September 30th, and at that time she explained

23 to me the issue, high level from her

24 perspective, and the fact that The Independent

25 newspaper was--had conducted an interview and

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1 with their VP of medical services and that the

2 story was about to be published within that

3 paper on that Sunday, which would be October

4 2nd, I believe, 2005. I was--so after I got

5 off that phone call, I was in the process of

6 writing an e-mail to inform officials of this

7 when I received an e-mail from Ms. Chaplin

8 herself, who had already talked to Ms. Bonnell

9 before I had the opportunity to talk to her.

10 I think there have been some--she had left me

11 a message or something to that effect, so Ms.

12 Bonnell had been in touch with Ms. Chaplin

13 before me so she sent me the e-mail. She sent

14 the e-mail to officials, and I responded back

15 to her, I believe, saying that I was about to

16 send the same e-mail.

17 CHAYTOR, Q.C.:

18 Q. Okay. And when you get the phone call then

19 from Ms. Bonnell -

20 MS. MUNDON:

21 A. Uh-hm.

22 CHAYTOR, Q.C.:

23 Q. This is the first time you've heard about

24 this issue.

25 MS. MUNDON:

Page 29

1 A. Uh-hm.
 2 CHAYTOR, Q.C.:
 3 Q. What did Ms. Bonnell tell you?
 4 MS. MUNDON:
 5 A. I think she would have said that, you know, it
 6 was a very complex issue, that they really
 7 didn't know the magnitude of the issue at that
 8 time, that they had done the interview with
 9 The Independent and, basically, that they were
 10 just going to, you know, continue to monitor
 11 the issue. That's what I recall from that
 12 conversation. Again, back in 2005, it's
 13 difficult to recall all of it.
 14 CHAYTOR, Q.C.:
 15 Q. Yes. Yes, but it being the first time that
 16 you heard about it, I take it, some of those
 17 things stick in your mind, hearing about this
 18 for the first time.
 19 MS. MUNDON:
 20 A. Yes, certainly.
 21 CHAYTOR, Q.C.:
 22 Q. Yes.
 23 MS. MUNDON:
 24 A. I do remember at the time though, it being
 25 said to me that it would affect a small number

Page 30

1 of women. I recall that standing out.
 2 CHAYTOR, Q.C.:
 3 Q. And Ms. Bonnell said that to you.
 4 MS. MUNDON:
 5 A. Yes.
 6 CHAYTOR, Q.C.:
 7 Q. Okay. And what did she mean by "They still
 8 know the magnitude of the issue or the
 9 problem."
 10 MS. MUNDON:
 11 A. I'm assuming she meant that they still didn't
 12 know, you know, where the problem--I guess
 13 they knew where the problem occurred in terms
 14 of the lab, but I guess what caused the issue,
 15 what caused the problem in the beginning.
 16 And, no, they hadn't obviously conducted all
 17 the testing so they didn't know, I guess, the
 18 magnitude of what had occurred at that time.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And did you question her then on how
 21 she was able to say "only a small number of
 22 women would be affected?"
 23 MS. MUNDON:
 24 A. To be quite honest, after being in the
 25 department for less than a month, and she was

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1 the Director of Communications for the
 2 authority -
 3 CHAYTOR, Q.C.:
 4 Q. Yes.
 5 MS. MUNDON:
 6 A. You know, I didn't feel that I had the
 7 knowledge of the file at the time to really
 8 question her on a whole lot of it.
 9 CHAYTOR, Q.C.:
 10 Q. Raise any questions, yes.
 11 MS. MUNDON:
 12 A. Yes, because, again, you know, I had no
 13 knowledge of the file, and I was trusting to
 14 her to tell me what she knew about it.
 15 CHAYTOR, Q.C.:
 16 Q. Okay.
 17 MS. MUNDON:
 18 A. And then I would then go, obviously, within
 19 the department to, you know, the ADM and the
 20 Deputy Minister and the Minister, whatever.
 21 CHAYTOR, Q.C.:
 22 Q. Yes. Okay. And so at the time when Ms.
 23 Bonnell called you, did you understand she had
 24 already--that the interviews with The
 25 Independent had already taken place?

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1 MS. MUNDON:
 2 A. I believe that they had.
 3 CHAYTOR, Q.C.:
 4 Q. And what time in the day do you recall
 5 receiving that phone call from Ms. Bonnell.
 6 MS. MUNDON:
 7 A. I believe it was in the afternoon. I can't
 8 recall specifically what time it would have
 9 been, but it was on a Friday, I remember that.
 10 CHAYTOR, Q.C.:
 11 Q. And being a Director of Communications
 12 speaking to a Director of Communications, did
 13 you have any discussion around what strategy
 14 of communications Eastern Health had in place?
 15 MS. MUNDON:
 16 A. I think she may have mentioned, you know, that
 17 there had already been meetings with the
 18 department on this back in the summer a couple
 19 of months before, and that the department was
 20 fully aware of their strategy. So, again, she
 21 would have communicated that to me, so then I
 22 would have gone to the Deputy Minister and the
 23 ADM some time after that call.
 24 CHAYTOR, Q.C.:
 25 Q. And what did you understand from speaking with

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1 her that their strategy was?
 2 MS. MUNDON:
 3 A. It was my understanding that the strategy was
 4 that they were going to wait until they had
 5 the results back from the patients before they
 6 went public on this issue but now, obviously,
 7 the media were reporting it before that had
 8 occurred.
 9 CHAYTOR, Q.C.:
 10 Q. And did she indicate to you whether or not
 11 they had a strategy in place to deal with the
 12 eventuality that was now upon them, how they
 13 now were going to deal with the patients'
 14 notification in light of the fact the issue
 15 was now going to be a public issue?
 16 MS. MUNDON:
 17 A. She didn't get into any specifics with me on
 18 that at that time that I can recall.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. So, I take it, after your discussion
 21 with Ms. Bonnell, you sought out others in the
 22 department?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. And, I take it, you were looking for more
 2 information around the issue.
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. Who did you speak with?
 7 MS. MUNDON:
 8 A. I believe that I would have spoken with the
 9 Deputy Minister. I believe the ADM was off
 10 that day, so I would have talked to the Deputy
 11 Minister.
 12 CHAYTOR, Q.C.:
 13 Q. So Mr. Abbott?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. And tell us about your discussion then with
 18 Mr. Abbott.
 19 MS. MUNDON:
 20 A. Well, he would have certainly, I think, been
 21 given a copy of the e-mail, so I would have, I
 22 believe - and I can't specifically recall the
 23 details of that conversation with him. I do
 24 know that I spoke to him again on the Monday
 25 of the following week, which I--you know, I

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1 have an e-mail which reminds me of that
 2 discussion.
 3 CHAYTOR, Q.C.:
 4 Q. Okay. And was Mr. Abbott already aware that
 5 the issue was about to become public, or did
 6 you inform him of that?
 7 MS. MUNDON:
 8 A. He would have received the e-mail and then I
 9 would have went to talk to him.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. And did Mr. Abbott give you any more
 12 detail as to the issue?
 13 MS. MUNDON:
 14 A. I don't recall specifically if he did at that
 15 time on that afternoon. I recall that I had
 16 gone back and asked Ms. Bonnell for a copy of
 17 their briefing note on the issue, which I
 18 received late that afternoon, Friday
 19 afternoon.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. And did you ask whether or not there
 22 was a briefing note already within the
 23 department?
 24 MS. MUNDON:
 25 A. No, I can't recall specifically if I asked

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1 that.
 2 CHAYTOR, Q.C.:
 3 Q. What would you have done to check for a
 4 briefing note?
 5 MS. MUNDON:
 6 A. Well, typically, I would talk to the Assistant
 7 Deputy Minister responsible. However, Ms.
 8 Hennessey was not in the department on that
 9 day.
 10 CHAYTOR, Q.C.:
 11 Q. So did you make any inquiries of Mr. Abbott
 12 about whether or not there was a briefing note
 13 already within the department?
 14 MS. MUNDON:
 15 A. I mean, I can't recall if I did. I may not
 16 have, given the fact that I had already asked
 17 Ms. Bonnell for a copy of a briefing note.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. At any point, did you, up until this
 20 point in time, have any contact with Carolyn
 21 Chaplin on the issue?
 22 MS. MUNDON:
 23 A. I would have been in contact with her that day
 24 through e-mail because I would have asked her
 25 at the time why Ms. Bonnell would have called

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1 her, you know, when she had already called me,
 2 not knowing that she had talked to her first
 3 at the time.
 4 CHAYTOR, Q.C.:
 5 Q. Yes, and we'll look at those e-mails. So
 6 other than the e-mail that we have, did you
 7 have any discussion with Carolyn Chaplin on
 8 the issue then on September 30th?
 9 MS. MUNDON:
 10 A. I may have. I can't recall if I did or not.
 11 CHAYTOR, Q.C.:
 12 Q. And would you have talked to her to try and
 13 figure out where things were from a
 14 communications point of view within the
 15 department on the issue, given that Ms.
 16 Hennessey is not available to you, you don't
 17 have a briefing note available to you. Do you
 18 recall that you would have picked up the phone
 19 and spoke to Carolyn and asked her to fill you
 20 in on what had happened, from a communications
 21 point of view?
 22 MS. MUNDON:
 23 A. I may have. I can't recall if I did or not.
 24 CHAYTOR, Q.C.:
 25 Q. And when you were speaking with Ms. Bonnell,

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1 did you take any notes of your conversation?
 2 MS. MUNDON:
 3 A. No, I don't believe I did.
 4 CHAYTOR, Q.C.:
 5 Q. Do you have any notes at all on this issue?
 6 MS. MUNDON:
 7 A. I looked back through my binders--or my black
 8 book, sorry, and I couldn't find anything
 9 related to the issue. I think it's probably I
 10 had sent so many e-mails on the issue that I
 11 would have covered it off that way.
 12 CHAYTOR, Q.C.:
 13 Q. Okay. Did you speak to the Minister on
 14 September 30th about the issue?
 15 MS. MUNDON:
 16 A. I can't recall if the Minister was in the
 17 office that day. Again, it was on a Friday
 18 afternoon, so I'm not--I can't recall if I did
 19 or not.
 20 CHAYTOR, Q.C.:
 21 Q. When I asked you earlier about the reporting
 22 structure, and you report directly to the
 23 Deputy Minister and also to the Assistant
 24 Secretary to Cabinet. Do you also report
 25 directly at times to the Minister?

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1 MS. MUNDON:
 2 A. There certainly would be like a dotted line if
 3 you're looking at flow chart in terms of the
 4 relationship with the Minister as well but,
 5 typically, you know, the Deputy Minister would
 6 be the one who would bring it to the Minister.
 7 However, you know, if the Deputy Minister
 8 wasn't there, I certainly wouldn't hold back
 9 from going to the Minister himself and
 10 briefing him on an issue, no.
 11 CHAYTOR, Q.C.:
 12 Q. And in terms of your day to day within the
 13 department, how much contact would you have
 14 with the Minister?
 15 MS. MUNDON:
 16 A. I would have frequent contact with the
 17 Minister, given the fact that, you know, when
 18 the House is open, for example, I would be
 19 involved with that - you know, media
 20 interviews. So on a daily basis, I would be,
 21 you know, talking to the Minister.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. And do you have any routine in terms of
 24 each morning sitting down and talking with the
 25 Minister?

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1 MS. MUNDON:
 2 A. I wouldn't have a specific time period slotted
 3 in for the Minister. However, I do know when
 4 the House of Assembly is open, for example,
 5 that there would be daily briefings with the
 6 Minister prior to the House opening, at which
 7 time I would go over the issues that I felt
 8 could come in the House that day, and give him
 9 a copy of the briefing notes that were
 10 prepared on those issues within the
 11 department.
 12 CHAYTOR, Q.C.:
 13 Q. And when the Minister travels, do you usually
 14 travel with the Minister?
 15 MS. MUNDON:
 16 A. Depending on the Minister, but normally I
 17 would travel with the Minister, yes.
 18 CHAYTOR, Q.C.:
 19 Q. And has your relationship with the Ministers
 20 of the Department of Health and Community
 21 Services varied depending on the Minister?
 22 MS. MUNDON:
 23 A. Somewhat, I would say, yes.
 24 CHAYTOR, Q.C.:
 25 Q. Uh-hm. And did you have that fairly close

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1 working relationship with Mr. Ottenheimer?
 2 MS. MUNDON:
 3 A. I did, yes, however, that I probably had a
 4 closer working relationship with the following
 5 two Ministers.
 6 CHAYTOR, Q.C.:
 7 Q. Mr. Osborne and Mr. Wiseman.
 8 CHAYTOR, Q.C.:
 9 Q. And did you feel that all the Ministers kept
 10 you in the loop, so to speak, on issues that
 11 were pertinent to the department?
 12 MS. MUNDON:
 13 A. Yes, I would say that.
 14 CHAYTOR, Q.C.:
 15 Q. On the 30th, did you speak to anyone else
 16 within the department or within government?
 17 MS. MUNDON:
 18 A. No, I don't think so. I think that would have
 19 been it.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. What about Mr. Hynes, Darrell Hynes?
 22 MS. MUNDON:
 23 A. Well, Darrell would have been copied on the e-
 24 mail.
 25 CHAYTOR, Q.C.:

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1 Q. Yes, but did you have any discussion with him?
 2 I'm trying to determine what may have been
 3 said other than what we have on paper.
 4 MS. MUNDON:
 5 A. I can't recall if I would have talked to him
 6 that day or not. I just can't recall. Again,
 7 being a Friday afternoon, I don't know even if
 8 he was there at the time. I really don't
 9 know.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. And given the reporting structure that
 12 you've told us about to the Assistant
 13 Secretary to Cabinet, did you speak with Ms.
 14 Cheeseman?
 15 MS. MUNDON:
 16 A. Well, she, as well, would have been copied on
 17 the e-mail. I don't recall if I had a
 18 conversation directly with her or not.
 19 CHAYTOR, Q.C.:
 20 Q. And do you recall whether or not you spoke to
 21 anyone within the Premier's office?
 22 MS. MUNDON:
 23 A. Not that I can recall.
 24 CHAYTOR, Q.C.:
 25 Q. And if you were to have a conversation, who

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1 would you speak with?
 2 MS. MUNDON:
 3 A. If I were to have a conversation, it would
 4 have been with the Premier's Director of
 5 Communications, Ms. Matthews.
 6 CHAYTOR, Q.C.:
 7 Q. Are issues - and I'm saying September 30th,
 8 but really that first of couple-of-day period,
 9 whether the next day or, you know, the day
 10 following or when the story comes out on
 11 October 2nd - anytime in those couple of days,
 12 do you recall having had discussions with
 13 Josephine Cheeseman or Elizabeth Matthews,
 14 Darrell Hynes, anyone else on the issue?
 15 MS. MUNDON:
 16 A. I would say that the Monday after that, which
 17 would be October 3rd, I believe, I would have
 18 had a conversation, I would think, with Mr.
 19 Hynes, given that he would be in the
 20 department with me. I do know that on that
 21 Monday I had a conversation with Ms. Hennessey
 22 and Mr. Abbott.
 23 CHAYTOR, Q.C.:
 24 Q. Okay, and we'll come to that, but nothing with
 25 anyone else within Cabinet Secretariat or the

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1 Premier's office?
 2 MS. MUNDON:
 3 A. Not that I can recall.
 4 CHAYTOR, Q.C.:
 5 Q. Are issues in the Minister's binder, his
 6 briefing note binder, identified sometimes as
 7 "hush" or "top issues"?
 8 MS. MUNDON:
 9 A. Yes.
 10 CHAYTOR, Q.C.:
 11 Q. And was ER/PR one of those issues prior to
 12 September 30, 2005?
 13 MS. MUNDON:
 14 A. No.
 15 CHAYTOR, Q.C.:
 16 Q. And after that date, did it become one of
 17 those issues?
 18 MS. MUNDON:
 19 A. I believe it was identified as a "top issues
 20 note" for the four subsequent sessions of the
 21 house. However, it wouldn't have been ranked
 22 up to number five. It would have been below
 23 that, so it would have been in the top ten, I
 24 believe, and not in the top five.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. And what does it mean for something to
 2 be "hot" or a "top issue?"
 3 MS. MUNDON:
 4 A. Well, from the House of Assembly perspective,
 5 it means that, you know, it's a hot issue in
 6 the media, that it's something that the
 7 Minister could potentially be questioned on in
 8 the House during that session.
 9 CHAYTOR, Q.C.:
 10 Q. And you think it was in the top ten but not in
 11 the top five.
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. And how do you know that?
 16 MR. CAKE:
 17 A. Well, I had gone back and checked to make sure
 18 because I initially thought that it would have
 19 been in the top five, but I went back and
 20 checked the briefing binders and I now know
 21 that it was in the top ten and not in the top
 22 five.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. So there is an index, is there, for the
 25 briefing binders?

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1 MS. MUNDON:
 2 A. Yes.
 3 CHAYTOR, Q.C.:
 4 Q. And I guess that changes over time.
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. Would it change daily, weekly?
 9 MS. MUNDON:
 10 A. It would change probably weekly but, you know,
 11 once an issue is in the top ten, like it's
 12 very rare for it to fall down, you know, below
 13 that to--like it would still be called a hot
 14 issue anyway.
 15 CHAYTOR, Q.C.:
 16 Q. Yes.
 17 MS. MUNDON:
 18 A. So if, you know, it went from, say, from
 19 number ten to number eleven, it would still be
 20 ranked as a hot issue.
 21 CHAYTOR, Q.C.:
 22 Q. Right. And so what would cause it to get
 23 moved up into the top five?
 24 MS. MUNDON:
 25 A. It would get moved up into the top five if it

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1 was an issue that would be, you know, in the
 2 media at the time the House was open. So on a
 3 particular day that the House was sitting if,
 4 you know, an issue came up in the media or
 5 was, you know, being talked about a lot and
 6 there was an expectation--or there was a
 7 perception that there would be an expectation
 8 for the Minister to respond, then that would
 9 probably be moved ahead.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. Well, the ER/PR issue was certainly
 12 talked about in the media during times when
 13 the House was in session.
 14 MS. MUNDON:
 15 A. Uh-hm.
 16 CHAYTOR, Q.C.:
 17 Q. But you're saying that it never made the top
 18 five. It made the top ten.
 19 MS. MUNDON:
 20 A. Yeah, in that case like it might have just
 21 been, you know, a situation where it was, you
 22 know, placed within the Table of Contents and
 23 it was in, you know, the Minister's view. It
 24 was there in number one to ten, so there
 25 really wouldn't be any reason to literally

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1 take it from number ten and move it to number
 2 two, let's say, because it was -
 3 CHAYTOR, Q.C.:
 4 Q. And that's what I was wondering, what makes an
 5 issue then move into the top five.
 6 MS. MUNDON:
 7 A. Yeah. Frequently, it wouldn't necessarily
 8 move up. It would usually move down. So
 9 another issue would come up that would, you
 10 know, move another issue probably down lower.
 11 That's usually the way that it would work in
 12 terms of the Table of Contents.
 13 CHAYTOR, Q.C.:
 14 Q. And this Table of Contents that you're able to
 15 go back and check, if it's changed every week,
 16 are copies kept of the old list?
 17 MS. MUNDON:
 18 A. And it's not necessarily changed every week.
 19 CHAYTOR, Q.C.:
 20 Q. Whenever it's changed, what happens to--so an
 21 issue--you know, another issue is being
 22 discussed more in the media, for example, so
 23 that issue becomes in the top five and moves
 24 something else out. So where would the draft
 25 go then, or the original go of that list when

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1 you replace it with a new list?

2 MS. MUNDON:

3 A. It would probably be written over back then at

4 the time. I know now like, for example, with

5 briefing notes, that, you know, older versions

6 will be kept.

7 CHAYTOR, Q.C.:

8 Q. So in terms of telling the Commissioner that

9 you went back to check to see if ER/PR was

10 ever in the top five, have you really been

11 able to do that conclusively if you don't have

12 copies of each of the list from the beginning

13 of the issue having arisen in government?

14 MS. MUNDON:

15 A. Well, the other thing that would tell me if it

16 was in top five, as well, would be that it

17 would be sent over to the Premier's office.

18 The top five issues would be sent to the

19 Premier's office.

20 CHAYTOR, Q.C.:

21 Q. Yes. And that is the significance of it being

22 in the top five.

23 MS. MUNDON:

24 A. Yes.

25 CHAYTOR, Q.C.:

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1 Q. Okay. And how do you know--so are you saying

2 that the ER/PR issue, the briefing notes, were

3 never sent to the Premier's office?

4 MS. MUNDON:

5 A. No, I'm saying that--yes, I'm saying that the

6 ER/PR was not sent to the Premier's office at

7 that time is what I'm saying.

8 CHAYTOR, Q.C.:

9 Q. Okay.

10 MS. MUNDON:

11 A. At which time, I'm sorry?

12 CHAYTOR, Q.C.:

13 Q. During each House session when the issues are

14 ranked and we were asked to send over, say,

15 the top five issues, ER/PR wouldn't have been

16 sent over.

17 CHAYTOR, Q.C.:

18 Q. And how do you know that?

19 MS. MUNDON:

20 A. Because it didn't appear in the e-mail search

21 that was conducted when other e-mails--when

22 other topics came up.

23 CHAYTOR, Q.C.:

24 Q. Okay. So tell me how that happens the. How

25 do you let the Premier's office know that

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1 these are the top five issues, these notes

2 should be included in the Premier's briefing

3 book.

4 MS. MUNDON:

5 A. Prior to each House session, the Premier's

6 office would send out an e-mail. Typically,

7 it would be sent by the Communications

8 Specialist within the Premier's office to the

9 Directors of Communications, asking them to

10 identify the top five issues within the

11 department to send over for inclusion in the

12 Premier's briefing binder. So that would

13 occur each session, or prior to each session,

14 and then I would talk to the Deputy Minister.

15 The issues would be assessed, and then they

16 would be forwarded in e-mail over to the

17 Director--or, sorry, the Communications

18 Specialist.

19 CHAYTOR, Q.C.:

20 Q. So you send electronic copies over via e-mail.

21 MS. MUNDON:

22 A. Yes, that's right.

23 CHAYTOR, Q.C.:

24 Q. You said that you were able to determine that

25 the ER/PR briefing notes had not gone over to

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1 the Premier's office, and you did that through

2 checking e-mail communications?

3 MS. MUNDON:

4 A. Uh-hm.

5 CHAYTOR, Q.C.:

6 Q. So were you able to find e-mail communications

7 for each time the house was in session as to

8 what the top issues were?

9 MS. MUNDON:

10 A. No. However, I do know that when the search

11 was done for ER/PR through the government

12 system that one of the e-mails, for example,

13 was picked up where it was--ER/PR was listed

14 within an e-mail I would have sent to the

15 department. It was listed as one of the

16 regular issues for the department staff to

17 prepare notes on, and then at the bottom of

18 the e-mail it listed out the issues for the

19 Premier's office, for example. So, you know,

20 the e-mail search--I can't see how the e-mail

21 search wouldn't have picked up the fact--if an

22 ER/PR note was sent over, it would be labelled

23 as ER/PR briefing note and it would have been

24 picked up in the e-mail search.

25 CHAYTOR, Q.C.:

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1 Q. Okay.

2 THE COMMISSIONER:

3 Q. Sorry, I didn't follow that. Could you just

4 tell me again because I didn't quite follow

5 why it is you know that it didn't go?

6 MS. MUNDON:

7 A. Well, it's just that the Government searched

8 all the e-mails under the key word of ER/PR

9 within the system, even with the most recent

10 search, and one of the e-mails that came up

11 during that search was an e-mail that I had

12 sent to staff within the Department asking--

13 just reminding them of briefing notes that

14 were due for the Minister's book, and in that

15 e-mail, on the bottom of the e-mail it listed

16 out issues as well for the Premier's office,

17 and ER/PR wasn't one of those. So basically

18 what I'm saying is that, you know, within that

19 search, Government search, that you know, I

20 would feel that ER/PR would show up if it was

21 one of these issues that would have been sent

22 to the Premier's office.

23 THE COMMISSIONER:

24 Q. Okay, so you're concluding, because of the

25 absence of ER/PR in the results of the search

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1 -

2 MS. MUNDON:

3 A. Yes.

4 THE COMMISSIONER:

5 Q. - that had it been sent to the Premier's

6 office, it would have turned up?

7 MS. MUNDON:

8 A. Yes, and also, Madame Commissioner, in terms

9 of the time lines, if you go back and look at

10 the time lines of when this issue was playing

11 out in the media and you look at the times

12 when the House of Assembly opened, when the

13 issues were ranked as the top five issues, in

14 each of the sessions, the ER/PR wouldn't have

15 been--like wouldn't have been current in the

16 media at that time. It wouldn't have been one

17 of the hot issues in the media at that time,

18 probably like some of the other issues would

19 have been.

20 CHAYTOR, Q.C.:

21 Q. So Ms. Mundon, on February 1st, 2008 of this

22 year, just a couple of months ago, when you

23 met with myself and Mr. Coffey and told us

24 that the ER/PR issue would have been

25 consistently forwarded in a package to the

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1 Premier's office for his briefing book in the

2 fall of 2005, that's not correct?

3 MS. MUNDON:

4 A. No, and I do regret that that--that was my

5 recollection at the time. Again, I had been

6 away from the office since August of the

7 following year, and since that time, I've had

8 an opportunity to go back and go through the

9 chronology and refresh myself on time lines

10 and things like that.

11 CHAYTOR, Q.C.:

12 Q. So explain to me how it is that you were able-

13 -what information, since February, has come to

14 you to be able to refresh your recollection?

15 MS. MUNDON:

16 A. Well, I think what it is is that when I had

17 met with you in February, I just had assumed

18 that it would have been in the top five, you

19 know, and I now have no proof to demonstrate

20 that that is the case.

21 CHAYTOR, Q.C.:

22 Q. So in your mind, it was in the top five, but

23 you had no recollection of having actually

24 forwarded the ER/PR briefing notes to the

25 Premier's office?

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1 MS. MUNDON:

2 A. In my mind at the time, you're saying in

3 February, yes, I would have just assumed, at

4 the time, that it would have been the top

5 issues, the top five, but going back now, like

6 I went back and I looked at the time frames, I

7 looked at the time lines and again, looked at

8 the table of contents and just saw that it

9 wouldn't have been one of the top five.

10 CHAYTOR, Q.C.:

11 Q. Okay, but the table of contents would have

12 been written over as issues changed and issues

13 changed in priority, so those would have been

14 written over? Is that correct?

15 MS. MUNDON:

16 A. In some cases, yes.

17 CHAYTOR, Q.C.:

18 Q. And so would any of the table of contents have

19 ER/PR on it at all?

20 MS. MUNDON:

21 A. Yes, they do.

22 CHAYTOR, Q.C.:

23 Q. And it's always ranked six through ten, I take

24 it?

25 MS. MUNDON:

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1 A. Yes.
 2 CHAYTOR, Q.C.:
 3 Q. So was there any other discussions that helped
 4 you refresh your memory in that regard?
 5 MS. MUNDON:
 6 A. No.
 7 CHAYTOR, Q.C.:
 8 Q. So if we could look please at 0313? This is
 9 an e-mail from--and I believe it's the e-mail
 10 that you were referencing, Ms. Mundon, a few
 11 moments ago. It's from Carolyn Chaplin. It's
 12 sent on September 30th 2005 at 4:42 p.m. She
 13 sends it to Bruce Cooper, Elizabeth Matthews,
 14 Josephine Cheeseman, Robert Thompson, Sheree
 15 MacDonald, and it's copied to yourself and its
 16 subject is "heads up Eastern Health issue,
 17 importance high. Eastern Health Authority has
 18 contacted us to advise an issue that had been
 19 ongoing throughout the summer concerning ER/PR
 20 testing of breast cancer patients is about to
 21 hit the media. Late this afternoon, Eastern
 22 Health was contacted by The Independent
 23 inquiring whether the health authority had an
 24 issue with its mammogram screening" and then
 25 she goes on to speak about Dr. Laing having

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1 done an interview and NTV having contacted the
 2 authority.
 3 Is that basically the information that
 4 Ms. Bonnell also provided to you?
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. And the people that she e-mailed here, are
 9 these the people who you would have contacted
 10 to advise of the issue?
 11 MS. MUNDON:
 12 A. I don't think I would have necessarily
 13 included Mr. Cooper or Ms. MacDonald in my
 14 distribution list, simply because that
 15 wouldn't have been the normal reporting
 16 relationship.
 17 CHAYTOR, Q.C.:
 18 Q. And Ms. Chaplin says "late this afternoon
 19 Eastern Health had been contacted." Was that
 20 consistent with your understanding from
 21 speaking to Ms. Bonnell?
 22 MS. MUNDON:
 23 A. Yes, it was that Friday afternoon.
 24 CHAYTOR, Q.C.:
 25 Q. If we could look, please, then at 1531? This

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1 is your e-mail response back and forth to Ms.
 2 Chaplin, and you'll see her e-mail is on the
 3 bottom here, and then you reply that "I was in
 4 the process--Carolyn, I was in the process of
 5 writing the same e-mail."
 6 MS. MUNDON:
 7 A. Um-hm.
 8 CHAYTOR, Q.C.:
 9 Q. So you reply back to her shortly before 5:00.
 10 MS. MUNDON:
 11 A. Um-hm.
 12 CHAYTOR, Q.C.:
 13 Q. And in saying that, you said who you would not
 14 have contacted, you perhaps would not have
 15 contacted, for example, Mr. Cooper. In
 16 sending the e-mail, would you have sent the e-
 17 mail as well to people within the Department
 18 of Health? Those people are all people, I
 19 understand, from the Premier's office or
 20 Cabinet Secretariat.
 21 MS. MUNDON:
 22 A. Yes. I would think that I would have sent it
 23 to them, yes.
 24 CHAYTOR, Q.C.:
 25 Q. And do you know if you did that? Did you

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1 forward this e-mail on to anyone with the
 2 Department of Health?
 3 MS. MUNDON:
 4 A. I'm not sure if I forwarded the exact e-mail
 5 or if I would have called the Deputy.
 6 CHAYTOR, Q.C.:
 7 Q. But you didn't send an e-mail, your own e-mail
 8 to -
 9 MS. MUNDON:
 10 A. No, I didn't send my own e-mail, that I can
 11 remember.
 12 CHAYTOR, Q.C.:
 13 Q. - to the Deputy or the Minister?
 14 MS. MUNDON:
 15 A. I can't specifically recall.
 16 CHAYTOR, Q.C.:
 17 Q. This then goes on, Carolyn comes back to you
 18 to say "Thanks, Tansy. Are they preparing
 19 revised briefing note? It has been a while
 20 since they did one, I believe late July." And
 21 what would you understand to be Carolyn
 22 Chaplin's source of knowledge as to when
 23 Eastern Health last did a briefing note?
 24 MS. MUNDON:
 25 A. I would have--I believe I would have assumed,

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1 at that point, that they would have done one
 2 in July, but I didn't realize that we had
 3 received a copy of it at that time.
 4 CHAYTOR, Q.C.:
 5 Q. And when you saw this, that there had been one
 6 done in July, did that cause you to go look or
 7 question? You said you had a discussion with
 8 Mr. Abbott. Did you ask "well, where's the
 9 briefing note from July?"
 10 MS. MUNDON:
 11 A. Probably not, again given the fact that it was
 12 5:00 on a Friday afternoon and the fact that
 13 the ADM wasn't in the office. I can't recall.
 14 Like it's very difficult for me to recall back
 15 to September 2005.
 16 CHAYTOR, Q.C.:
 17 Q. Yes, understand that. Friday night, Friday
 18 afternoon on the eve of though this story
 19 going to go public, so I'm just wondering when
 20 you see this, she's telling you she believes
 21 there's one in late July, that didn't catch
 22 your attention to say "well, where's that
 23 briefing note? I haven't seen it"?
 24 MS. MUNDON:
 25 A. I don't know if it would or not, because of

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1 the fact that I had responded to her in saying
 2 that they had--they were preparing a note and
 3 sending it over, so you know, any note that
 4 would have been done in the past by them, then
 5 I would have thought probably that they would
 6 have had over there, not within the
 7 Department, that you know, a more recent note
 8 would be beneficial to the Department.
 9 CHAYTOR, Q.C.:
 10 Q. And the fact that Ms. Chaplin seems to know
 11 that her--she seems to be suggesting that, to
 12 her knowledge, the last one that was done was
 13 late July, did that cause you to wonder "well,
 14 how would Ms. Chaplin know? Is she keeping up
 15 to speed on this issue? How would she know
 16 when there was last a briefing note prepared
 17 on the issue?"
 18 MS. MUNDON:
 19 A. I probably would have assumed that she would
 20 have known that from a discussion she may have
 21 had with Susan. I really don't know how she
 22 would have known that.
 23 CHAYTOR, Q.C.:
 24 Q. Okay, and you come back and advise her that
 25 Eastern has prepared a note and it's being

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1 revised. So I take it that must have come out
 2 of your conversation with Ms. Bonnell?
 3 MS. MUNDON:
 4 A. Um-hm.
 5 CHAYTOR, Q.C.:
 6 Q. And you are puzzled, "I am a little puzzled
 7 about why Susan called you when she already
 8 spoke to me." And so were you puzzled because
 9 you weren't aware that Ms. Chaplin was being
 10 kept apprised of the issue or what was the
 11 source of your puzzlement?
 12 MS. MUNDON:
 13 A. Just because of the fact that the reporting
 14 relationship normally is--it's not even really
 15 a reporting relationship because Eastern
 16 Health doesn't report to the Department, but
 17 typically when you receive heads up from an
 18 issue, for an issue from a health authority,
 19 it would come directly to the Department and
 20 not over to Executive Council.
 21 CHAYTOR, Q.C.:
 22 Q. She replies and tells you that "George Tilley
 23 uses me as a sounding board from time to time"
 24 and we've discussed that with her. "I believe
 25 it was before Susan called you, because I

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1 asked whether Health had been advised and was
 2 told that they had been trying to reach
 3 Moira." And you respond by saying "maybe. I
 4 had been talking to Susan earlier, but we were
 5 playing telephone tag before we touched base
 6 on the NTV piece. Earlier was just The
 7 Independent, and before the call back to
 8 Claire Gosse," and Claire Gosse, we understand
 9 to be the reporter for The Independent who
 10 broke the story.
 11 MS. MUNDON:
 12 A. Um-hm.
 13 CHAYTOR, Q.C.:
 14 Q. Ms. Mundon, was there any scepticism in your
 15 answer to Ms. Chaplin in using the word
 16 "maybe"?
 17 MS. MUNDON:
 18 A. No.
 19 CHAYTOR, Q.C.:
 20 Q. Okay, I'm just wondering why you say--phrased
 21 it the way that you did.
 22 MS. MUNDON:
 23 A. No, I don't think there would be any motive
 24 behind that. I think I just said, you know,
 25 maybe, that sounds--makes sense, you know.

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1 CHAYTOR, Q.C.:

2 Q. Okay. You stated that you had been speaking

3 with Ms. Bonnell earlier, so I take it you had

4 an earlier telephone call with her, and then

5 was there a period of playing telephone tag

6 before you then touched base on the NTV piece?

7 MS. MUNDON:

8 A. I guess so. That's what it seems to be saying

9 here. I probably--she probably called me

10 earlier that afternoon, and then before she

11 got through to me, which I don't know how long

12 it would have been, probably not very long,

13 that she probably would have contacted Ms.

14 Chaplin.

15 CHAYTOR, Q.C.:

16 Q. Yes. It suggests that you had at least two

17 conversations with Ms. Bonnell on the 30th.

18 MS. MUNDON:

19 A. I would guess so, yes.

20 CHAYTOR, Q.C.:

21 Q. Do you recall that?

22 MS. MUNDON:

23 A. No, I don't recall it, but -

24 CHAYTOR, Q.C.:

25 Q. This says that you had been talking to her

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1 earlier.

2 MS. MUNDON:

3 A. Um-hm.

4 CHAYTOR, Q.C.:

5 Q. Earlier it was just The Independent, and

6 before the call back to Claire Gosse.

7 MS. MUNDON:

8 A. Um-hm.

9 CHAYTOR, Q.C.:

10 Q. So does that mean before Ms. Bonnell called

11 Claire Gosse back to speak to her about The

12 Independent story?

13 MS. MUNDON:

14 A. I guess so. Again, I can only go by what's

15 here because I can't specifically recall.

16 CHAYTOR, Q.C.:

17 Q. And the fact that this is written on the very

18 date, on September 30th, would you rely on

19 this written record as being more accurate

20 than your current recollection?

21 MS. MUNDON:

22 A. In what context?

23 CHAYTOR, Q.C.:

24 Q. In terms of how many phone calls you had with

25 Ms. Bonnell that day and when those phone

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1 calls would have taken place?

2 MS. MUNDON:

3 A. I would guess so, yes.

4 CHAYTOR, Q.C.:

5 Q. So this suggests that you spoke with her and

6 you defined "earlier," you go on to explain

7 "earlier" as being it was just The Independent

8 at that point that was looking for a story.

9 MS. MUNDON:

10 A. Um-hm.

11 CHAYTOR, Q.C.:

12 Q. And before the call back to Claire Gosse. So

13 is that suggesting that you spoke to Ms.

14 Bonnell before she called Claire Gosse back to

15 discuss the story?

16 MS. MUNDON:

17 A. I guess, if that's what it says, I guess.

18 CHAYTOR, Q.C.:

19 Q. Okay, and at that point in time, after your

20 first phone call then with Ms. Bonnell, did

21 you speak to anyone else in the Department?

22 MS. MUNDON:

23 A. I can't recall if I did or not. Again, like

24 it all would have occurred, you know, on a

25 Friday afternoon, and earlier would--you know,

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1 would be, I would assume, probably no longer

2 than an hour because, you know, if I was in

3 the process of writing the same e-mail, then I

4 was in the process of notifying people.

5 CHAYTOR, Q.C.:

6 Q. And do you recall then, in your discussion

7 with Ms. Bonnell, that she's giving you the

8 heads up that something is coming? She's had

9 an inquiry from The Independent, but had not

10 yet spoken with Claire Marie Gosse?

11 MS. MUNDON:

12 A. Before I called back to her, I mean, she could

13 have already talked to her before then, I

14 don't know. That's what it says in my e-mail

15 there.

16 CHAYTOR, Q.C.:

17 Q. Okay. If we look at P-0163, please, page

18 five? I think this might be the right

19 exhibit. Maybe not, no, that's page four.

20 Page five, here we go. That's just a portion

21 of the same one, that's okay. I believe

22 though, Ms. Bonnell may have told us that she

23 spoke with Claire Marie Gosse in the morning.

24 I believe that might be her evidence on that,

25 that it was not late afternoon, that it may

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1 have been morning, or perhaps we have another
 2 document that suggested that.
 3 If we could go back then, please, to
 4 1531? Did Ms. Bonnell, in speaking with you,
 5 ask any advice or did she ask you whether or
 6 not you--how she should handle this inquiry
 7 from the media?
 8 MS. MUNDON:
 9 A. No.
 10 CHAYTOR, Q.C.:
 11 Q. There was nothing like that?
 12 MS. MUNDON:
 13 A. No.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. At this point in time, when you're
 16 speaking to her, what did you understand the
 17 status to be, in terms of patient
 18 notification? Did you have that discussion
 19 about the strategy?
 20 MS. MUNDON:
 21 A. I don't recall us discussing patient
 22 notification.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. You recall being told, you told us
 25 earlier, that their strategy, communication

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1 strategy, had been to wait and tell patients
 2 as their results were coming back.
 3 MS. MUNDON:
 4 A. Um-hm.
 5 CHAYTOR, Q.C.:
 6 Q. Did Ms. Bonnell explain to you how many
 7 patients, up to that point in time, had been
 8 notified?
 9 MS. MUNDON:
 10 A. I don't recall any specifics.
 11 CHAYTOR, Q.C.:
 12 Q. Do you recall anything about that? What were
 13 you left knowing about "well, do the patients
 14 already know?" or did you ask those questions,
 15 "do the patients already know? Are the
 16 patients going to find out now through the
 17 media?"
 18 MS. MUNDON:
 19 A. I don't recall specifically, like what details
 20 we would have discussed with respect to
 21 patient notification.
 22 CHAYTOR, Q.C.:
 23 Q. So were you left with any concern, after your
 24 discussions with Ms. Bonnell, as to patient
 25 notification? Were you left with any concerns

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1 that perhaps through this story this is how
 2 many people will find out about this issue?
 3 MS. MUNDON:
 4 A. I don't recall her highlighting that to me,
 5 no.
 6 CHAYTOR, Q.C.:
 7 Q. And do you recall asking any questions around
 8 it?
 9 MS. MUNDON:
 10 A. I can't recall.
 11 CHAYTOR, Q.C.:
 12 Q. Did you speak to Mr. Abbott about that aspect
 13 or did Mr. Abbott bring that up with you?
 14 MS. MUNDON:
 15 A. When I would have spoken to him on the Monday?
 16 I'm not sure if that would have--it probably
 17 would have been highlighted in the media
 18 article at that time.
 19 CHAYTOR, Q.C.:
 20 Q. So when the department learns on September
 21 30th that this is about to go public, I'm
 22 wondering was there any discussion or concern
 23 expressed within the department as to, well,
 24 have the patients been notified; or what stage
 25 is that notification? Was that discussed at

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1 all?
 2 MS. MUNDON:
 3 A. Not that I can recall. Again, this is my
 4 first dealing with this file. I was in the
 5 department for less than a month at the time
 6 and I would have been relying on information
 7 that the Director of Communications for
 8 Eastern Health would have provided me.
 9 CHAYTOR, Q.C.:
 10 Q. And that didn't cause you to ask any
 11 additional questions though, to try and bring
 12 yourself up to speed on the issue?
 13 MS. MUNDON:
 14 A. I may have, but I can't specifically recall.
 15 CHAYTOR, Q.C.:
 16 Q. And you don't recall if you spoke to the
 17 Minister on September 30th?
 18 MS. MUNDON:
 19 A. I don't recall if I did or not, I don't recall
 20 if he was in the office or not, but my normal
 21 practice would certainly be to ensure that the
 22 Minister was made aware.
 23 CHAYTOR, Q.C.:
 24 Q. And--but you have no recollection of that
 25 discussion and whether or not the Minister

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1 expressed any concern about the patient
 2 notification piece?
 3 MS. MUNDON:
 4 A. No, I have no recollection of that.
 5 CHAYTOR, Q.C.:
 6 Q. After Ms. Chaplin's e-mail was sent, did
 7 anybody contact you with any questions around
 8 the matter?
 9 MS. MUNDON:
 10 A. No, they did not.
 11 CHAYTOR, Q.C.:
 12 Q. And within the few days that followed, I asked
 13 you about October 1st, 2nd, 3rd, whether or
 14 not you had any discussions with anyone on the
 15 issue. Within those first couple of days,
 16 after the story came out, your recollection is
 17 you would have spoken to Darrell Hynes on the
 18 issue.
 19 MS. MUNDON:
 20 A. Uh-hm.
 21 CHAYTOR, Q.C.:
 22 Q. Did you have any discussion with Elizabeth
 23 Matthews or Josephine Cheeseman on the issue?
 24 MS. MUNDON:
 25 A. Not that I can recall.

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1 CHAYTOR, Q.C.:
 2 Q. And do you think if that had been your first
 3 discussion with either of them on the issue
 4 that that would stick out in your memory?
 5 MS. MUNDON:
 6 A. I think it would have.
 7 CHAYTOR, Q.C.:
 8 Q. If we could look at P-0601 please? And this
 9 is at 5:17 p.m. and it's been forwarded to you
 10 from Ms. Bonnell. She's forwarding "Briefing
 11 note, ER/PR issue." And here it is, it's
 12 about a page and a quarter. Do you recall--
 13 did you receive that on September 30th?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. And so you would have, I take it then, read
 18 this document at that time?
 19 MS. MUNDON:
 20 A. Uh-hm.
 21 CHAYTOR, Q.C.:
 22 Q. And this would be your entire knowledge, apart
 23 from your couple of discussions with Ms.
 24 Bonnell around the issue, this would be your
 25 entire knowledge on the issue at that point in

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1 time, is that correct?
 2 MS. MUNDON:
 3 A. Yes.
 4 CHAYTOR, Q.C.:
 5 Q. And if we could look at P-1434 please? And in
 6 receiving that briefing note from Ms. Bonnell,
 7 what would you--what would you do with it?
 8 Would you expect that to be then formulated
 9 into a briefing note for the department?
 10 MS. MUNDON:
 11 A. Yes.
 12 CHAYTOR, Q.C.:
 13 Q. And who would do that?
 14 MS. MUNDON:
 15 A. Moira Hennessey.
 16 CHAYTOR, Q.C.:
 17 Q. And then we have an e-mail from yourself to
 18 Ms. Hennessey and it's October 2nd at almost
 19 3:00 in the afternoon.
 20 MS. MUNDON:
 21 A. Uh-hm.
 22 CHAYTOR, Q.C.:
 23 Q. Briefing note, and within the body of your e-
 24 mail is the content of the September 30th
 25 briefing note that was forwarded from Ms.

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1 Bonnell. So why is it that this is only being
 2 sent to Ms. Hennessey 3:00 in the afternoon on
 3 October 2nd?
 4 MS. MUNDON:
 5 A. I would assume given that this was being sent
 6 on a Sunday afternoon, I would assume that I
 7 had not received Ms. Bonnell's e-mail up to
 8 the time where I left the office for the
 9 weekend and that I probably had picked up my
 10 Blackberry on the weekend and realized that it
 11 had come in and forwarded it on to Ms.
 12 Hennessey.
 13 CHAYTOR, Q.C.:
 14 Q. And this would be, The Independent story would
 15 have broken at this point in time on--they
 16 publish on Sunday.
 17 MS. MUNDON:
 18 A. Yes.
 19 CHAYTOR, Q.C.:
 20 Q. And this is Sunday afternoon?
 21 MS. MUNDON:
 22 A. Yes.
 23 CHAYTOR, Q.C.:
 24 Q. Then if we could look please at P-1606? And
 25 this is the following day then, October 3rd,

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1 2005 at 8:12 in the morning and you're
 2 forwarding on to Mr. Hynes, "Darrell, here is
 3 the briefing note provided on the issue in The
 4 Independent. Moira is back in the office
 5 today and I will discuss with her." So I take
 6 it at this point in time you had sent the e-
 7 mail on to Ms. Hennessey, but you had yet to
 8 discuss the issue with her?
 9 MS. MUNDON:
 10 A. Uh-hm.
 11 CHAYTOR, Q.C.:
 12 Q. So you didn't have any reply to your e-mail
 13 the day before.
 14 MS. MUNDON:
 15 A. I guess not, if I say that I'll discuss with
 16 her.
 17 CHAYTOR, Q.C.:
 18 Q. And you're forwarding, though, the briefing
 19 note to Mr. Hynes, so do I take it you've
 20 already now had a discussion with Mr. Hynes on
 21 the issue?
 22 MS. MUNDON:
 23 A. It seems apparent that I did from this e-mail.
 24 CHAYTOR, Q.C.:
 25 Q. And what do you recall of your discussion with

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1 Mr. Hynes?
 2 MS. MUNDON:
 3 A. Typically I would discuss with Mr Hynes -
 4 CHAYTOR, Q.C.:
 5 Q. No, I'm just wondering what you recall about
 6 this issue? What did you discuss with Mr.
 7 Hynes on this issue?
 8 MS. MUNDON:
 9 A. I can't recall if I specifically would have
 10 said to him--I know my practice would be, you
 11 know, in terms of Mr. Hynes being the
 12 Minister's executive assistant at the time,
 13 that I would have discussed with him, to
 14 ensure that the Minister was made aware of
 15 issues.
 16 CHAYTOR, Q.C.:
 17 Q. And did Mr. Hynes ask you whether or not a
 18 briefing note existed or whether or not there
 19 was an updated briefing note in the works?
 20 MS. MUNDON:
 21 A. In terms of this briefing note?
 22 CHAYTOR, Q.C.:
 23 Q. Yes.
 24 MS. MUNDON:
 25 A. In terms of if Ms. Hennessey would be working

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1 on one?
 2 CHAYTOR, Q.C.:
 3 Q. Whether or not there was any discussion,
 4 you're now forwarding the briefing note to Mr.
 5 Hynes, so I'm wondering how did that come
 6 about? Did he inquire of you as to whether or
 7 not there was a briefing note or a briefing
 8 note being updated?
 9 MS. MUNDON:
 10 A. I can't remember specifically, but I would
 11 assume that I would have told him that, given
 12 that I had already asked Eastern Health for
 13 the briefing note.
 14 CHAYTOR, Q.C.:
 15 Q. And in those, other than your discussion then,
 16 I take it you went on and had a discussion
 17 with Ms. Hennessey that day, on October 3rd
 18 now, and October 3rd being the Monday.
 19 MS. MUNDON:
 20 A. Uh-hm.
 21 CHAYTOR, Q.C.:
 22 Q. What do you recall about your discussion with
 23 Ms. Hennessey? You've had a discussion now
 24 with Mr. Hynes and you're going to have a
 25 discussion with Ms. Hennessey.

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1 MS. MUNDON:
 2 A. I would have had a discussion with Ms.
 3 Hennessey and Mr. Abbott.
 4 CHAYTOR, Q.C.:
 5 Q. Together?
 6 MS. MUNDON:
 7 A. Together.
 8 CHAYTOR, Q.C.:
 9 Q. Okay, and you can recall that meeting?
 10 MS. MUNDON:
 11 A. Well I really have to go by the written record
 12 for the most part, in terms of memory, and I
 13 know from there that we had discussed the
 14 merits of Eastern Health doing a news release.
 15 CHAYTOR, Q.C.:
 16 Q. And when you say "the written record" you mean
 17 the e-mails then that followed on that as to -
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. You have no other recollection and you have no
 22 other written record, no notes in your black
 23 book or anything on this?
 24 MS. MUNDON:
 25 A. No.

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1 CHAYTOR, Q.C.:

2 Q. So the written record would be e-mails then

3 that followed?

4 MS. MUNDON:

5 A. Yes.

6 CHAYTOR, Q.C.:

7 Q. And you have no independent recollection of

8 what was discussed by Ms. Hennessey and Mr.

9 Abbott in that meeting?

10 MS. MUNDON:

11 A. Not specifically, no.

12 CHAYTOR, Q.C.:

13 Q. Anything generally?

14 MS. MUNDON:

15 A. No, again, I'm going by the written e-mail.

16 CHAYTOR, Q.C.:

17 Q. And again I'm just thinking in terms of your

18 coming at this issue fresh, I take it this

19 would have been a significant issue on your

20 radar, from a communication's point of view,

21 and I'm just wondering whether or not that

22 that would cause you to remember certain

23 things about the issue and what--you're

24 hearing this for the first time, so I'm

25 wondering what stuck in your mind about what

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1 was said in those first couple of days?

2 MS. MUNDON:

3 A. I find it very difficult to recall because

4 even though it is a significant issue, it was

5 one of a number of issues that I would have

6 been dealing with at the time and certainly,

7 you know, I'm not trying to diminish the

8 significance of it because it is a significant

9 issue, but again, I would have been in the

10 department for less than a month even at that

11 time and, you know, I find it very difficult

12 to recall specific conversations.

13 CHAYTOR, Q.C.:

14 Q. So you weren't, I take it, then left with the

15 feeling, "gee, I just landed in this job and

16 what is this coming at me", you weren't left

17 with that kind of an impression regarding the

18 issue?

19 MS. MUNDON:

20 A. The impression--and not even the impression,

21 but what was always communicated to me in the

22 department when it comes to any of the health

23 authorities by the Deputy Minister was that

24 the health authorities manage their own

25 operational issues, so this would have been,

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1 while a significant issue, it would have very

2 much been conveyed to me that this would be an

3 issue that Eastern Health, in this case, would

4 be managing.

5 CHAYTOR, Q.C.:

6 Q. Okay, and who told you that?

7 MS. MUNDON:

8 A. The deputy minister.

9 CHAYTOR, Q.C.:

10 Q. And was that his response to you when you went

11 looking for more information on the issue?

12 MS. MUNDON:

13 A. No, I can't specifically recall, as I said

14 earlier, what the details of that conversation

15 were, other than what's in the written record,

16 the written e-mail.

17 CHAYTOR, Q.C.:

18 Q. And do you recall on October 3rd whether or

19 not you were in any meetings or discussions

20 with the Minister on the issue?

21 MS. MUNDON:

22 A. I can't recall specifically if I would have

23 been in the meeting with the Minister. I do

24 recall, you know, as I said, having met with

25 Ms. Hennessey and Mr. Hynes and given the role

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1 of Mr.--sorry not Mr. Hynes, Mr. Abbott, and

2 Mr. Abbott's role would then be to brief the

3 Minister on issues.

4 CHAYTOR, Q.C.:

5 Q. And you weren't involved in that briefing?

6 MS. MUNDON:

7 A. Not that I recall, no.

8 CHAYTOR, Q.C.:

9 Q. And I take it, though, this would be, since

10 it's in the media, would be then your

11 responsibility to make sure that the Minister

12 is apprised of the issue to be able to respond

13 to any media inquiries that may come his way?

14 MS. MUNDON:

15 A. The department, the communication's division

16 within the department compiles a daily package

17 of media clippings and it's copied to a number

18 of key individuals in the department,

19 including the Minister.

20 CHAYTOR, Q.C.:

21 Q. So you would then follow the media coverage

22 and would it be anticipated at this point in

23 time, Ms. Mundon, that the Minister could well

24 get asked questions on this issue?

25 MS. MUNDON:

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1 A. From the media or from the House?
 2 CHAYTOR, Q.C.:
 3 Q. Well either, I guess, is the House in session
 4 on this day?
 5 MS. MUNDON:
 6 A. Well it would have been told to me by Ms.
 7 Bonnell that Eastern Health would be handling
 8 media inquiries at this stage on this issue.
 9 CHAYTOR, Q.C.:
 10 Q. That's what would have been told to you?
 11 MS. MUNDON:
 12 A. Yes.
 13 CHAYTOR, Q.C.:
 14 Q. Okay, and who told you that?
 15 MS. MUNDON:
 16 A. It would have been Ms. Bonnell, but it would
 17 also be in the understanding that I would have
 18 from being in the department and the Deputy
 19 Minister as well that when it comes to media
 20 inquiries related to the health authorities on
 21 operational matters, that the health authority
 22 would handle those inquiries.
 23 CHAYTOR, Q.C.:
 24 Q. So it wasn't anticipated that the Minister
 25 would get asked any questions about this?

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1 MS. MUNDON:
 2 A. Not at this stage.
 3 CHAYTOR, Q.C.:
 4 Q. What was the need then or purpose for a
 5 briefing note?
 6 MS. MUNDON:
 7 A. To keep the Minister in the loop on the issue.
 8 CHAYTOR, Q.C.:
 9 Q. And why would he need to be kept in the loop?
 10 MS. MUNDON:
 11 A. Just because if the health authority is
 12 managing the issue, the Minister and the
 13 department would still keep apprised of the
 14 issue.
 15 CHAYTOR, Q.C.:
 16 Q. So on early days of October, 2005, did the
 17 department develop its own communication
 18 strategy on this issue?
 19 MS. MUNDON:
 20 A. No.
 21 CHAYTOR, Q.C.:
 22 Q. And why not?
 23 MS. MUNDON:
 24 A. Because again, because the health authority
 25 manage their own operational issues, we--it

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1 wasn't the standard or the norm for the
 2 department to develop communication strategies
 3 related to operational issues?
 4 CHAYTOR, Q.C.:
 5 Q. Was there any concern at this point in time,
 6 it's now, the article has been published and
 7 there's more media about to happen in terms of
 8 media interviews, was there any discussion or
 9 question asked by those that you were speaking
 10 with in the department as to have the patients
 11 been notified?
 12 MS. MUNDON:
 13 A. I can't specifically recall.
 14 CHAYTOR, Q.C.:
 15 Q. Did you have any discussions then with Ms.
 16 Bonnell on October 3rd or October 4th, those
 17 days after the article was published?
 18 MS. MUNDON:
 19 A. I think I would have for her to have told me
 20 as to what media coverage that they would have
 21 had, yes.
 22 CHAYTOR, Q.C.:
 23 Q. And do you recall any conversations or what
 24 was said in those conversations?
 25 MS. MUNDON:

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1 A. Well I know that the conversation that I would
 2 have had with her on, I believe it was the
 3 3rd, with respect to the merits of doing a
 4 news release.
 5 CHAYTOR, Q.C.:
 6 Q. And do you have any independent recollection
 7 on that or is it based on what you read in the
 8 e-mail?
 9 MS. MUNDON:
 10 A. It's mainly based on what I read in the e-
 11 mail.
 12 CHAYTOR, Q.C.:
 13 Q. And perhaps then when we look at the e-mail
 14 you can tell me if there's anything else that
 15 that prompts your memory about.
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. What would the department do if a media call
 20 came into the department? What would the
 21 department do?
 22 MS. MUNDON:
 23 A. Well a briefing note had already been--was
 24 being prepared on October 3rd from the
 25 department's perspective, you'd certainly meet

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1 with the Minister and ensure that, you know,
 2 that the Minister didn't have any additional
 3 questions with respect to briefing note and
 4 we'd facilitate a time for the interview.
 5 CHAYTOR, Q.C.:
 6 Q. Okay, and did that happen? Do you recall
 7 meeting with the Minister to determine whether
 8 he had any additional questions?
 9 MS. MUNDON:
 10 A. Well because there was no media request, then,
 11 you know, I wouldn't have gone to the Minister
 12 in that respect. I'm assuming that if there
 13 were any questions on the briefing note that
 14 the Minister would have directed those to the
 15 Assistant Deputy Minister.
 16 THE COMMISSIONER:
 17 Q. I'm sorry, would you say the last part again?
 18 I didn't quite get what you said, I didn't
 19 hear you.
 20 MS. MUNDON:
 21 A. With respect to any questions, if the Minister
 22 had any questions with respect to the briefing
 23 note that was prepared, I'm saying that I
 24 would assume that he would direct those
 25 questions to the Assistant Deputy Minister who

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1 prepared the briefing note, and not me.
 2 THE COMMISSIONER:
 3 Q. Oh, all right, thank you.
 4 CHAYTOR, Q.C.:
 5 Q. You indicated that the communications and
 6 consultation branch compiled media clippings
 7 as well. Do those -
 8 MS. MUNDON:
 9 A. I didn't indicate that, but -
 10 CHAYTOR, Q.C.:
 11 Q. You didn't say that?
 12 MS. MUNDON:
 13 A. No, our own communications division -
 14 CHAYTOR, Q.C.:
 15 Q. You compile them and send them to them, is
 16 that it?
 17 MS. MUNDON:
 18 A. However the communications division, the
 19 communications consultation branch does
 20 compile media clippings as well.
 21 CHAYTOR, Q.C.:
 22 Q. They do that as well, okay, so it works both
 23 ways.
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. Okay, I'm sorry, I thought you said earlier,
 3 but it was you, you would compile the issues
 4 and send it to them, anything pertinent to the
 5 department that you think they need to be
 6 alerted to?
 7 MS. MUNDON:
 8 A. No, the communications package--the package of
 9 media clippings that we would compile within
 10 our own department, within our communications
 11 division within the department -
 12 CHAYTOR, Q.C.:
 13 Q. Where does that go?
 14 MS. MUNDON:
 15 A. It would go to every member of the senior
 16 executive team, the Minister or the Minister's
 17 Executive Assistant.
 18 CHAYTOR, Q.C.:
 19 Q. Within the department.
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. And so then communications and
 24 consultations branch, they do do their own
 25 package of media clippings.

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1 MS. MUNDON:
 2 A. They monitor media for government-wide media
 3 monitoring, basically.
 4 CHAYTOR, Q.C.:
 5 Q. And if there's an issue that comes up that
 6 they compile a package on which relates to the
 7 Department of Health, would they send that
 8 along to you?
 9 MS. MUNDON:
 10 A. They wouldn't do packages like based on an
 11 issue. It would be daily--I'm calling it a
 12 daily package, so all media clippings relevant
 13 to issues of a department that day would be
 14 kept over there and, yes, would be forwarded
 15 to me.
 16 CHAYTOR, Q.C.:
 17 Q. So do you get everything? Do you get all of
 18 their media clippings or they determine, well,
 19 these are the ones that Ms. Mundon needs for
 20 her work and these are what someone else needs
 21 in a different department.
 22 MS. MUNDON:
 23 A. No, they're just sent over from a department
 24 perspective. They're sent over--they're
 25 forwarded over in a package daily.

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1 THE COMMISSIONER:
 2 Q. So what's the difference what gets forwarded
 3 to you and what's done within your department?
 4 MS. MUNDON:
 5 A. Well, we do our own media monitoring, or we
 6 did our media monitoring because of the timing
 7 perspective. A lot of times the package that
 8 we would get from the--we call it the 10th
 9 Floor, which is the communications and
 10 consultations branch, wouldn't probably come
 11 until the following day in some instances, and
 12 our package would include, you know, like The
 13 Telegram, the Globe and Mail, the National
 14 Post, and it would include those clippings on
 15 a daily basis. So each morning our package
 16 would be distributed, whereas the
 17 communications and consultations branch
 18 probably wouldn't arrive until the next day
 19 and would include the community newspapers and
 20 things like that.
 21 THE COMMISSIONER:
 22 Q. So the sources of the news and the ones from
 23 communications branch would be wider.
 24 MS. MUNDON:
 25 A. Yes. Wider just from the community newspaper

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1 perspective.
 2 CHAYTOR, Q.C.:
 3 Q. So you don't monitor those yourself.
 4 MS. MUNDON:
 5 A. We don't have copies of all--like we don't get
 6 copies of all of the community newspapers
 7 within the department, but once we receive
 8 them from the communications branch, we would
 9 include them in our own package.
 10 CHAYTOR, Q.C.:
 11 Q. Other than meetings within then the
 12 department, have you attended any other
 13 meetings within government in which ER/PR has
 14 been discussed?
 15 MS. MUNDON:
 16 A. Other than meetings within our department.
 17 CHAYTOR, Q.C.:
 18 Q. With the department, yes.
 19 MS. MUNDON:
 20 A. Within our department among all the officials
 21 you mean?
 22 CHAYTOR, Q.C.:
 23 Q. Yes.
 24 MS. MUNDON:
 25 A. I would have attended a meeting November 23,

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1 2006.
 2 CHAYTOR, Q.C.:
 3 Q. And that's a meeting, we understand, with
 4 Eastern Health personnel?
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. Other than that meeting, have you attended any
 9 other meetings in which the issue has been
 10 discussed?
 11 MS. MUNDON:
 12 A. I can't recall any others at this time that I
 13 would have been involved with.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. And in terms of--and I'll take you to
 16 that meeting, obviously, in a moment, but in
 17 terms of within government itself, have you
 18 ever been in on any meetings where the issue
 19 has come up, other than with Mr. Hynes or Ms.
 20 Hennessey, anyone else? You just told us that
 21 you attend monthly -
 22 MS. MUNDON:
 23 A. Uh-hm.
 24 CHAYTOR, Q.C.:
 25 Q. Somewhat regular monthly meetings, Directors

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1 of Communication.
 2 MS. MUNDON:
 3 A. Uh-hm.
 4 CHAYTOR, Q.C.:
 5 Q. You don't remember it coming up at any of
 6 those meetings?
 7 MS. MUNDON:
 8 A. No.
 9 CHAYTOR, Q.C.:
 10 Q. What other meetings would you regularly attend
 11 within government?
 12 MS. MUNDON:
 13 A. To discuss issues of that nature, there would
 14 be no other meetings.
 15 CHAYTOR, Q.C.:
 16 Q. No other meetings. So, you've never, outside
 17 of people within the department, you have not
 18 had a meeting in which ER/PR has been
 19 discussed within government.
 20 MS. MUNDON:
 21 A. No, not that I can recall, no.
 22 CHAYTOR, Q.C.:
 23 Q. If we could look at P-0163, please, page 14,
 24 and this is your e-mail the same day to Mr.
 25 Hynes, October 3, 2005. It's now 11:31 in the

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1 morning and you call it an update. "Darrell,
 2 with respect to ER/PR issue, Eastern Health
 3 will be doing a follow-up interview with NTV
 4 this afternoon. Shawn, Moira and I discussed
 5 this morning and I have left a message for
 6 Susan B. suggesting that they now issue a news
 7 release with frequently asked questions
 8 attached to communicate to the public on this
 9 issue. An isolated interview may leave people
 10 with concerns and will result in inquiries
 11 forcing a reactive response. Some of those
 12 inquiries may be addressed with a news release
 13 that provides further information about the
 14 process and the small number of people that
 15 may be affected." So this is referring to
 16 your meeting with Mr. Abbott and Ms. Hennessey
 17 that morning.
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. So it happened some time before 11:30, and
 22 there's nothing else you can tell us that you
 23 recall about the meeting. Does this assist
 24 though in your recollection of what, in fact,
 25 was discussed at your meeting with those

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1 individuals?
 2 MS. MUNDON:
 3 A. You know, again, I'm relying on the written
 4 record to try to remember here.
 5 CHAYTOR, Q.C.:
 6 Q. So was there some discussion amongst you, it
 7 would appear, as to how the issue could best
 8 be communicated?
 9 MS. MUNDON:
 10 A. Uh-hm.
 11 CHAYTOR, Q.C.:
 12 Q. Is that fair?
 13 MS. MUNDON:
 14 A. Yes.
 15 CHAYTOR, Q.C.:
 16 Q. And it seems to be that a suggestion had come
 17 out of that meeting that Eastern Health might
 18 want to issue a news release.
 19 MS. MUNDON:
 20 A. Yes.
 21 CHAYTOR, Q.C.:
 22 Q. Okay. Do you recall the discussion around
 23 that?
 24 MS. MUNDON:
 25 A. I think just that the department, you know,

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1 had wanted--you know, there was a desire by
 2 the department for them to, you know, go
 3 public with this issue and, you know, provide
 4 any information they could on the issue.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. And you, of course, would be the
 7 Director of Communications, and was that your
 8 advice that that would be a good way to go, to
 9 issue a news release?
 10 MS. MUNDON:
 11 A. Yes, and that would be consistent with
 12 government's approach to dealing with issues
 13 in terms of being open and transparent.
 14 CHAYTOR, Q.C.:
 15 Q. What was the concern--you write here, "An
 16 isolated interview may leave people with
 17 concerns and will result in inquiries forcing
 18 a reactive response." What does that mean?
 19 MS. MUNDON:
 20 A. It just meant that if it was just one
 21 interview on this issue, you know, that people
 22 may not see that interview and may, you know,
 23 have questions.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. And this idea, you write here "the

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1 small number of people that may be affected"
 2 where did you get that idea?
 3 MS. MUNDON:
 4 A. Again, I think it was from my discussion with
 5 Ms. Bonnell and my recollection at the time of
 6 this issue, my understanding at the time I
 7 recall was that I thought it was a St. John's
 8 isolated issue in the very early days, like I
 9 didn't realize that--and you will see in
 10 another follow up e-mail where I made a
 11 comment about community papers, but--and that
 12 was my point there, was that I understood at
 13 the time that it was a St. John's issue
 14 affecting a small number of people within the
 15 St. John's area.
 16 CHAYTOR, Q.C.:
 17 Q. And in a small number, was there any
 18 indication as to what that number may be?
 19 MS. MUNDON:
 20 A. I can't recall specifically now.
 21 CHAYTOR, Q.C.:
 22 Q. Now at this point in time, though, when you're
 23 writing this e-mail, you've already met with
 24 Mr. Abbott and Ms. Hennessey.
 25 MS. MUNDON:

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1 A. Yes.
 2 CHAYTOR, Q.C.:
 3 Q. And did they provide you with any information
 4 which would indicate to you that in fact this
 5 is not a small number of people?
 6 MS. MUNDON:
 7 A. No, there was nothing that would have been
 8 discussed that would have left me with the
 9 impression that it would have been anything
 10 other than a small number of people at that
 11 time.
 12 THE COMMISSIONER:
 13 Q. Do you remember that? I'm just trying to get
 14 a sense of--are you concluding that on the
 15 basis of something you've seen? Because
 16 primarily, up to this point, as I understand
 17 it with the exception of some things about the
 18 communication you had with Susan Bonnell,
 19 anything else that you have told us so far has
 20 been based on what you are reading into e-
 21 mails that you were either the author of or
 22 received.
 23 MS. MUNDON:
 24 A. Uh-hm.
 25 THE COMMISSIONER:

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1 Q. So are you truly remembering that you believed
 2 a certain thing about what the scope of the
 3 problem was and if so, what is, you know,
 4 where did you get that idea or are you now
 5 surmising that on the basis of what you now
 6 read in these documents?
 7 MS. MUNDON:
 8 A. I think a little bit of both, Madam
 9 Commissioner, because I know that I've
 10 referenced in e-mails on two occasions there
 11 that this was a small number of people. And I
 12 know that when I had had the conversations
 13 with Ms. Bonnell, that it was a small number
 14 of people would have been what was
 15 communicated to me at the time.
 16 THE COMMISSIONER:
 17 Q. So you do specifically remember in the
 18 conversation that you had with Ms. Bonnell,
 19 the initial conversation or two conversations,
 20 however many took place on that day, that you
 21 were advised that the number of people
 22 involved was small?
 23 MS. MUNDON:
 24 A. Uh-hm.
 25 THE COMMISSIONER:

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1 Q. That's a specific memory?
 2 MS. MUNDON:
 3 A. Yes.
 4 THE COMMISSIONER:
 5 Q. Okay, and do you have a specific memory of
 6 anything else about that conversation with or
 7 conversations with Ms. Bonnell on that first
 8 day?
 9 MS. MUNDON:
 10 A. Yes, and I think I've already gone through
 11 some of the things that I remembered in the
 12 conversation.
 13 THE COMMISSIONER:
 14 Q. Well, but it just seems to me that after that,
 15 you keep saying, "well I conclude that because
 16 of what I see in the e-mails I wrote".
 17 MS. MUNDON:
 18 A. Uh-hm.
 19 THE COMMISSIONER:
 20 Q. So what I'm trying to get a picture of is how
 21 much of this is your actual memory of events
 22 and how much of it is your reconstruction of
 23 what you must have thought or what you must
 24 have done based on the e-mail trail?
 25 MS. MUNDON:

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1 A. Uh-hm
 2 THE COMMISSIONER:
 3 Q. There's a difference for me.
 4 MS. MUNDON:
 5 A. Oh I understand.
 6 THE COMMISSIONER:
 7 Q. Okay, so therefore, I'd like you to very clear
 8 when you say that you recall or this was the
 9 case, to distinguish between what it is you
 10 actually recall and what it is that you are
 11 now reconstructing based on what you read
 12 about what you did at the time. Okay?
 13 MS. MUNDON:
 14 A. Understand.
 15 THE COMMISSIONER:
 16 Q. All right, thank you.
 17 CHAYTOR, Q.C.:
 18 Q. So following up then on what the Commissioner
 19 is asking and suggesting to you, this idea of
 20 a small number of people, you indicated to me
 21 earlier that you remembered Ms. Bonnell saying
 22 that, that was one of two or three things that
 23 you did recall from your discussion with her.
 24 Was there any discussion about how many people
 25 and how they are affected in your meeting with

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1 Mr. Abbott and Ms. Hennessey?
 2 MS. MUNDON:
 3 A. I don't recall any specifics around numbers
 4 within that meeting.
 5 CHAYTOR, Q.C.:
 6 Q. And was there any--did you suggest or tell
 7 them that this was your understanding, that
 8 there's only a small number of people who are
 9 going to be affected?
 10 MS. MUNDON:
 11 A. I can't recall specifically from that meeting
 12 if I said that. Again, looking at the written
 13 record, that was certainly my understanding.
 14 CHAYTOR, Q.C.:
 15 Q. And you sent this e-mail to Mr. Hynes.
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. Did he come back to you and suggest otherwise
 20 to you?
 21 MS. MUNDON:
 22 A. No.
 23 CHAYTOR, Q.C.:
 24 Q. What, in your mind, is a small number of
 25 people?

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1 MS. MUNDON:
 2 A. Well that's a difficult question, I guess.
 3 CHAYTOR, Q.C.:
 4 Q. Yes, well in this context where it's something
 5 to do--did you understand what the impact
 6 could be in terms of the ER/PR tests if they
 7 were to be erroneous? Did you understand what
 8 that would mean for the patient at that point
 9 in time?
 10 MS. MUNDON:
 11 A. My understanding of the issue at the time, you
 12 know, I didn't have a lot of understanding at
 13 this early stage of the issue.
 14 CHAYTOR, Q.C.:
 15 Q. Yes, did you understand it might mean a change
 16 in their cancer treatment?
 17 MS. MUNDON:
 18 A. Yes.
 19 CHAYTOR, Q.C.:
 20 Q. And I take it you understood that there had
 21 been some delays in terms of this had the
 22 testing going on back a few years.
 23 MS. MUNDON:
 24 A. Uh-hm.
 25 CHAYTOR, Q.C.:

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1 Q. So in terms of in that context, what would a
 2 small number of people be to you? Like what
 3 were you thinking when you were saying a small
 4 number of people?
 5 MS. MUNDON:
 6 A. I really can't answer that question, like I
 7 really don't know what specific number I would
 8 have been thinking at that time when I said "a
 9 small number". I just know that in the
 10 conversation with Ms. Bonnell it would have
 11 been communicated to me that it was a small
 12 number of people.
 13 CHAYTOR, Q.C.:
 14 Q. Okay, if we could go back and look at P-1606
 15 please?
 16 MS. MUNDON:
 17 A. And this is a copy of the briefing note that
 18 Ms. Bonnell forwarded to you on September
 19 30th?
 20 MS. MUNDON:
 21 A. Uh-hm.
 22 CHAYTOR, Q.C.:
 23 Q. And we'll see on the bottom or at the top she
 24 indicates that, right here under current
 25 activities, so it's midway, "All negative

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1 samples from 1994 to 2004, with the exception
 2 of samples from other regional health
 3 authorities have been collected.
 4 MS. MUNDON:
 5 A. Uh-hm.
 6 CHAYTOR, Q.C.:
 7 Q. So this is where you're getting the
 8 understanding it's St. John's at this point in
 9 time.
 10 MS. MUNDON:
 11 A. Uh-hm.
 12 CHAYTOR, Q.C.:
 13 Q. But it's for the time period 1994 to 2004,
 14 Mount Sinai, she tells you what type of system
 15 they're using, "323 samples reported as weakly
 16 positive to negative have been sent to Mount
 17 Sinai for retesting. To date 153 samples have
 18 been reported by Mount Sinai; 73 of them have
 19 been reviewed and it appears out of the 73,
 20 there's 16 to 20 individuals whose treatment
 21 could be impacted." And then "samples for
 22 1997 through to 1998 and for two regional
 23 health authorities from outside Eastern Health
 24 will soon be ready to be sent for retesting."
 25 So those haven't even been sent yet for

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1 retesting. So the information that you would
 2 have had available, if this were all you had
 3 at that point in time, would indicate that
 4 only 73 at this point have been reviewed and
 5 out of those, 16 to 20 individuals treatment
 6 could be impacted.
 7 MS. MUNDON:
 8 A. And again, the wording here says "could be
 9 impacted".
 10 CHAYTOR, Q.C.:
 11 Q. Yes, it says that and it appears that of
 12 those, there are those whose treatment could
 13 be impacted, okay. And again then, if we go
 14 back to 163, page 14, the wording that you use
 15 as the small number of people that may be
 16 affected.
 17 MS. MUNDON:
 18 A. Uh-hm.
 19 CHAYTOR, Q.C.:
 20 Q. So based on what we had out of the 73 or what
 21 you had available to you at that point, there
 22 was 16 to 20 that could be affected or may be
 23 affected, to use your words.
 24 MS. MUNDON:
 25 A. Uh-hm.

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1 CHAYTOR, Q.C.:
 2 Q. And only 73 at that point had been reviewed.
 3 MS. MUNDON:
 4 A. Uh-hm.
 5 CHAYTOR, Q.C.:
 6 Q. So does that help in your recollection as to
 7 what you were thinking when you said the small
 8 number of people?
 9 MS. MUNDON:
 10 A. Again, you know, I just recall in my
 11 conversation with Ms. Bonnell that it was, you
 12 know, conveyed to me that it would be a small
 13 number of people. You know, it's certainly--I
 14 don't recall from my conversation with Ms.
 15 Bonnell being, you know, a big red flag waved
 16 here as to, you know, this is a major, major
 17 issue. You know, I think it would have been
 18 downplayed significantly in my conversation at
 19 that early stage.
 20 CHAYTOR, Q.C.:
 21 Q. Okay, and now again, bearing in mind, you
 22 know, saying that it would be downplayed, what
 23 exactly was said to you that would give you
 24 that impression?
 25 MS. MUNDON:

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1 A. Well the fact that a small number of people
 2 may be affected.
 3 CHAYTOR, Q.C.:
 4 Q. Okay, but now it's Ms. Bonnell also went you
 5 along that information that I just pointed you
 6 to which is indicating they have at least 16
 7 to 20 at that point that may be affected?
 8 MS. MUNDON:
 9 A. Uh-hm.
 10 CHAYTOR, Q.C.:
 11 Q. That's still in keeping with it being a small
 12 number of people?
 13 MS. MUNDON:
 14 A. I don't think I would have been analyzing the
 15 briefing note to that degree, it wouldn't
 16 really be my role to be analyzing a briefing
 17 note and assessing what would be a small
 18 number of people. I was just here going by
 19 what was conveyed to me by the director of
 20 communications from Eastern Health.
 21 CHAYTOR, Q.C.:
 22 Q. Okay, and I guess I'm just trying to be fair
 23 to her too in this process, because there was
 24 that discussion with here, but she also sent
 25 you a briefing note with written information

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1 as to some fairly, you know, definite numbers,
 2 certainly she gave you some numbers along that
 3 -
 4 MS. MUNDON:
 5 A. Yes.
 6 CHAYTOR, Q.C.:
 7 Q. What is the--you also write here the issue of
 8 forcing a reactive response. Why is that note
 9 desirable? Why would you not want to force a
 10 reactive response? From a communications'
 11 point of view?
 12 MS. MUNDON:
 13 A. I think you always want to be, you know,
 14 proactive and providing people with the
 15 information that they would need. I mean,
 16 government tries to be proactive, open and
 17 transparent in getting information out to the
 18 public. Before they had to find out through a
 19 media article, it's just not desirable, you
 20 know, from a communications' perspective to be
 21 in a reactive mode.
 22 CHAYTOR, Q.C.:
 23 Q. You indicate here at this point that you had
 24 left a message for Ms. Bonnell suggesting that
 25 they now issue a news release.

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1 MS. MUNDON:
 2 A. Uh-hm.
 3 CHAYTOR, Q.C.:
 4 Q. And you're suggesting also with frequently
 5 asked questions attached. What was Ms.
 6 Bonnell's reaction to that? Was she receptive
 7 to that idea?
 8 MS. MUNDON:
 9 A. I recall her being opposed to the idea of
 10 doing a news release.
 11 CHAYTOR, Q.C.:
 12 Q. Okay, and why was that? Did you have a
 13 discussion with her around that?
 14 MS. MUNDON:
 15 A. Yes, I did.
 16 CHAYTOR, Q.C.:
 17 Q. Okay, and what do you recall from that?
 18 MS. MUNDON:
 19 A. Well she just felt that the opportunity to
 20 issue a news release in a proactive manner has
 21 passed and that she reminded me, from her
 22 perspective of a meeting that had been held
 23 with department officials back in July, 2005
 24 in which she told me that the department had
 25 endorsed their approach and she, at that

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1 point, felt that all the patients had still
 2 not been notified and that she just felt that
 3 the opportunity for a news release at this
 4 stage was lost.
 5 CHAYTOR, Q.C.:
 6 Q. Okay, so just a couple of things on that. So
 7 she's indicating in that conversation to you
 8 that all the patients had not yet been
 9 notified.
 10 MS. MUNDON:
 11 A. Uh-hm.
 12 CHAYTOR, Q.C.:
 13 Q. And is that the first time that you're
 14 learning of that?
 15 MS. MUNDON:
 16 A. I can't specifically recall now if it was in
 17 The Independent article, but from her, I would
 18 say.
 19 CHAYTOR, Q.C.:
 20 Q. And she reminded you that the department had
 21 endorsed their approach.
 22 MS. MUNDON:
 23 A. Yes.
 24 CHAYTOR, Q.C.:
 25 Q. But what did you understand the approach to

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1 have been that the department had endorsed?
 2 MS. MUNDON:
 3 A. She had indicated to me that Eastern Health
 4 had met with the department in July and that
 5 they had talked about the fact that
 6 oncologists were concerned about their
 7 patients, that they didn't want to go public
 8 at the time of knowing that the test results
 9 were being sent out for retesting and that
 10 they were following the advice of medical
 11 professionals within the organization and
 12 withholding information because they didn't
 13 want to distress the patients.
 14 CHAYTOR, Q.C.:
 15 Q. And that was not going public with it until
 16 the patients were contacted and the patients
 17 would be contacted when the results came in?
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. But how was that then relevant in terms of the
 22 department had endorsed that strategy, but now
 23 it has gone public, so do you see the
 24 disconnect there?
 25 MS. MUNDON:

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1 A. I see the disconnect. I think her rationale
 2 at the time may have been that, you know, that
 3 they still didn't have all the information to
 4 provide to the patients and really didn't have
 5 a whole lot of information perhaps to even put
 6 in a news release at that time, other than
 7 what they were providing in their interviews.
 8 CHAYTOR, Q.C.:
 9 Q. And this idea of a, if you're in reactive
 10 mode, what happens if you're in reactive mode
 11 in dealing with an issue?
 12 MS. MUNDON:
 13 A. Well if you're in reactive mode, I mean
 14 there's a sense of you, you know, losing
 15 control of an issue, I mean, you're--instead
 16 of now going out to the public in a proactive
 17 manner and providing the public with the full
 18 context of an issue, you're now trying to
 19 counteract what the media has already found
 20 out on their own, so you're explaining around
 21 that and then you're still trying to provide
 22 the full context of the issue, as you know it.
 23 CHAYTOR, Q.C.:
 24 Q. And in suggesting a news release with
 25 frequently asked questions, I take it you were

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1 suggesting that because you see that as a
 2 proactive approach.
 3 MS. MUNDON:
 4 A. Yes. And my understanding at the time
 5 recommending that was that there have been
 6 very few interviews at that stage. There had
 7 been The Independent and there was a request
 8 here to do an interview with NTV.
 9 CHAYTOR, Q.C.:
 10 Q. In your discussions with Ms. Bonnell, did you
 11 have the sense that this was directly coming
 12 from her or did she, for example, say, well
 13 I'll have to discuss that with others and get
 14 back to you, Ms. Mundon. Did you have a sense
 15 that this was her reaction or was it a
 16 reaction coming from others within Eastern
 17 Health?
 18 MS. MUNDON:
 19 A. I can't recall specifically if she would have
 20 said to me that she would have to check with
 21 people. I think, you know, during that
 22 conversation that I would have had with her,
 23 she would have had an answer to that, but that
 24 being said, I had left a message for her on
 25 her answering machine, so it's quite possible

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1 that she had discussed it within the
 2 organization, which is what I would have to do
 3 in my role, certainly.
 4 CHAYTOR, Q.C.:
 5 Q. And if we can look at P-0142 please,
 6 Registrar? Ms. Mundon, this is an e-mail that
 7 you forwarded, it appears after you've had
 8 your discussion with Ms. Bonnell on the issue
 9 of a news release and this goes to Mr. Abbott
 10 and Ms. Hennessey, Dr. Hunt, Mr. Hynes and
 11 Minister Ottenheimer, October 3rd, 2005 at
 12 approximately 2:51 p.m. and it's an update on
 13 ER/PR. "FYI as mentioned previously, Dr.
 14 Williams has done a follow up interview with
 15 Carolyn Stokes, NTV. In addition, Eastern
 16 Health contacted Deanna Stokes Sullivan, The
 17 Telegram. She is going to do a follow up
 18 piece in tomorrow's Telegram. No interest
 19 from any other media." And I take it the
 20 department did not receive any calls from the
 21 media?
 22 MS. MUNDON:
 23 A. No, that's correct.
 24 CHAYTOR, Q.C.:
 25 Q. And these were the only inquiries that Ms.

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1 Bonnell indicated had come from the media to
 2 Eastern Health directly?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. "John"--and I take it you mean Mr. Abbott?
 7 MS. MUNDON:
 8 A. Yes.
 9 CHAYTOR, Q.C.:
 10 Q. That's the John you're referring to?
 11 MS. MUNDON:
 12 A. "I discussed with Susan the merits of doing a
 13 news release."
 14 CHAYTOR, Q.C.:
 15 Q. So had the idea of a news release come from
 16 Mr. Abbott? Why are you specifically
 17 addressing this to Mr. Abbott?
 18 MS. MUNDON:
 19 A. Because it was with Mr. Abbott and Ms.
 20 Hennessey that we had discussed.
 21 CHAYTOR, Q.C.:
 22 Q. Yes, and I understood three of you were in the
 23 room.
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. But is there any particular reason why you
 3 addressed Mr. Abbott on this aspect?
 4 MS. MUNDON:
 5 A. Well I report to Mr. Abbott and he certainly
 6 would have been, you know, in favour of doing
 7 a news release at that time.
 8 CHAYTOR, Q.C.:
 9 Q. "She advised that the strategy in July was
 10 that they would notify patients before they
 11 went public, so they decided against a news
 12 release." And I take it that was they decided
 13 against a news release back in July, is that
 14 what you're conveying?
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. "She indicated she had the support of the
 19 department with this approach. They now
 20 feel," and you've put in quotation marks, 'the
 21 horse has left the barn' and the media that
 22 were interested in the story have already
 23 covered it." And is that Ms. Bonnell saying
 24 that, "The horse has left the barn." is that
 25 her words?

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1 MS. MUNDON:
 2 A. Yes, it is.
 3 CHAYTOR, Q.C.:
 4 Q. You said that, "I requested for frequently
 5 asked questions to be posted to the website so
 6 that people would have easy access to
 7 information." So you suggested that to Ms.
 8 Bonnell?
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. And did she agree that that was a good idea?
 13 MS. MUNDON:
 14 A. Yes.
 15 CHAYTOR, Q.C.:
 16 Q. Was she receptive to that? She did?
 17 MS. MUNDON:
 18 A. Yes.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And so they were going to do that, I
 21 take it?
 22 MS. MUNDON:
 23 A. Yes.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. "I tend to agree with Susan this time

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1 with the news release. It seems as the
 2 opportunity for a news release to be issued in
 3 a proactive manner has passed. I believe we
 4 should continue to monitor the coverage and
 5 the reaction. If we did issue a news release
 6 at this point, it would be picked up by local
 7 newspapers and will probably draw attention to
 8 the issue unnecessarily." First of all, what
 9 would be the purpose in continuing to monitor
 10 the coverage and the reaction?
 11 MS. MUNDON:
 12 A. Just to monitor the coverage to see if the
 13 information was getting out there to people
 14 through the media, if the information that was
 15 known by Eastern Health at the time was being
 16 conveyed to the public through the media, you
 17 know, and that it wasn't, that certainly there
 18 would be a need for news release in any event.
 19 But I think Ms. Bonnell felt at the time that
 20 they were providing interviews to the media
 21 and that they were getting out the information
 22 through the media that they would be putting
 23 out in a news release.
 24 CHAYTOR, Q.C.:
 25 Q. You go on then and write, "If we did issue a

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1 news release at this point, it would be picked
 2 up by local newspapers and will probably draw
 3 attention to the issue unnecessarily." What
 4 did you mean by that?
 5 MS. MUNDON:
 6 A. Again, as I said earlier, my understanding of
 7 the issue at the time was that it was a St.
 8 John's issue and the community newspapers
 9 cover all different communities across the
 10 province outside of St. John's. So, you know,
 11 my understanding at the time was that it was a
 12 St. John's issue and that if a news release
 13 was issued, that it would probably cause
 14 unnecessary concern or alarm among people that
 15 it may not even affect.
 16 CHAYTOR, Q.C.:
 17 Q. The briefing note that I directed you to, the
 18 September 30th briefing note, tells you that
 19 it's coming from other authorities, that
 20 they're waiting for samples to come in from
 21 other authorities, so you would know that it
 22 pertains to people outside of St. John's.
 23 MS. MUNDON:
 24 A. I know the briefing note says that, but I, you
 25 know, overlooked that fact at this time

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1 because that was my understanding.
 2 CHAYTOR, Q.C.:
 3 Q. If the purpose of you suggesting a news
 4 release the same day was to get information
 5 out to people, what's wrong with newspapers
 6 picking up on the issue and reporting on it?
 7 MS. MUNDON:
 8 A. Nothing is wrong with newspapers reporting and
 9 picking up on it. In fact, if I thought there
 10 was anything wrong with that, I certainly
 11 wouldn't ask for or suggest a news release in
 12 the beginning or request frequently asked
 13 questions be posted to the website. Again, my
 14 knowledge at this time was that it was a St.
 15 John's issue and my--you know, what I meant by
 16 that comment was that it would probably cause
 17 unnecessary concern among people in other
 18 areas that it didn't affect.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. So when you read the page and a quarter
 21 briefing note, it didn't--you didn't
 22 understand that this did affect people outside
 23 St. John's?
 24 MS. MUNDON:
 25 A. No, at the time I obviously overlooked that.

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1 CHAYTOR, Q.C.:

2 Q. And in your discussions with Ms. Bonnell, that

3 wasn't made known to you?

4 MS. MUNDON:

5 A. No.

6 CHAYTOR, Q.C.:

7 Q. In your discussions with Ms. Hennessey and Mr.

8 Abbott that wasn't made know to you?

9 MS. MUNDON:

10 A. No. And I'd just like to say, as well, you

11 know, the words "the horse left the barn"

12 obviously are not my words and I do regret

13 using them even though they're not my words, I

14 do regret using them in the context and

15 certainly did not mean to insensitive to

16 cancer patients and their families.

17 CHAYTOR, Q.C.:

18 Q. And you agreed, though, with Susan, whether

19 you agreed with her wording or not, you agree

20 with her that it wasn't the time for the news

21 release?

22 MS. MUNDON:

23 A. I agreed with her in the context, as I said

24 here, as it seems as the opportunity for new

25 release to be issued in a proactive manner has

Page 126

1 passed and at this point in time now they had

2 done three interviews with St. John's media on

3 the issue.

4 CHAYTOR, Q.C.:

5 Q. Yes. and NTV has done a story, so that's

6 across the province?

7 MS. MUNDON:

8 A. Um-hm.

9 CHAYTOR, Q.C.:

10 Q. Okay.

11 MS. MUNDON:

12 A. I wasn't trying to--I just want to clarify, I

13 wasn't trying to suggest that we hide the

14 information from other parts of the province,

15 that's not what I was suggesting. I was just

16 making a point there that if it doesn't affect

17 people in other parts of the province, then it

18 would probably cause unnecessary concern among

19 people that it didn't affect. That was my

20 only point in that regard. I wasn't trying in

21 any way to hide information from the public.

22 CHAYTOR, Q.C.:

23 Q. And, of course, the Telegram goes across the

24 province, as well?

25 MS. MUNDON:

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1 A. Um-hm.

2 CHAYTOR, Q.C.:

3 Q. The idea then, so you're saying that you were

4 under the erroneous assumption that this was

5 just St. John's patients?

6 MS. MUNDON:

7 A. Yes.

8 CHAYTOR, Q.C.:

9 Q. And did anyone correct you on that assumption

10 or did anyone come to you and ask you, well,

11 Ms. Mundon, Tansy, what do you mean "It will

12 be picked up by local newspapers and draw

13 attention unnecessarily?"

14 MS. MUNDON:

15 A. No, nobody did correct me on that. And this

16 is one of the reasons, one of the reasons that

17 I put this in e-mail to these individuals was

18 because of the fact, again, that I was in the

19 department less than a month, had very little

20 knowledge of the file, when other people had

21 been there, you know, back to the beginning in

22 terms of July, 2005. And I fully expected

23 that if anything I said in this e-mail was

24 inaccurate or inappropriate, I would fully

25 expect that that would be brought to my

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1 attention either in a replied e-mail or in

2 person.

3 CHAYTOR, Q.C.:

4 Q. And did that happen?

5 MS. MUNDON:

6 A. No, it did not.

7 CHAYTOR, Q.C.:

8 Q. Okay. Did you receive any response at all to

9 this e-mail from Minister Ottenheimer?

10 MS. MUNDON:

11 A. No.

12 CHAYTOR, Q.C.:

13 Q. From any of the individuals that you sent this

14 to, did you receive any response on the e-

15 mail?

16 MS. MUNDON:

17 A. No.

18 CHAYTOR, Q.C.:

19 Q. In terms of the go-forward strategy in

20 communicating, no response?

21 MS. MUNDON:

22 A. No.

23 COMMISSIONER:

24 Q. Ms. Chaytor, wherever you can find a spot,

25 we'll take the morning break.

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1 CHAYTOR, Q.C.:

2 Q. Perhaps then this is a good place,

3 Commissioner.

4 COMMISSIONER:

5 Q. All right, thank you. We'll take 15 minutes.

6 (RECESS)

7 COMMISSIONER:

8 Q. Please be seated. Ms. Chaytor.

9 CHAYTOR, Q.C.:

10 Q. Thank you, Commissioner. Ms. Mundon, I

11 believe when we left, we were looking at P-

12 0142, please, Registrar. And you've explained

13 to us what you meant by your last sentence in

14 not having the issue, draw attention to the

15 issue unnecessarily and what you were

16 referring to on that. And I appreciate you're

17 new to the department and new to this issue

18 within those couple of days. Was there any

19 sentiment expressed within the department that

20 the department would prefer not to draw

21 attention to this issue?

22 MS. MUNDON:

23 A. No, absolutely not.

24 CHAYTOR, Q.C.:

25 Q. If we could look at P-0143, please? And this

Page 130

1 is an e-mail that you sent then October 5th,

2 and it's so a couple of days later. And

3 you're sending that to Mr. Abbott, Tara

4 Furlong, Ms. Hennessey, Dr. Hunt, Mr. Hynes

5 and again Minister Ottenheimer. And it's

6 regarding a CBC on-line story, "Newfoundland

7 Cancer Lab Produces False Results." And you

8 indicate, "FYI. This story was based on

9 today's Telegram story. I was speaking to

10 Susan B. this afternoon and she advised that

11 CBC did not do an interview for this story.

12 To date Eastern Health received six calls

13 today and five calls yesterday. The nature of

14 the calls were primarily around confusion

15 around mammography testing as opposed to

16 ER/PR." And you go on with "Peter Gullage had

17 called Eastern Health this afternoon and

18 requested an interview and his focus seems to

19 be on the impact on patients, and Dr. Williams

20 had done an interview with him, but Susan had

21 not talked to him at the time she spoke to

22 you." So I take it you've been speaking again

23 over the course of the past couple of days

24 then with Ms. Bonnell on this issue. And

25 there seems to be the nature of calls were

Page 131

1 primarily around confusion around mammography

2 testing as opposed to ER/PR. What do you

3 recall about your discussions with Ms.

4 Bonnell?

5 MS. MUNDON:

6 A. I just simply recall her making reference to,

7 I believe, one--perhaps (unintelligible) NTV

8 may have used some footage of mammograms, and

9 that was basically what I recall around that

10 in terms of the confusion.

11 CHAYTOR, Q.C.:

12 Q. And did this prompt any discussion in the

13 department in terms of the confusion that

14 seemed to be around the issue and that perhaps

15 it was concerning mammography as opposed to

16 ER/PR, did that prompt any kind of discussion

17 that perhaps we need to be doing something or

18 Eastern Health needs to be doing something to

19 better inform the public?

20 MS. MUNDON:

21 A. I think that the department was letting

22 Eastern Health manage the issue at this point

23 in time. That being said, when it comes to

24 confusion around a story like this, you know,

25 it would certainly be my understanding that it

Page 132

1 would be corrected with the particular media

2 article, or media outlet.

3 CHAYTOR, Q.C.:

4 Q. And was there any direction or suggestion from

5 the department that that happened?

6 MS. MUNDON:

7 A. Well, I can't give Ms. Bonnell direction. I

8 don't have--there's no formal reporting

9 relationship there.

10 CHAYTOR, Q.C.:

11 Q. You've made a suggestion two days before that

12 she do a news release. Did you make a

13 suggestion then to her that this be corrected?

14 MS. MUNDON:

15 A. I can't recall specifically if I made a

16 suggestion, but it was certainly my

17 understanding that something like this would

18 be corrected.

19 CHAYTOR, Q.C.:

20 Q. And do you know if that happened?

21 MS. MUNDON:

22 A. I don't recall if it did, I don't recall her

23 telling me if it did or not.

24 CHAYTOR, Q.C.:

25 Q. And do you recall any follow up with her on it

Page 133

1 to ensure that, in fact, it had happened?

2 MS. MUNDON:

3 A. Again, you know, I don't, I don't provide

4 direction to Ms. Bonnell, she doesn't report

5 to me, so I don't have any authority to tell

6 Ms. Bonnell what to do or to give her

7 direction.

8 CHAYTOR, Q.C.:

9 Q. I understand that, but I'm wondering whether

10 or not--this would have been of concern if

11 there's confusion around the issue. And I

12 take it that would be of concern within the

13 department?

14 MS. MUNDON:

15 A. I would assume that it would be, yes.

16 CHAYTOR, Q.C.:

17 Q. Okay. Do you recall that being discussed in

18 the department at the time, was there any

19 concern? Did you even receive any reply to

20 your e-mail that you sent to Minister

21 Ottenheimer and others that day?

22 MS. MUNDON:

23 A. No, not that I recall.

24 CHAYTOR, Q.C.:

25 Q. Okay. So did anyone raise with you any

Page 134

1 concern as to the confusion surrounding the

2 issue?

3 MS. MUNDON:

4 A. Not that I can recall within the department.

5 CHAYTOR, Q.C.:

6 Q. And did anyone within the department suggest

7 to you that follow up with Susan to use your

8 best efforts to have the confusion corrected?

9 MS. MUNDON:

10 A. No.

11 CHAYTOR, Q.C.:

12 Q. If we could look at 1608, please? P-1608?

13 That's fine, you go ahead. Ms. Mundon, this

14 is Ms. Bonnell now writing to you an e-mail

15 and also to Tara Furlong. And just remind us

16 again, who is Tara Furlong?

17 MS. MUNDON:

18 A. She's the communication specialist.

19 CHAYTOR, Q.C.:

20 Q. Okay. She was -

21 COMMISSIONER:

22 Q. I'm sorry, I didn't hear what you said?

23 MS. MUNDON:

24 A. The communication specialist in the Department

25 of Health and Community Services.

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1 COMMISSIONER:

2 Q. Thank you.

3 CHAYTOR, Q.C.:

4 Q. So Ms. Furlong would have been reporting to

5 you?

6 MS. MUNDON:

7 A. Yes.

8 CHAYTOR, Q.C.:

9 Q. Did anyone else report to you?

10 MS. MUNDON:

11 A. No.

12 CHAYTOR, Q.C.:

13 Q. Okay. And this is now Thursday, October 6th,

14 and she's forwarding to you breast screening,

15 The Independent, October 2nd, 2005, "Please

16 ensure that your staff have this information.

17 Calls can be directed to our PRO," which we

18 understand is the patient relations officer.

19 "See below." And she has sent out an e-mail

20 to a number of people the day before and she's

21 now forwarding it to you. And basically what

22 she's asking is that any calls, "It is

23 important that we do not misdirect calls from

24 patients. If you receive a call in your

25 office, please inform the individual that our

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1 patient relations office is handling all

2 inquiries on this issue." And then the phone

3 number is there. And she sends that on then,

4 as I said, to you the next day and to the

5 communications director reporting to you. Why

6 would it be important that you ensure that

7 your staff have the information as to how the

8 calls should be directed?

9 MS. MUNDON:

10 A. Just if we receive calls within the Department

11 of Health, if people didn't distinguish, you

12 know, between Eastern Health and the

13 Department of Health and they called the

14 department looking for information, that she's

15 asking me here to ensure that staff answering

16 main phone lines would have this information

17 and know where to redirect calls.

18 CHAYTOR, Q.C.:

19 Q. Okay. And did the department receive any such

20 calls?

21 MS. MUNDON:

22 A. I'm not sure if we would have, if they would

23 have come in to the main desk or through the

24 minister's office, but I would have provided

25 this information to them to ensure that if

Page 137

1 calls did come in, that they would have been
 2 redirected.
 3 CHAYTOR, Q.C.:
 4 Q. Okay. And to your knowledge were any calls
 5 received by the department?
 6 MS. MUNDON:
 7 A. I'm not aware if there were any calls.
 8 CHAYTOR, Q.C.:
 9 Q. Okay. And you asked then--so did you send
 10 this on by e-mail to everyone within the
 11 department or who did you send this to?
 12 MS. MUNDON:
 13 A. I think I would have printed off a copy and
 14 provided it to the secretaries for both the
 15 minister and the deputy minister, as well as
 16 the receptionist at the front desk.
 17 CHAYTOR, Q.C.:
 18 Q. And did you have to check with anyone within
 19 the department to see that that, in fact, is
 20 what the department wanted to have happen
 21 here, that this is how they wanted inquiries
 22 to the department to be handled, to be passed
 23 back to Eastern Health?
 24 MS. MUNDON:
 25 A. I would have discussed it with the deputy

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1 minister before providing a copy to people
 2 because just to ensure that that would be the
 3 case. But again, this would be consistent
 4 with what I would have been told during my
 5 tenure in the department, which is that the
 6 health authorities manage their own
 7 operational issues.
 8 CHAYTOR, Q.C.:
 9 Q. So that if anybody called on the ER/PR issue,
 10 that they would be calls--well, I guess
 11 they're receiving calls from patients and
 12 relatives of patients looking for more
 13 information. So those types of calls would be
 14 redirected back to Eastern Health?
 15 MS. MUNDON:
 16 A. Yes. Unless someone specifically wanted to
 17 talk to or meet with the minister, which would
 18 be handled in a different fashion.
 19 CHAYTOR, Q.C.:
 20 Q. And how would that be handled?
 21 MS. MUNDON:
 22 A. That would be handled in the same way that all
 23 calls to the minister would be handled or
 24 requests to the meet with the minister. It
 25 would go through the minister's secretary and

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1 the minister would discuss that with--the
 2 minister's secretary, sorry, would discuss
 3 that with the minister to determine how it
 4 would be responded to.
 5 CHAYTOR, Q.C.:
 6 Q. And how--do you know if you received any of
 7 those requests, did anybody contact looking to
 8 meet or discuss the issue with the minister?
 9 MS. MUNDON:
 10 A. I'm not aware, and that wouldn't necessarily
 11 be brought to my attention, that would be
 12 handled by the minister's secretary.
 13 CHAYTOR, Q.C.:
 14 Q. And to your knowledge no such requests were
 15 made?
 16 MS. MUNDON:
 17 A. To my knowledge, I'm not aware of any.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. Now, the list of people--and Ms.
 20 Bonnell forwarded this entire document came to
 21 you, it appears. And you see the number of
 22 people who are written to here, including
 23 there's an Arlene Cook, acook@peninsulas and
 24 others indicated here. Did this alert you to
 25 the fact that this is not just a St. John's

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1 issue?
 2 MS. MUNDON:
 3 A. Yes, I think I would have been aware at some
 4 later point that it wasn't just a St. John's
 5 issue, but at the time that I wrote that
 6 earlier e-mail, earlier that week, that was my
 7 understanding at the time I wrote it.
 8 CHAYTOR, Q.C.:
 9 Q. So by October 6th you're aware that it's not -
 10 MS. MUNDON:
 11 A. I can't say specifically when I became aware,
 12 if it was when this e-mail came, but I can say
 13 that I became aware at a later point in time.
 14 I'm not sure exactly what date that would have
 15 been.
 16 CHAYTOR, Q.C.:
 17 Q. And did that cause you to reflect any further
 18 on whether or not there should be a wider
 19 distribution of information across the
 20 province?
 21 MS. MUNDON:
 22 A. Again, when I sent that e-mail to staff within
 23 the department and communicated to them the
 24 conversation that I had with Ms. Bonnell, I
 25 fully expected that if there was any

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1 disagreement with what I was saying at the
 2 time or if, you know, the deputy minister felt
 3 that we needed to go back to push on the point
 4 that that would occur, and it did not occur.
 5 So I was left with the assumption that
 6 essentially that the strategy that was agreed
 7 upon back in July or the approach that was
 8 agreed upon back in July was, you know, that
 9 Eastern Health was going to be managing its
 10 own issue and that the department was just
 11 basically letting it do that.
 12 CHAYTOR, Q.C.:
 13 Q. If we could look at 1478, please? And, Ms.
 14 Mundon, this is an Executive Committee meeting
 15 at the department on Friday, the 7th, sorry,
 16 7th of October, 2005, 9:30 a.m. Is that a
 17 regular meeting every Friday?
 18 MS. MUNDON:
 19 A. Yes, it is.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. And you'll see that there's a number of
 22 people in attendance, including yourself. Mr.
 23 Abbott, Ms. Hennessey and yourself are
 24 certainly there and Mr. Hynes, as well. And
 25 the agenda item, it appears, No. 26, "Eastern

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1 Regional Health Authority, problem with breast
 2 screening program. Darrell Hynes noted the
 3 media coverage on this issue. The
 4 communications aspect of this issue was
 5 discussed by the executive. It was recognized
 6 a protocol is needed. Tansy Mundon to discuss
 7 from a 'lessons learned' perspective with
 8 other communication staff in government. Also
 9 to contact George Tilley regarding development
 10 of a protocol." So this is recognizing the
 11 communications aspect of the issue appears to
 12 have been discussed in this meeting. Do you
 13 have any recollection of what was discussed?
 14 MS. MUNDON:
 15 A. No, I don't.
 16 CHAYTOR, Q.C.:
 17 Q. And it's indicating here that a protocol is
 18 needed. What does that mean, a protocol is
 19 needed, what type of protocol and why would
 20 one be needed?
 21 MS. MUNDON:
 22 A. I don't recall specifically. I can--I'm
 23 thinking what may have been meant by that was
 24 the fact that in terms of notifying patients
 25 of adverse health events that perhaps there

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1 was a need to have a protocol established at
 2 the Eastern Health, not only this authority,
 3 but other authorities, you know, to determine
 4 when an event like this, obviously not like
 5 ER/PR specifically, but in another adverse
 6 health event that there be a protocol
 7 established for how to deal with it
 8 appropriately from a communications
 9 perspective.
 10 CHAYTOR, Q.C.:
 11 Q. So whether this had to deal specifically with
 12 ER/PR or something broader, you don't
 13 remember?
 14 MS. MUNDON:
 15 A. I don't remember but I would guess that it
 16 would be using ER/PR, you know, to say that
 17 there would need to be a larger protocol
 18 developed with the health authorities.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And it's indicated here that you would
 21 be discussing this or you were "to discuss
 22 from a 'lessons learned' perspective with
 23 other communications staff in government."
 24 Now, this is an early stage after the issue
 25 has just broken in the media.

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1 MS. MUNDON:
 2 A. Um-hm.
 3 CHAYTOR, Q.C.:
 4 Q. Beginning of October, this is now October 7th,
 5 a week into that. What were felt to be the
 6 lessons learned from a communications
 7 perspective at this point in time?
 8 MS. MUNDON:
 9 A. I don't recall the words "lessons learned"
 10 being used in the meeting, but again, I just
 11 can't--I mean, the person who takes the notes
 12 in these meetings is just basically
 13 summarizing, because I look here and I see,
 14 for example, No. 26, "Eastern RHA problem with
 15 breast screening program." which is not
 16 accurate way to describe the issue.
 17 CHAYTOR, Q.C.:
 18 Q. No. There is a lot of confusion, though,
 19 around that.
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. That shows up in a lot of documents.
 24 MS. MUNDON:
 25 A. That's right.

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1 CHAYTOR, Q.C.:

2 Q. Yes.

3 MS. MUNDON:

4 A. So I'm not sure that this summary may have

5 necessarily reflected what may have been

6 discussed at that time.

7 COMMISSIONER:

8 Q. So you don't think "lessons learned" were

9 discussed?

10 MS. MUNDON:

11 A. I don't recall "lessons learned" being

12 discussed. And I'm just wondering at this

13 early stage in the issue what the lessons

14 learned could be from a government

15 perspective. Certainly from Eastern Health's

16 perspective the lesson learned would be that,

17 you know, an issue is ultimately going to come

18 out in the public and, you know, you should be

19 proactive and get it out there and notify

20 patients and the public before the public

21 finds out on its own, essentially, unless that

22 was the--again, I really don't, don't recall

23 this discussion or this meeting.

24 CHAYTOR, Q.C.:

25 Q. So, Ms. Mundon, even at this point in the

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1 issue, a week, really, for you into the issue,

2 would you have recognized that as a lesson

3 learned?

4 MS. MUNDON:

5 A. I would recognize the lesson learned that

6 ultimately, you know, back in July when it was

7 discussed by the health authority that, you

8 know, that they wouldn't notify patients.

9 Patients are going to find out, so I don't

10 understand what the wisdom would be in keeping

11 that type of information from the patients.

12 And, in fact, I would think the patients would

13 have a right to know that their test was also

14 being sent out of the province.

15 CHAYTOR, Q.C.:

16 Q. Okay. And from a communications, and you're

17 an expert in communications, what else in

18 terms of looking at it might be a lesson

19 learned up to this point in time as to what

20 had transpired up to this point?

21 MS. MUNDON:

22 A. Again, you know, just the fact that, you know,

23 the authority was now reacting--was in a

24 reactive mode with respect to the issue

25 instead of being--you know, taking control of

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1 the issue and being out there in a proactive

2 way instead of notifying patients early on

3 back in July that their test results were

4 going to be sent out for retesting and having

5 the patients know that, they were now in a

6 situation where the media put the information

7 out there for them, and again, not all the

8 information being out there, so that certainly

9 would be a lesson learned, I would think, for

10 the health authority.

11 CHAYTOR, Q.C.:

12 Q. Did it surprise you in coming into this issue

13 knowing that Eastern Health had been dealing

14 with the issue back as early as, well, July

15 the department knew and Eastern Health dealing

16 with it back to May and perhaps initially

17 having a heads up to the issue in April, did

18 it surprise you then learning of the issue

19 yourself at the end of September that there

20 wasn't a strategy in place as to how to deal

21 with the issue from a public point of view?

22 MS. MUNDON:

23 A. It would surprise me knowing that -

24 CHAYTOR, Q.C.:

25 Q. Well, I should ask you, I guess, do you know

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1 whether or not they had a strategy in place

2 and, if not, would that surprise you?

3 MS. MUNDON:

4 A. It was my understanding that they didn't, and

5 yes, that would surprise me, particularly

6 given the fact that information was withheld

7 from patients that ultimately is going to come

8 out. So if you're planning on withholding

9 information from the public in that manner and

10 then--with the patients, then you should be

11 prepared for when the information does get out

12 there, which it will.

13 CHAYTOR, Q.C.:

14 Q. And you got, in your discussions with Ms.

15 Bonnell you understood they had no such plan

16 in place?

17 MS. MUNDON:

18 A. I didn't--I wasn't aware of any plan, I wasn't

19 told of any plan that they would have.

20 CHAYTOR, Q.C.:

21 Q. And it's your wording that they were now in

22 reactive mode?

23 MS. MUNDON:

24 A. Yes.

25 CHAYTOR, Q.C.:

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1 Q. Did you have any discussions about this issue
 2 from a lessons learned perspective with the
 3 other communication staff in government as is
 4 suggested in the meeting minutes?
 5 MS. MUNDON:
 6 A. I don't recall this being discussed and I'm
 7 just trying to understand the rationale for
 8 why I would discuss lessons learned from
 9 Eastern Health's perspective with other
 10 communication staff in government. It was--
 11 Eastern Health is an arms-length agency. It
 12 wasn't as if the department was managing this
 13 issue and the department, you know, was
 14 withholding information. It was Eastern
 15 Health who had been managing the file and I
 16 would see the lessons learned from that
 17 perspective. So I don't understand why--and
 18 again, maybe it's just the way that this was,
 19 way the notes were taken from that meeting,
 20 but I don't know what lessons learned I would
 21 be discussing with other communication staff
 22 in government.
 23 CHAYTOR, Q.C.:
 24 Q. So are you suggesting that there wasn't a
 25 lessons learned by the department through this

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1 piece?
 2 MS. MUNDON:
 3 A. Oh, I'm certainly saying there was lessons
 4 learned by the department through the piece,
 5 but I'm just talking about at this early
 6 stage.
 7 CHAYTOR, Q.C.:
 8 Q. Yes.
 9 MS. MUNDON:
 10 A. You know, given the fact, again, that, you
 11 know, it was conveyed to me time and time
 12 again that, you know, the Department let
 13 Eastern Health manage its own operational
 14 issues. So as long as you're letting Eastern
 15 Health manage its own operational issues, then
 16 the lessons learned from that would be lessons
 17 learned from Eastern Health's perspective, in
 18 terms of how it was communicated, unless the
 19 Department is going to intervene, which didn't
 20 occur at this point in time.
 21 CHAYTOR, Q.C.:
 22 Q. And the Department had, to use the word that
 23 you used earlier, endorsed Eastern Health's -
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. - strategy they had decided upon back in July?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. So in terms of a lessons learned from the
 7 Department and whether or not when they have
 8 another issue of a similar magnitude or nature
 9 down the road, whether or not that would be a
 10 lesson learned from the Department's point of
 11 view as well as to whether or not to endorse
 12 the strategy, give more feedback on a
 13 strategy, or in fact, come up with its own
 14 strategy.
 15 MS. MUNDON:
 16 A. Um-hm.
 17 CHAYTOR, Q.C.:
 18 Q. Was there any discussion around that?
 19 MS. MUNDON:
 20 A. Not that I recall.
 21 CHAYTOR, Q.C.:
 22 Q. You keep saying that time and time again you
 23 were reminded that Eastern Health is arm's
 24 length, Eastern Health manages its own
 25 operational issues. Bearing in mind that it's

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1 only about a month into your time now with the
 2 Department, who, in that time frame, is
 3 reminding you time and time again that that is
 4 the relationship with Eastern Health?
 5 MS. MUNDON:
 6 A. I guess it's not fair to say--you're right in
 7 saying I've only been there, you know, a
 8 month, you know, time and time again would not
 9 be relevant in this case, but I certainly was
 10 told, you know, early on, that Eastern Health
 11 managed their own issues, and you know, the
 12 fact that media inquiries were coming into
 13 Eastern Health, the fact that any inquiries
 14 from the public were redirected to Eastern
 15 Health, it was clear that Eastern Health was
 16 managing this issue.
 17 CHAYTOR, Q.C.:
 18 Q. And who was reminding you of that or telling
 19 you that?
 20 MS. MUNDON:
 21 A. Mr. Abbott.
 22 CHAYTOR, Q.C.:
 23 Q. So you have no recollection then of then going
 24 on and doing, as is suggested in those
 25 minutes, that you were to discuss the issue

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1 with other communications staff within
 2 Government?
 3 MS. MUNDON:
 4 A. I may have, you know, picked up the phone and
 5 called a few individuals and talked to them
 6 about it, but again, there would only be a few
 7 departments in Government that would, you
 8 know, be able to relate in terms of, you know,
 9 the arm's length agency perspective.
 10 CHAYTOR, Q.C.:
 11 Q. Now Ms. Mundon, this is an executive meeting.
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. You are, I would take it, fairly well the new
 16 kid on the block, and you're meeting with the
 17 executive of the Department.
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. This is indicated or recorded in the minutes
 22 to be something that you're going to do, that
 23 you're to discuss this with other
 24 communications people in Government. If you
 25 were to do that, to leave that meeting and do

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1 that, how would you go about doing that? Who
 2 would be the first person you would call to be
 3 able to do that?
 4 MS. MUNDON:
 5 A. Within the Department you mean or -
 6 CHAYTOR, Q.C.:
 7 Q. No, if you were to set up something so that
 8 you can discuss this issue from a lessons
 9 learned perspective with the other
 10 communications staff in Government, who would
 11 you call?
 12 MS. MUNDON:
 13 A. I would call Ms. Cheeseman.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. Do you recall doing that?
 16 MS. MUNDON:
 17 A. No.
 18 CHAYTOR, Q.C.:
 19 Q. Did you call Ms. Matthews?
 20 MS. MUNDON:
 21 A. No, not that I recall.
 22 CHAYTOR, Q.C.:
 23 Q. Did you ask to have this put on the regular
 24 monthly agenda for the meeting of
 25 communications directors?

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1 MS. MUNDON:
 2 A. Not that I recall, but I do recall sometime
 3 within that fall that there was supposed to be
 4 a scheduled retreat and that this was supposed
 5 to be one of the issues that would be
 6 discussed at that, and there was some
 7 interaction back and forth between Ms.
 8 Cheeseman and Mr. Abbott, because it was at
 9 Mr. Abbott's request that that would be
 10 discussed.
 11 CHAYTOR, Q.C.:
 12 Q. And I understand that didn't happen?
 13 MS. MUNDON:
 14 A. No, I don't think the retreat went ahead.
 15 CHAYTOR, Q.C.:
 16 Q. So do you recall discussing this with anyone
 17 else afterwards, whether or not any kind of a
 18 protocol could be developed? Was there any
 19 further follow up on that?
 20 MS. MUNDON:
 21 A. I wouldn't be the one to discuss a protocol
 22 with Mr. Tilley. That would be Mr. Abbott's
 23 role.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. So even though that follows on what

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1 you're to do, also to contact George Tilley
 2 regarding development of a protocol, you're
 3 saying that wouldn't be intended for you?
 4 MS. MUNDON:
 5 A. No, I wouldn't be contacting Mr. Tilley
 6 directly, as the norm.
 7 CHAYTOR, Q.C.:
 8 Q. Now we do have--there are times though
 9 throughout this issue when you did make
 10 contact with Mr. Tilley if you're directed to
 11 do so?
 12 MS. MUNDON:
 13 A. Yes, exactly.
 14 CHAYTOR, Q.C.:
 15 Q. So if you're being directed here to contact
 16 Mr. Tilley, you would do that, I would take
 17 it?
 18 MS. MUNDON:
 19 A. Yes, but I don't remember being directed to
 20 contact Mr. Tilley regarding the development
 21 of a protocol.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. Do you know whether or not anybody else
 24 did?
 25 MS. MUNDON:

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1 A. I'm not sure if Mr. Abbott did or not.
 2 CHAYTOR, Q.C.:
 3 Q. Do you recall any further discussion on that
 4 issue within the Department while you were
 5 there?
 6 MS. MUNDON:
 7 A. I do recall talking to Mr. Abbott about the
 8 development of a crisis communications plan
 9 for the health authorities and the Department.
 10 CHAYTOR, Q.C.:
 11 Q. And when does that come up?
 12 MS. MUNDON:
 13 A. That would have been in the spring of--no,
 14 sorry, I think it would be the fall of 2006.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, and was that in relation to the ER/PR
 17 issue?
 18 MS. MUNDON:
 19 A. Yes. It was recognized at the time that a
 20 significant period of time had passed and that
 21 none of the health authorities had crisis
 22 communications plans developed.
 23 CHAYTOR, Q.C.:
 24 Q. And would that be what was intended on this
 25 day, October 7th '05, the recognition that a

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1 protocol is needed, would that be a crisis
 2 communication protocol?
 3 MS. MUNDON:
 4 A. I don't think so. I think if that was what
 5 was discussed, I think that's what would have
 6 been put in the minutes.
 7 CHAYTOR, Q.C.:
 8 Q. Okay. So that would be something different?
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. To your knowledge, and I appreciate
 13 that you haven't been in the Department now
 14 since August 2007, but up to the time you left
 15 for your maternity leave in August 2007, had
 16 such a protocol been developed?
 17 MS. MUNDON:
 18 A. Not to my knowledge, and again, without
 19 knowing what type of protocol it is, it
 20 doesn't say it's a communications protocol.
 21 So I'm not even sure--just I know that I'm
 22 referenced here in terms of specifically from
 23 a lessons learned with communications staff,
 24 but it's not clear from these minutes if
 25 that's linked to "it is recognized a protocol

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1 is needed."
 2 CHAYTOR, Q.C.:
 3 Q. Well, it certainly talks about Mr. Hynes noted
 4 the media coverage on the issue. The next
 5 sentence is "the communications aspect of this
 6 issue was discussed by the Executive. It was
 7 recognized that protocol is needed." So it
 8 seems fairly straightforward, I would suggest,
 9 that it seems to be a communications protocol.
 10 MS. MUNDON:
 11 A. But in what aspect though? It could be a
 12 protocol for authorities providing a heads up
 13 to the Department on issues. Like it could be
 14 -
 15 CHAYTOR, Q.C.:
 16 Q. What type of protocol you mean?
 17 MS. MUNDON:
 18 A. Yeah, exactly.
 19 CHAYTOR, Q.C.:
 20 Q. What type of--you're not debating that it
 21 wouldn't be a communications protocol. You're
 22 asking what aspect of it?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. Well, to your knowledge, when you left in
 2 August 2007, had any type of communication
 3 protocol been developed?
 4 MS. MUNDON:
 5 A. No, there was some discussion, as I indicated
 6 earlier, with the Deputy Minister. I had
 7 sought--I had gone to an external
 8 communications firm to get a proposal on
 9 developing a--on getting a company to come in
 10 and basically talk to the four authorities. I
 11 had provided a copy of that to the Deputy
 12 Minister and I remember essentially that it
 13 was left with him and I didn't hear back from
 14 him.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, and that was in the fall of 2006,
 17 regarding the crisis communication?
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. Okay, and you were asked to get--to solicit an
 22 external company to do that?
 23 MS. MUNDON:
 24 A. Just to solicit a submission, not to get them
 25 to do the work, but just to get a submission

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1 on what it would entail, and I did that and I
 2 provided that to the Deputy Minister, and I
 3 think, you know, in talking to him like in the
 4 spring or in the early 2007 and then at that
 5 point in time, later in 2007, the Task Force
 6 was established and at that point in time, I
 7 believe he told me that the Task Force would
 8 be covering off on these ideas.
 9 CHAYTOR, Q.C.:
 10 Q. And that's what Mr. Abbott told you?
 11 MS. MUNDON:
 12 A. Yes.
 13 CHAYTOR, Q.C.:
 14 Q. Okay, and who did you get a submission from?
 15 MS. MUNDON:
 16 A. It was from M5.
 17 CHAYTOR, Q.C.:
 18 Q. Okay.
 19 THE COMMISSIONER:
 20 Q. I'm sorry, so in the fall of 2006, '07?
 21 MS. MUNDON:
 22 A. '06.
 23 THE COMMISSIONER:
 24 Q. '06, you were asked to seek information about
 25 the possible provision of services to four

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1 authorities? Is that it?
 2 MS. MUNDON:
 3 A. I was asked to contact an external agency to
 4 discuss the merits of the four authorities
 5 having a communications plan. So essentially,
 6 I contacted a company--I initially had
 7 contacted Bristol Communications, and I was
 8 told by them that Eastern Health had already
 9 been working on their own crisis
 10 communications plan. So I then contacted M5,
 11 and just, you know, talked to them about
 12 getting a submission sent in that we could
 13 just have a look at to see what they could
 14 offer us in terms of development of a crisis
 15 communications plan for the four health
 16 authorities and the Department.
 17 THE COMMISSIONER:
 18 Q. That was my question really. What I couldn't
 19 understand, in light of what you have been
 20 saying all morning is why you would be going
 21 out to look for a communications plan for
 22 these authorities, and I would assume a
 23 communications plan was an operational issue
 24 to which the Department left to the
 25 authorities.

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1 MS. MUNDON:
 2 A. That's what I was asked to do by the Deputy
 3 Minister.
 4 THE COMMISSIONER:
 5 Q. But the communications plan was just for the
 6 four authorities or for the four authorities
 7 and the Department?
 8 MS. MUNDON:
 9 A. And Government, yes.
 10 THE COMMISSIONER:
 11 Q. All right.
 12 MS. MUNDON:
 13 A. Which didn't go anywhere, Madame Commissioner,
 14 because -
 15 THE COMMISSIONER:
 16 Q. All right. Yes, I understood that part. I
 17 just couldn't quite understand how those two
 18 jayed together, but -
 19 CHAYTOR, Q.C.:
 20 Q. And that was, you indicated when I asked you
 21 about crisis communication in the fall of
 22 2006, it was in relation to the ER/PR issue?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. And did you have any documentation around
 2 that?
 3 MS. MUNDON:
 4 A. I don't know if it was specific to the ER/PR.
 5 I think it was crisis communications plan in
 6 general. It wasn't labelled as ER/PR. It was
 7 just recognized because of ER/PR that there
 8 would be a need for a crisis communications
 9 plan.
 10 CHAYTOR, Q.C.:
 11 Q. That that issue came up. So ER/PR issue is
 12 what prompted -
 13 MS. MUNDON:
 14 A. Yeah, but I don't think -
 15 CHAYTOR, Q.C.:
 16 Q. the Government to take this step?
 17 MS. MUNDON:
 18 A. The submission wouldn't have referenced ER/PR,
 19 I don't think.
 20 CHAYTOR, Q.C.:
 21 Q. But I take it there was communication back to
 22 you in writing from M5?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. Okay, and is there any other documentation
 2 that would exist regarding that?
 3 MS. MUNDON:
 4 A. Any other documentation -
 5 CHAYTOR, Q.C.:
 6 Q. Yes, are there any e-mail communications
 7 between yourself and Mr. Abbott, for example?
 8 MS. MUNDON:
 9 A. I don't think so. I think we would have
 10 discussed that verbally.
 11 CHAYTOR, Q.C.:
 12 Q. Is there any other documentation regarding
 13 that solicitation for any crisis communication
 14 plan?
 15 MS. MUNDON:
 16 A. No, because again, at that time, it wasn't
 17 going out and saying "we want you to develop
 18 it." It was just give us some ideas, if we go
 19 down this road what would you recommend. So
 20 it wasn't that we were actually seeking it at
 21 that time. It was "tell us what you would
 22 recommend in this regard." So then I could
 23 then provide it to the Deputy Minister.
 24 THE COMMISSIONER:
 25 Q. How do you ask someone--you mean, "tell us

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1 what you would recommend," in the sense of
 2 going to look for it? I'm afraid -
 3 MS. MUNDON:
 4 A. I'm sorry.
 5 THE COMMISSIONER:
 6 Q. - I'm not understanding what it is you were
 7 looking for, I suppose.
 8 MS. MUNDON:
 9 A. "Tell us what you would recommend in terms of
 10 how would we go about--like how would the
 11 Department go about, you know, assisting the
 12 authorities in developing a crisis
 13 communications plan." So I think one of the
 14 recommendations may have been to have, like a
 15 day session where you'd bring in the four
 16 directors of communications and discuss their
 17 ideas and sort of take it from there. It
 18 wasn't like, okay, "here are the elements of a
 19 crisis communications plan," or "we will do a
 20 crisis communications plan for you," and here
 21 is what it costs, type thing. I don't think
 22 it was like that.
 23 CHAYTOR, Q.C.:
 24 Q. If we could look, please, at P-0859? And in
 25 taking you to this now, this is October 12th,

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1 so it's about another five days after the
 2 meeting we just looked at. I take it, Ms.
 3 Mundon, you have no independent recollection
 4 of anything that happened in the next five
 5 days on the issue?
 6 MS. MUNDON:
 7 A. No.
 8 CHAYTOR, Q.C.:
 9 Q. This is an e-mail then from Ms. Hennessey to,
 10 I'm sorry, originally it is an e-mail from
 11 yourself on October 12th at about 3:00 in the
 12 afternoon to Mr. Hynes, Dr. Hunt, Mr. Abbott,
 13 Minister Ottenheimer and Moira Hennessey and
 14 Lynn Vivian-Book, and it's copied to your
 15 communications specialist, Tara Furlong, and
 16 the subject is media request, and you've
 17 indicated it to be high priority. What do you
 18 mean when you indicate something to be high
 19 priority?
 20 MS. MUNDON:
 21 A. It's just under the GroupWise system, it
 22 basically--there's a little envelope when an
 23 e-mail comes up on your screen. If you flag
 24 it as high priority, it comes up as a little
 25 red box. So it just would mean that somebody

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1 would pay more attention to it than probably a
 2 regular e-mail.
 3 CHAYTOR, Q.C.:
 4 Q. Okay, and so that's something that you have
 5 to, I take it, deliberately click on?
 6 MS. MUNDON:
 7 A. Yes.
 8 CHAYTOR, Q.C.:
 9 Q. Yes, okay, and "here are the requests
 10 received." You say "in case we didn't realize
 11 that CBC was back, they are, and the number of
 12 media requests reflects it. Here are the
 13 requested received and the responses," and
 14 then you list a number of them, and included
 15 are "Eastern Health inquiry, CBC Radio (Mark
 16 Quinn) ER/PR (it hasn't gone away). Mark is
 17 doing a debrief of the issue and has caught on
 18 to the fact that this may be an issue
 19 nationally. Dr. Williams spoke to him earlier
 20 today and I expect this story to air tomorrow
 21 morning."
 22 What did you mean when you say "in case
 23 we didn't realize that CBC was back, they
 24 are"?
 25 MS. MUNDON:

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1 A. That was when CBC was on strike, and I was
 2 just saying that CBC is now back from strike,
 3 and that was just a comment on that.
 4 CHAYTOR, Q.C.:
 5 Q. Okay, and then there's a number of CBC
 6 stories, and one NTV on a different issue.
 7 MS. MUNDON:
 8 A. Um-hm.
 9 CHAYTOR, Q.C.:
 10 Q. And you write here about the ER/PR issue, "(it
 11 hasn't gone away)"
 12 MS. MUNDON:
 13 A. And what I meant by that was that despite the
 14 fact that, I think, Eastern Health was
 15 thinking that it would eventually go away,
 16 that it wasn't going away and I knew it wasn't
 17 going away and you know, it's not going away.
 18 CHAYTOR, Q.C.:
 19 Q. How did you know it wasn't going away?
 20 MS. MUNDON:
 21 A. Because it's not an issue that--you know, that
 22 should go away. It was an issue that needed
 23 to be dealt with. It was an issue that was
 24 important and, you know, that patients needed
 25 answers. Until patients get the answers that

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1 they need and the public gets the answers that
 2 they need, then this issue is not going away,
 3 nor should it.
 4 CHAYTOR, Q.C.:
 5 Q. So based on what had happened to date, you
 6 didn't feel the patients had received the
 7 answers that they deserved to receive?
 8 MS. MUNDON:
 9 A. No.
 10 CHAYTOR, Q.C.:
 11 Q. And did you discuss that with anyone in the
 12 Department?
 13 MS. MUNDON:
 14 A. What I had meant by, in terms of patients
 15 hadn't received the answers they had expected,
 16 I mean, we know that the test results weren't
 17 back. So just by that very nature, they
 18 hadn't received the answers that they needed
 19 to receive and plus the scope of the problem
 20 still had not been determined at that early
 21 stage.
 22 CHAYTOR, Q.C.:
 23 Q. Based on what you've been told by Eastern
 24 Health or what's your source of that, that the
 25 scope of the problem hadn't been determined?

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1 MS. MUNDON:
 2 A. That was based on my discussions, again, from
 3 earlier on, as I indicated, with Ms. Bonnell.
 4 CHAYTOR, Q.C.:
 5 Q. And had you had any further discussions with
 6 anyone on that issue?
 7 MS. MUNDON:
 8 A. Not that I can recall, no.
 9 CHAYTOR, Q.C.:
 10 Q. What led you to believe, I think your words
 11 were, that you thought Eastern Health believed
 12 that the issue would go away? What led you to
 13 think that, that that's what Eastern Health
 14 believed?
 15 MS. MUNDON:
 16 A. That was just the understanding that I had,
 17 that they felt that, you know, from a media
 18 perspective, that it would go away and that--I
 19 always got the sense that this was an issue
 20 that the medical professions were dealing
 21 directly with patients and that, you know,
 22 that that was the most important part was
 23 ensuring that the patients received the
 24 information and access to timely treatment,
 25 and that the media was a secondary concern for

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1 them.
 2 CHAYTOR, Q.C.:
 3 Q. And was there a sense, in the Department as
 4 well, that the issue--that the Department
 5 believed the issue would go away?
 6 MS. MUNDON:
 7 A. No, not at all.
 8 CHAYTOR, Q.C.:
 9 Q. Did you have the sense that Eastern Health
 10 hoped that the issue would go away, again from
 11 a public perspective?
 12 MS. MUNDON:
 13 A. I sort of got the sense that, you know, from
 14 Ms. Bonnell throughout dealing with the file,
 15 that there was a sense of frustration on how
 16 the media were covering the issue.
 17 CHAYTOR, Q.C.:
 18 Q. And did you have that sense at this early
 19 stage, in October of 2005?
 20 MS. MUNDON:
 21 A. Probably not at that early stage.
 22 CHAYTOR, Q.C.:
 23 Q. And when do you recall sensing that
 24 frustration from Ms. Bonnell?
 25 MS. MUNDON:

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1 A. I'm not sure specifically what time frame that
 2 would have been.
 3 CHAYTOR, Q.C.:
 4 Q. And do you recall what she would have told you
 5 to leave you with that impression?
 6 MS. MUNDON:
 7 A. Just--you know, just a general comment that
 8 she may have made in passing, you know, during
 9 a conversation that the media just don't get
 10 it or something along those lines.
 11 CHAYTOR, Q.C.:
 12 Q. Okay, and then Ms. Hennessey sends this e-
 13 mail, forwards your e-mail on to a number of
 14 other people and she indicates "as Tansy says,
 15 CBC is back and we expect the volume of media
 16 inquiries and quick responses will pick up
 17 again." So what would be your purpose in
 18 alerting the individuals within the
 19 Department? These are the senior executive
 20 members, I would take it, of the Department.
 21 What's your purpose in alerting them to the
 22 fact that CBC is now back from strike?
 23 MS. MUNDON:
 24 A. Well, I was just sending them a number--like
 25 the number of requests below, down in the body

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1 of the e-mail, to keep them apprised as to
 2 what requests were coming in the Department,
 3 and just updating them, like to say, like for
 4 example, in the first case "CBC Radio Morning
 5 Show," and then I have a "(arranged)" and then
 6 like, you know, just gives them an update on
 7 where these media requests are, and I just--I
 8 guess because of the fact that there were a
 9 number of the requests for CBC, I was just
 10 making a point that, you know, for the people
 11 that aren't--that don't--that didn't realize
 12 that CBC was even on strike, well, they aren't
 13 on strike any more, they're back and just
 14 basically to be aware that they're back and
 15 they're, you know, doing their job as always
 16 and that we can expect some increased media
 17 requests again.
 18 CHAYTOR, Q.C.:
 19 Q. And would those be the individuals who more
 20 than likely would have to respond to such
 21 requests or if interviews were to be provided?
 22 MS. MUNDON:
 23 A. Yes. Well, these are members of the senior
 24 executive team.
 25 CHAYTOR, Q.C.:

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1 Q. And if we could look next, please, at 1438,
 2 Registrar? And this is the minutes of
 3 another executive committee meeting, and I'll
 4 just take you back to the beginning here.
 5 It's October 14th 2005, again at 9:30, and in
 6 attendance include Mr. Abbott, Ms. Hennessey,
 7 yourself and Mr. Hynes, and included as agenda
 8 item number 17, ER/PR retesting. "The
 9 executive discussed the current status of this
 10 ongoing issue." Do you recall what was
 11 discussed a week later regarding this issue?
 12 MS. MUNDON:
 13 A. No, I don't recall specifically. We probably
 14 would have talked about the media inquiries
 15 that would have occurred, if any, between the
 16 last meeting and that meeting.
 17 CHAYTOR, Q.C.:
 18 Q. And would there also be any discussion around
 19 the status of patient notification?
 20 MS. MUNDON:
 21 A. I don't recall if there was or if there
 22 wasn't.
 23 CHAYTOR, Q.C.:
 24 Q. And what about the status of retesting and how
 25 that's progressing?

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1 MS. MUNDON:
 2 A. I don't recall, but typically, when there's an
 3 update provided on an issue, typically the way
 4 that it would be done, in an executive
 5 meeting, is that the ADM responsible would
 6 provide that update on if there was a change
 7 or an update on an issue.
 8 CHAYTOR, Q.C.:
 9 Q. And so, I take it, you have no recollection
 10 then of what was discussed?
 11 MS. MUNDON:
 12 A. No.
 13 CHAYTOR, Q.C.:
 14 Q. And from your point of view, from a
 15 communications point of view, any update
 16 provided by you would be where things are from
 17 a media perspective and what media inquiries
 18 are being received and responded to? Is that
 19 right?
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. If we can look at P-0173, please? And this is
 24 a e-mail from yourself to Mr. Abbott, Ms.
 25 Hennessey, Mr. Hynes and Minister Osborne.

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1 I'm sorry, that one is out of context. I'll
 2 take you to that one in a minute. Sorry, if
 3 we could look at P-1439? That one comes along
 4 later. It's not '05, it's '06.
 5 The next document then we have is
 6 executive committee meeting again on October
 7 28th, 2005. I'll just bring you back to show
 8 that you are in attendance, as are all the
 9 other individuals previously mentioned, and
 10 number five on the agenda item--does it
 11 matter--is there any significance in terms of
 12 where an item is on the agenda? Because we've
 13 noticed that it's going up higher in numbers.
 14 Is that of any significance?
 15 MS. MUNDON:
 16 A. No, absolutely not.
 17 CHAYTOR, Q.C.:
 18 Q. So unlike where you fit on a briefing note
 19 list, which has some significance, it has no
 20 significance in terms of agenda items?
 21 MS. MUNDON:
 22 A. No.
 23 CHAYTOR, Q.C.:
 24 Q. Okay, and this indicates number five, ER/PR
 25 retesting. "Tansy Mundon noted Eastern region

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1 is not keeping her in the loop on
 2 communications issues. She was unaware of the
 3 interview Dr. Williams did on Out of the Fog.
 4 Tansy Mundon to e-mail John Abbott regarding
 5 this issue. John Abbott to follow up with
 6 George Tilley." Now Ms. Mundon, what do you
 7 recall around that?
 8 MS. MUNDON:
 9 A. I think this would have been a case where I
 10 would have found out about this interview from
 11 learning about it through media headlines. So
 12 I would have found out that Dr. Williams did
 13 the interview and I wouldn't have been aware
 14 in advance that this was going to take place.
 15 So I just thought that--I guess I just brought
 16 it at the executive level to make the note
 17 that I wasn't being kept in the loop, in terms
 18 of, you know, how they were--the different
 19 media interviews they were doing on this
 20 issue.
 21 THE COMMISSIONER:
 22 Q. I'm sorry, I didn't catch the last part of
 23 what you said.
 24 MS. MUNDON:
 25 A. Just that I wasn't being kept in the loop on

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1 how they were responding to media inquiries on
 2 the issue.
 3 CHAYTOR, Q.C.:
 4 Q. And was this the first time that you had an
 5 issue or felt like this, that you weren't
 6 being kept in the loop?
 7 MS. MUNDON:
 8 A. At this stage, in October 2005, I would say
 9 that yes, that may have been the first time
 10 that that occurred.
 11 CHAYTOR, Q.C.:
 12 Q. And when you became aware of the interview by
 13 Dr. Williams on Out of the Fog, did you phone
 14 Ms. Bonnell and ask her about that?
 15 MS. MUNDON:
 16 A. I believe that I did.
 17 CHAYTOR, Q.C.:
 18 Q. And what did you discuss with her? What was
 19 her response to that?
 20 MS. MUNDON:
 21 A. I can't recall what her response would have
 22 been? I just would have relayed to her my
 23 disappointment with finding out about the
 24 interview after it had taken place, instead of
 25 before, and that, you know, I would appreciate

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1 a heads up in future, just so that we could--
 2 the Department could stay apprised of the
 3 issue, from a media perspective.
 4 CHAYTOR, Q.C.:
 5 Q. And what response did she give you to that?
 6 MS. MUNDON:
 7 A. I don't recall what she would have said. I
 8 don't recall it being a lengthy discussion.
 9 CHAYTOR, Q.C.:
 10 Q. If you were satisfied with her response, would
 11 you still have brought the issue up at the
 12 executive meeting? Like if you've spoken with
 13 Ms. Bonnell and director to director have
 14 talked about it, it's been one instance, would
 15 you still be bringing that up at the executive
 16 level?
 17 MS. MUNDON:
 18 A. No.
 19 CHAYTOR, Q.C.:
 20 Q. Because now it appears, according to what's
 21 actioned here, that Mr. Abbott then is going
 22 to follow up on the issue.
 23 MS. MUNDON:
 24 A. Um-hm.
 25 CHAYTOR, Q.C.:

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1 Q. And do you know whether or not that happened,
 2 he was going to follow up with Mr. Tilley?
 3 MS. MUNDON:
 4 A. I'm not sure if he did or not.
 5 CHAYTOR, Q.C.:
 6 Q. Did Mr. Abbott ever get back to you and
 7 discuss the issue further with you?
 8 MS. MUNDON:
 9 A. Not that I can recall.
 10 CHAYTOR, Q.C.:
 11 Q. In your experience in dealing with Eastern
 12 Health, did you have concerns about your
 13 ability to get information from them?
 14 MS. MUNDON:
 15 A. At this time period specifically or in general
 16 throughout by tenure in the Department?
 17 CHAYTOR, Q.C.:
 18 Q. In dealing with the ER/PR issue, did you have
 19 concerns with your ability to get information
 20 from Eastern Health?
 21 MS. MUNDON:
 22 A. I did have concern, you know, throughout my
 23 tenure at the Department, in terms of, you
 24 know, general cooperation with Eastern Health
 25 from a communications perspective.

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1 CHAYTOR, Q.C.:
 2 Q. And so tell the Commissioner then about those
 3 concerns. What did you experience?
 4 MS. MUNDON:
 5 A. Well, this would be one example where there
 6 would be an interview on something and I would
 7 find out about it the same time everybody else
 8 did in the public, after the interview had
 9 taken place. Sometimes there would be news
 10 releases on other issues that would be issued
 11 and again, I would find out about them after
 12 they had been issued. Not that we had ever
 13 signed off on their materials, but just the
 14 fact that, you know, sometimes we were told
 15 that they were issuing a news release and
 16 provided a copy, you know, even at the same
 17 time as the news release was being sent to the
 18 media. At least, we were aware that it was
 19 being sent out. Those were the types of
 20 instances that I recall.
 21 CHAYTOR, Q.C.:
 22 Q. Did you ever have the feeling if you didn't
 23 ask a specific question you wouldn't get the
 24 answer?
 25 MS. MUNDON:

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1 A. Yes, I did.
 2 CHAYTOR, Q.C.:
 3 Q. Okay, and I believe those were your words to
 4 us in February.
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. And tell us about that.
 9 MS. MUNDON:
 10 A. Well, I just felt that that was, not only with
 11 me, from communications perspective, I just
 12 had the impression in general from the
 13 relationship with the Department and Eastern
 14 Health that unless the Department asked a
 15 specific question, then they may not get that
 16 specific answer.
 17 CHAYTOR, Q.C.:
 18 Q. And was that also your experience in dealing
 19 with Eastern Health on the ER/PR issue?
 20 MS. MUNDON:
 21 A. That was generally my experience, yes.
 22 CHAYTOR, Q.C.:
 23 Q. Including the ER/PR issue?
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. Ms. Mundon, why did the Department want to be
 3 kept currently apprised of media contacts or
 4 media interviews that Eastern Health was doing
 5 on the issue?
 6 MS. MUNDON:
 7 A. The same way the Department was being--was
 8 providing regular briefing notes for the
 9 Minister to keep the Minister in the loop, in
 10 terms of how the issue was being managed, from
 11 my perspective, I wanted to know how the issue
 12 was playing out in the media so that I could
 13 also let the senior executive team know from
 14 that aspect. So in other words, that the
 15 Minister be apprised of where the file was, as
 16 it was going along, both from the issues
 17 management perspective and from communications
 18 perspective.
 19 CHAYTOR, Q.C.:
 20 Q. And would you also have to advise
 21 Communications and Consultation Branch, Ms.
 22 Cheeseman? In your reporting to her, would
 23 you also have to keep her apprised?
 24 MS. MUNDON:
 25 A. Ms. Cheeseman would have been receiving copies

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1 of all media clippings on the issue, and I
 2 guess just to clarify a little bit in terms of
 3 the reporting relationship with Ms. Cheeseman.
 4 My interaction with her would generally be on
 5 broad Government issues, like issues that
 6 would affect Government overall, as opposed to
 7 specific departmental issues. So as an
 8 example, budget communications. So I would be
 9 in direct contact with Communications and
 10 Consultations branch on budget communications,
 11 and how--and feed my plan into the overall
 12 Government plan. So they would be analysing
 13 it from that perspective.
 14 Another example would be again when the
 15 House of Assembly is open and in terms of any
 16 issues at that level, you know, from a
 17 government--how it would impact on Government
 18 wide communications. So that would be my
 19 interaction with Ms. Cheeseman, for the most
 20 part.
 21 CHAYTOR, Q.C.:

22 Q. And in terms of though, the ER/PR issue, we
 23 know that two requests, anyhow, where Cabinet
 24 Secretariat came looking for briefing notes on
 25 this particular issue. So would that--so

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1 obviously it was something that was of
 2 interest to Cabinet Secretariat on at least
 3 those two occasions. Would this not be the
 4 type of issue that would be of broad interest
 5 beyond the Department?
 6 MS. MUNDON:
 7 A. Again, in the context of the issue being
 8 requested for additional information from
 9 Cabinet Secretariat, Ms. Cheeseman is copied
 10 on briefing notes prepared by Cabinet
 11 Secretariat.
 12 CHAYTOR, Q.C.:

13 Q. Yes.
 14 MS. MUNDON:
 15 A. So she would be aware of that, and generally
 16 the rule is, when it comes to the
 17 Communications and Consultations branch, from
 18 a communications perspective, if they feel, at
 19 any time, that an issue needs their
 20 involvement, they will pick up the phone and
 21 call and say, you know, "here's what we are
 22 offering as advice on this issue" or "we'd
 23 like to get more involved with this issue" or
 24 so on and so forth.
 25 CHAYTOR, Q.C.:

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1 Q. So why back on September 30th were you going
 2 to notify Ms. Cheeseman of this issue?
 3 MS. MUNDON:
 4 A. Why would I notify her?
 5 CHAYTOR, Q.C.:

6 Q. Yes, when I asked who you would have been
 7 notifying, you included her.
 8 MS. MUNDON:
 9 A. Yes.
 10 CHAYTOR, Q.C.:

11 Q. So why would you be notifying her of the
 12 issue?
 13 MS. MUNDON:
 14 A. Well, she would have--again, at the time Ms.
 15 Chaplin would already be over in Executive
 16 Council, so I would have provided her with
 17 information as was copied in that e-mail to
 18 the other officials.
 19 CHAYTOR, Q.C.:

20 Q. But wouldn't you then continue to keep her
 21 apprised of any further developments on the
 22 issue?
 23 MS. MUNDON:
 24 A. Again, she would have been copied on briefing
 25 notes that would have gone forward to Cabinet

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1 Secretariat, but their reporting is such that
 2 all Directors in government wouldn't be
 3 reporting to Ms. Cheeseman within each
 4 department. She just wouldn't have--it just
 5 wouldn't be the way that their relationship
 6 worked.
 7 CHAYTOR, Q.C.:

8 Q. So you did not continue then to keep Ms.
 9 Cheeseman apprised of this issue as it went
 10 on.
 11 MS. MUNDON:
 12 A. No, not that I can recall.
 13 CHAYTOR, Q.C.:

14 Q. And in terms of your concerns regarding
 15 communications coming from Eastern Health, at
 16 some point in time, did you or others in the
 17 department come to feel that there was
 18 information not being provided to you from
 19 Eastern Health on the ER/PR issue?
 20 MS. MUNDON:
 21 A. At this early stage, I wouldn't have thought
 22 that information was being held at this time.
 23 CHAYTOR, Q.C.:

24 Q. Okay. And did at some point in time then as
 25 the issue went on did you come to that

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1 realization or thinking?
 2 MS. MUNDON:
 3 A. Certainly in the spring of 2007, that
 4 certainly became clear.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. Well, then I'll take you to that in the
 7 spring of 2007 when we get there. And prior
 8 to then the spring of 2007, did you experience
 9 any reluctance to provide you with information
 10 or at times a reluctance to get information to
 11 you in a timely fashion?
 12 MS. MUNDON:
 13 A. Especially related to ER/PR?
 14 CHAYTOR, Q.C.:
 15 Q. Yes.
 16 MS. MUNDON:
 17 A. I don't recall specifically now any occurrence
 18 at this time-frame that -
 19 CHAYTOR, Q.C.:
 20 Q. Now I'm just asking you to think beyond not
 21 just October 2005, but throughout your
 22 handling of the issue, whether or not you
 23 experienced a reluctance to give you
 24 information when you went looking for it?
 25 MS. MUNDON:

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1 A. I think in general--you know, in our file in
 2 general, I think there was a reluctance for
 3 the department to be, you know, proceedingly
 4 interfering in Eastern Health's operational
 5 issues. You know, it certainly would have
 6 been my understanding from a communications
 7 perspective that it wasn't that appreciated on
 8 occasion, me asking for certain information or
 9 delving into their business, shall we say,
 10 from a communications perspective when they
 11 were managing their own issues from an
 12 operational perspective and had their own
 13 communications team at Eastern Health.
 14 CHAYTOR, Q.C.:
 15 Q. And who conveyed that to you?
 16 MS. MUNDON:
 17 A. I don't recall it ever being conveyed exactly
 18 in that fashion. However, that was certainly
 19 the message that I would have received on
 20 occasion from Ms. Bonnell.
 21 THE COMMISSIONER:
 22 Q. See, I'm a little confused here because it
 23 seems to me that on the one hand you're
 24 telling me that this was operational issue
 25 which you were leaving with Eastern Health.

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1 MS. MUNDON:
 2 A. Uh-hm.
 3 THE COMMISSIONER:
 4 Q. And on the other hand, you're saying Eastern
 5 Health wasn't giving you enough information.
 6 So those two to me seem a little inconsistent.
 7 If it was being to Eastern Health, the
 8 department is out of it, weren't they doing
 9 what you thought they were supposed to be
 10 doing?
 11 MS. MUNDON:
 12 A. They were, Madam Commissioner, from that
 13 perspective. However, there were times that,
 14 you know, as with any file, that the Minister
 15 is expected to, you know, kept in the loop on
 16 issues. So if I was inquiring in a general
 17 way about, for example, media inquiries or the
 18 like, it wasn't to, you know, tell them how to
 19 manage the issue. It was just simply asking a
 20 courtesy heads up on issues or asking for a
 21 courtesy information on things, and I'm just
 22 saying that there was some reluctance on that.
 23 And perhaps because of the fact that they were
 24 responsible for managing their own operational
 25 issues, she was probably wondering why am I

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1 asking her for this, in all fairness to her.
 2 THE COMMISSIONER:
 3 Q. So when you went to Eastern Health to seek
 4 information, your sole purpose was so that you
 5 could advise your Minister what was happening
 6 on the communications side, you say?
 7 MS. MUNDON:
 8 A. Yes. Yes.
 9 THE COMMISSIONER:
 10 Q. And you were interested only in the
 11 perspective of communication, not substance.
 12 MS. MUNDON:
 13 A. I wouldn't be trying to get substance from
 14 her. That would be coming from the ADM
 15 through Eastern Health in that regard, that
 16 channel.
 17 THE COMMISSIONER:
 18 Q. All right.
 19 CHAYTOR, Q.C.:
 20 Q. And as time went on, in trying to get
 21 information - and, I take it, your only
 22 contact was with Ms. Bonnell, is that correct?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. And as time went on, in trying to get
 2 information from Ms. Bonnell on this issue,
 3 how would you have described her attitude
 4 towards you?
 5 MS. MUNDON:
 6 A. I'd say the relationship was cordial but at
 7 times, you know, I felt it was frustrating on
 8 my part and perhaps on her part as well, just
 9 because of the fact that she had the clear
 10 understanding from her organization that they
 11 would be managing their own operational
 12 issues. And while, you know, my Deputy
 13 certainly relayed that to me time and time
 14 again, there were occasions where the Minister
 15 himself would be looking for information from
 16 communications' perspective, you know, and the
 17 department would be looking for it and I would
 18 simply be asking for it, and I would probably
 19 sometimes sense a level of frustration.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. And which Minister would that be?
 22 MS. MUNDON:
 23 A. I think it would be Ministers Ottenheimer--or,
 24 sorry, Ministers Osborne and Minister Wiseman.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. Did you find Ms. Bonnell at times to be
 2 defensive?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. And perhaps then you could elaborate on that
 7 and tell the Commissioner about that.
 8 MS. MUNDON:
 9 A. Again, just I guess from her perspective, you
 10 know, and the perspective of their
 11 organization, because I did sense that she was
 12 representing, you know, the organization in
 13 that view, I think she just, you know, was a
 14 little bit defensive when the department, you
 15 know, or I would specifically ask for
 16 information from a communications perspective.
 17 CHAYTOR, Q.C.:
 18 Q. Okay. And was that she saw that this line was
 19 being crossed, that you were delving into an
 20 area where you really didn't need to be? Was
 21 that what expressed to you?
 22 MS. MUNDON:
 23 A. I sense that that may have been her perception
 24 of it - that, you know, that she was handling
 25 the issue from a communications perspective

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1 and that, really, why was I involving myself
 2 in that.
 3 CHAYTOR, Q.C.:
 4 Q. Did you have concern about that yourself? You
 5 said you were becoming frustrated. Did you
 6 express that to anyone within the department
 7 or within government and relay those concerns?
 8 MS. MUNDON:
 9 A. Yes, I did.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. Who did you speak with?
 12 MS. MUNDON:
 13 A. I discussed it with the Deputy Minister in the
 14 fall of 2006.
 15 CHAYTOR, Q.C.:
 16 Q. Okay. And what was his response?
 17 MS. MUNDON:
 18 A. He suggested that perhaps we have a meeting
 19 to--with Ms. Bonnell and Mr. Tilley to discuss
 20 the issue.
 21 CHAYTOR, Q.C.:
 22 Q. Okay. And that took place in the fall of
 23 2006?
 24 MS. MUNDON:
 25 A. Yes, it did.

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1 CHAYTOR, Q.C.:
 2 Q. And I'll bring you to that. Did you discuss
 3 it with anyone else within government?
 4 MS. MUNDON:
 5 A. I think I may have expressed it to Ms.
 6 Matthews in passing.
 7 CHAYTOR, Q.C.:
 8 Q. And what did you tell Ms. Matthews?
 9 MS. MUNDON:
 10 A. Just that I, you know, was a little frustrated
 11 on occasion trying to get information from
 12 Eastern Health from a communications
 13 perspective.
 14 CHAYTOR, Q.C.:
 15 Q. And do you remember when you told that to Ms.
 16 Matthews?
 17 MS. MUNDON:
 18 A. I think it may have been late 2006.
 19 CHAYTOR, Q.C.:
 20 Q. So around the same time that you're expressing
 21 your frustrations to Mr. Abbott.
 22 MS. MUNDON:
 23 A. Perhaps, yes.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. Was it before or after the meeting you

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1 had with Eastern Health to address those
 2 concerns?
 3 MS. MUNDON:
 4 A. I think it may have been before the meeting.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. And what was Ms. Matthews' response to
 7 you when you brought the issue up with her?
 8 MS. MUNDON:
 9 A. I didn't bring it forward as a formal
 10 complaint as such because Ms. Matthews
 11 wouldn't really be the one to address that
 12 sort of issue. That would be the Deputy
 13 Minister. I just was mentioning it to her in
 14 passing while we were over in the caucus room
 15 while the House was in session, just to let
 16 her know that I was having some issues. That
 17 was why I brought to her attention.
 18 CHAYTOR, Q.C.:
 19 Q. Yes. And was it in relation to the ER/PR
 20 issue?
 21 MS. MUNDON:
 22 A. I believe so, yes.
 23 CHAYTOR, Q.C.:
 24 Q. Yes. And did Ms. Matthews have any advice for
 25 you on that or any response to you?

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1 MS. MUNDON:
 2 A. Well, I think I may have told her at the time
 3 that I had brought to the Deputy Minister's
 4 attention.
 5 CHAYTOR, Q.C.:
 6 Q. Yes.
 7 MS. MUNDON:
 8 A. So she was probably of the understanding that
 9 the Deputy Minister would handle it.
 10 CHAYTOR, Q.C.:
 11 Q. Okay.
 12 MS. MUNDON:
 13 A. Or pursue it further.
 14 CHAYTOR, Q.C.:
 15 Q. And did she have any other advice or response
 16 to you when you brought it up with her?
 17 MS. MUNDON:
 18 A. Not that I recall specifically, no.
 19 CHAYTOR, Q.C.:
 20 Q. Did you understand from your discussion with
 21 Ms. Matthews as to whether or not this was a
 22 unique complaint, that this was a Tansy Mundon
 23 issue as opposed to an issue that others may
 24 have had?
 25 MS. MUNDON:

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1 A. She did indicate that she had heard before
 2 that there may have been issues from a
 3 communications perspective with Ms. Bonnell.
 4 CHAYTOR, Q.C.:
 5 Q. Okay. And did she elaborate on that?
 6 MS. MUNDON:
 7 A. No, she did not.
 8 CHAYTOR, Q.C.:
 9 Q. Did Ms. Bonnell ever express frustration to
 10 you herself in terms of trying to deal with
 11 her own executives on the ER/PR issue?
 12 MS. MUNDON:
 13 A. Yes, she did.
 14 CHAYTOR, Q.C.:
 15 Q. And what did she tell you?
 16 MS. MUNDON:
 17 A. She felt that communications didn't really--
 18 wasn't really seen as a priority within the
 19 organization, and perhaps there wasn't a great
 20 understanding or appreciation for
 21 communications within Eastern Health.
 22 CHAYTOR, Q.C.:
 23 Q. Was she having any difficulty in getting her
 24 own - and we'll use the word "bosses" -
 25 bosses' attention, or people higher up to her

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1 in the organization, to pay attention to what
 2 she had to say on the ER/PR issue?
 3 MS. MUNDON:
 4 A. I'm not sure. I don't think she specifically
 5 mentioned that to me in our conversations.
 6 CHAYTOR, Q.C.:
 7 Q. So it was said generally that it didn't appear
 8 that communications was seen as a priority.
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. And what did you take that to mean? Was that
 13 external communications, public
 14 communications?
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. Okay. Did she voice any other frustration
 19 around the ER/PR issue in particular?
 20 MS. MUNDON:
 21 A. No, she didn't, not that I recall.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. So I'll try and bring us online with
 24 our chronology here. So I take it then, Ms.
 25 Mundon, throughout October 2005 and the fall

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1 of 2005, you continued then to monitor the
 2 media on the ER/PR issue.
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. And, I guess, in doing that you
 7 continued to distribute via e-mail any
 8 relevant media articles.
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. And that's one of your job functions as you've
 13 told us about, to distribute any relevant
 14 media to the people within the department.
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. Okay. So if we could look at P-1609, please?
 19 Okay, this is an e-mail then from Doris Walsh,
 20 and it's October 31, 2005, and it goes to 10th
 21 MM. Who's Doris Walsh?
 22 MS. MUNDON:
 23 A. Ms. Walsh works in the communications and
 24 consultations branch.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. And who is 10th MM?
 2 MS. MUNDON:
 3 A. I think 10th would represent, as we call, the
 4 communications and consultations branch, the
 5 10th Floor, just because they're located on
 6 the 10th Floor in the East Block. I'm not
 7 sure what MM would mean.
 8 CHAYTOR, Q.C.:
 9 Q. Okay. So I guess it's some group distribution
 10 list that she has set up for herself.
 11 MS. MUNDON:
 12 A. Yeah, that's right.
 13 CHAYTOR, Q.C.:
 14 Q. Okay. And it's October 31st, as I said, and
 15 it's Open Line, breast cancer screening, and
 16 we have that referred to again, and it's
 17 copied to Ken Morrissey and yourself. Who's
 18 Ken Morrissey?
 19 MS. MUNDON:
 20 A. He would have been the Communications
 21 Specialist in the Premier's office at that
 22 time.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. And this is referring to an individual
 25 by the name of Mercedes, and--it should be

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1 breast cancer screening, and there's a number
 2 of bullets outlined here - "Don't know at this
 3 point if it was human error or machine.
 4 Mentioned Dr. Williams' appearance on Out of
 5 the Fog. Is one of the people who tested
 6 negative back in February and is still waiting
 7 to hear about the retesting. Has an
 8 aggressive cancer and needs those results, who
 9 audited the labs to check on the standards,
 10 worried that she did not get the proper
 11 treatment. She'll probably be on Tamoxifen
 12 and surprised that more women are not calling
 13 in, and the host asks other people to call
 14 in." So, I take it, that's a summary of what
 15 Ms. Walsh was gleaned from the call by
 16 Mercedes to the Open Line Show. Is that what
 17 that's supposed to be?
 18 MS. MUNDON:
 19 A. And I don't think that Ms. Walsh herself would
 20 have written this summary. We get media
 21 monitoring done by outside companies, and they
 22 send these little synopses for us. So that if
 23 there's a request to order the full transcript
 24 of the interview, then we would do so, but I
 25 believe that this summary would have been done

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1 by one of those agencies.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. So the communications consulting branch
 4 would be getting--an external agency would
 5 send along this to them.
 6 MS. MUNDON:
 7 A. Yes.
 8 CHAYTOR, Q.C.:
 9 Q. And then, again, Ms. Walsh would distribute
 10 that to whoever is relevant to give it to. So
 11 in this case it would be relevant to send it
 12 to yourself.
 13 MS. MUNDON:
 14 A. Yes.
 15 CHAYTOR, Q.C.:
 16 Q. Being in the Department of Health, and to
 17 others within--on the 10th Floor, and Mr.
 18 Morrissey.
 19 MS. MUNDON:
 20 A. Yes.
 21 THE COMMISSIONER:
 22 Q. Was this done real time?
 23 MS. MUNDON:
 24 A. Yes, it is. Well, there's about probably a
 25 five--ten-minute delay, but these -

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1 THE COMMISSIONER:
 2 Q: It's not one of those things you referred to
 3 before as coming the next day or so or at the
 4 end of the day or -
 5 MS. MUNDON:
 6 A. No, that would be actual paper clippings.
 7 THE COMMISSIONER:
 8 Q: Okay.
 9 MS. MUNDON:
 10 A. That I was referring to earlier from
 11 newspapers. In this case, Communications
 12 Directors and relevant staff are getting these
 13 synopses throughout the day every day, you
 14 know, probably five or ten minutes after
 15 something appears on Open Line related to
 16 health care, for example. Then I would
 17 receive that in my e-mail box.
 18 THE COMMISSIONER:
 19 Q. Okay.
 20 CHAYTOR, Q.C.:
 21 Q. So if we can look then at P-0808? If you look
 22 at this, Ms. Blundon, then this is yourself at
 23 11:04 A.M. So you had received it just before
 24 11 o'clock. So five minutes later you're
 25 forwarding this on to Ms. Thomas-Pennell and

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1 Ms. Bonnell, and you're copying Mr. Hynes, Mr.
 2 Abbott, Ms. Hennessey and Tara Furlong, and
 3 you're saying, "Susan, Deborah, please see
 4 attached e-mail regarding a caller on Open
 5 Line regarding ER/PR testing. The host is
 6 asking other women to call in, so we should
 7 keep an eye on this." And if I just to Page 2
 8 for you, you see that it is what you had
 9 received from Ms. Walsh. Bearing in mind what
 10 you told us about Eastern Health being arms
 11 length and having the management of this on an
 12 operational, as being an operational issue,
 13 why would you be alerting the communications
 14 people of Eastern Health to this issue?
 15 MS. MUNDON:
 16 A. Well, in government we monitor all the medial.
 17 So in this case, if there was some callers
 18 related to the issue, we would certainly be
 19 monitoring that. So I was just basically
 20 sending this e-mail to them to make sure that
 21 they were aware that cancer patients were
 22 calling in so that they would, from a
 23 communications perspective, hear what the
 24 patients were saying.
 25 CHAYTOR, Q.C.:

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1 Q. Okay.
 2 MS. MUNDON:
 3 A. And what questions they may have had.
 4 CHAYTOR, Q.C.:
 5 Q. And is this common that you would alert a
 6 health authority to something that's happening
 7 on an Open Line show?
 8 MS. MUNDON:
 9 A. I wouldn't say it was common, but I wouldn't
 10 say that it would be common that this kind of
 11 call-in thing would be common either, where
 12 you would have the host asking people directly
 13 affected to call in. So if there were another
 14 health authority, for example, where there was
 15 an issue and I was aware, you know, that
 16 patients themselves were calling in, then I
 17 would certainly send this as a heads-up and
 18 say, look, you know, patients are going to be
 19 calling in and you might want to have listen
 20 for your own information to see what the
 21 patients are saying and if they have any
 22 questions that they don't have answers to.
 23 CHAYTOR, Q.C.:
 24 Q. In saying "we should keep an eye on this," are
 25 you including yourself in that?

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1 MS. MUNDON:
 2 A. I think it was just a phrase but, yes, I would
 3 certainly be, I think, keeping an eye on -
 4 CHAYTOR, Q.C.:
 5 Q. And what would be your purpose in keeping an
 6 eye on it?
 7 MS. MUNDON:
 8 A. Just as part of the ongoing--you know, just
 9 monitoring the file.
 10 CHAYTOR, Q.C.:
 11 Q. Uh-hm.
 12 MS. MUNDON:
 13 A. From a communications perspective in my case.
 14 CHAYTOR, Q.C.:
 15 Q. And you sent this to Mr. Abbott, or you copied
 16 to Mr. Hynes, Mr. Abbott, Ms. Hennessey and
 17 Ms. Furlong.
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. The Minister is not included. You normally
 22 include the Minister in media. Is there any
 23 reason why the Minister wasn't included on
 24 this day?
 25 MS. MUNDON:

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1 A. I'm not sure why he would have been included
 2 here, but I'm not--probably was just an
 3 oversight at the time.
 4 CHAYTOR, Q.C.:
 5 Q. And if we just look at then what Mercedes was
 6 saying and, basically, we've just read down
 7 through those bullets, but she has an
 8 aggressive form of cancer and she needs her
 9 results is basically what she's saying. Did
 10 that generate any discussion within the
 11 department?
 12 MS. MUNDON:
 13 A. I'm not sure if it would have. I can't recall
 14 if it did. I just know that in sending that
 15 e-mail along that I certainly was trying to
 16 make people aware of the fact that this--of
 17 the fact that this individual did have some
 18 concerns.
 19 CHAYTOR, Q.C.:
 20 Q. Did it generate any response from Ms. Bonnell?
 21 MS. MUNDON:
 22 A. Not that I can remember, no. I don't recall.
 23 CHAYTOR, Q.C.:
 24 Q. Or Ms. Thomas-Pennell.
 25 MS. MUNDON:

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1 A. Not that recall, no.
 2 CHAYTOR, Q.C.:
 3 Q. So after sending this along on that morning,
 4 did you have any further discussion with
 5 anyone regarding Mercedes or her issues that
 6 she's raising?
 7 MS. MUNDON:
 8 A. I don't think so. Not that I remember.
 9 CHAYTOR, Q.C.:
 10 Q. If we could look at P-0125, please? I'm
 11 sorry, it's 0124. And these are the briefing
 12 notes that we have. I'm just going to take
 13 you to the right one, Ms. Mundon, that we have
 14 for 2005 on this issue. Okay, here we go.
 15 It's the November 7th, 2005, which is
 16 indicated to be prepared by Moira Hennessey.
 17 And if you just want to take a moment and look
 18 at this and tell me whether or not you were
 19 involved in any portion of this, bearing in
 20 mind it is a question and answer briefing
 21 note, there are anticipated questions and key
 22 messages?
 23 MS. MUNDON:
 24 A. I think I probably would have been involved
 25 with the anticipated questions and key

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1 messages.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. And under the "Anticipated Questions"
 4 you have posed four, the second one being,
 5 "How did this happen? What is being done to
 6 correct this problem?" So I take it you
 7 thought that might be an issue that would come
 8 up in the House?
 9 MS. MUNDON:
 10 A. I just want to clarify, as well, in terms of
 11 these questions, for the most part the
 12 questions are--when the draft briefing note
 13 is--when the briefing note is drafted
 14 initially, staff within the particular
 15 division will take, you know, take a stab at
 16 the questions and, you know, then I'll have a
 17 look at them. So in all cases, for example, I
 18 didn't come up with the originating question,
 19 but I probably would say I would look at them
 20 to see if I thought that it was a relevant
 21 question, so I just wanted to let you know
 22 that.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. So they might not be actually yours, it
 25 would be done in consultation with others?

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1 MS. MUNDON:
 2 A. Exactly.
 3 CHAYTOR, Q.C.:
 4 Q. Within the department?
 5 MS. MUNDON:
 6 A. That's right.
 7 CHAYTOR, Q.C.:
 8 Q. Okay. And so you and/or others within the
 9 department saw it, I take it, it's still there
 10 as an anticipated question, so you saw that it
 11 had some merit -
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. - in posing that as a question, that the
 16 public may want an answer to that question,
 17 "How did it happen and what's being done to
 18 correct the problem?" So I take it if you
 19 would expect to be provided with whatever
 20 information may be available to assist in the
 21 answer to that question so that you could pass
 22 that information along as a key message or
 23 otherwise to the minister?
 24 MS. MUNDON:
 25 A. No. What happens here is that the briefing

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1 note, again, is put together, it's drafted
 2 first and then the key--the anticipated
 3 questions are there. The staff, you know,
 4 would already have the background information
 5 there. And so based on the information that
 6 was already contained in the briefing note
 7 itself that I would see, then I would use that
 8 in terms of helping to develop the key
 9 messages.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. So let me just understand it. So the
 12 briefing note, the last thing that goes into
 13 the briefing note is the key messages?
 14 MS. MUNDON:
 15 A. Most cases, yes.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. So you work on the--well, the issue is
 18 identified, I take it?
 19 MS. MUNDON:
 20 A. Um-hm.
 21 CHAYTOR, Q.C.:
 22 Q. And you have input into the anticipated
 23 questions?
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. Who drafts the suggested responses, other
 3 suggested responses?
 4 MS. MUNDON:
 5 A. Sometimes it would be me in consultation with
 6 the division, but typically, again, the
 7 division will take a stab at the anticipated
 8 questions and other suggested responses and
 9 that we would work together in terms of the
 10 key messages. But they would take--they would
 11 take a first draft at these things and then I
 12 would have a look at them to see if they were
 13 relevant.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. And so you would be involved also in
 16 drafting the other suggested responses. My -
 17 MS. MUNDON:
 18 A. In some cases, yes.
 19 CHAYTOR, Q.C.:
 20 Q. In some cases, okay. My question being that
 21 if it's been identified by you and others
 22 within the department that these four
 23 questions, in this case, are questions that
 24 you can anticipate the minister being asked,
 25 either in the house or by the public wanting

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1 these questions answered, any information
 2 which would help answer those questions, would
 3 you expect it to be contained somewhere in the
 4 briefing note?
 5 MS. MUNDON:
 6 A. Ideally, yes.
 7 CHAYTOR, Q.C.:
 8 Q. Okay. And if we look down through, and in
 9 particular, I'm looking at the second bullet
 10 about how this happened and what's being done
 11 to correct the problem, do you see any answer
 12 to that question? And you can just scroll down
 13 if you wish.
 14 MS. MUNDON:
 15 A. The question is how -
 16 CHAYTOR, Q.C.:
 17 Q. "How did it happen and what's being done to
 18 correct the problem?"
 19 MS. MUNDON:
 20 A. I think that the answer here would have been,
 21 and again, you know, right now it doesn't look
 22 like an answer is the second bullet there,
 23 "Until the quality review is completed, the
 24 testing is being done at Mount Sinai and
 25 Eastern Health is working to resolve the

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1 problem." So I think there was a reference
 2 there to quality review being completed to
 3 find out what went wrong.
 4 CHAYTOR, Q.C.:
 5 Q. Okay. So that's all the information that
 6 would be available at that point in time?
 7 MS. MUNDON:
 8 A. Well, all the information would be in the
 9 background.
 10 CHAYTOR, Q.C.:
 11 Q. Yes, but in terms of answering that particular
 12 question?
 13 MS. MUNDON:
 14 A. I'd have to read through all the background to
 15 see if--because, you know, the purpose of the
 16 briefing note, again, the key messages
 17 wouldn't be intended to necessarily answer
 18 questions and in other suggested responses--
 19 like, the briefing notes aren't done in a way
 20 of anticipated questions, suggested responses.
 21 If that were the case, then all of the
 22 information in the background that would be
 23 relevant to that answer would have been put
 24 forward. But the intention is for whoever is
 25 reading the briefing note to read the entire

1 briefing note.
 2 CHAYTOR, Q.C.:
 3 Q. Right, okay. And there is another reference
 4 to quality review in the background, "A
 5 quality review started in May. It has
 6 included an internal review of testing
 7 processes and an external review by the chief
 8 pathologist at the B.C. Cancer Institute and
 9 chief technologist at Mount Sinai Hospital."
 10 So in terms of any other information in the
 11 briefing notes that would give the minister an
 12 answer to that question, do you see anything
 13 there?
 14 MS. MUNDON:
 15 A. No.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. Did you have any discussion with Ms.
 18 Hennessey around this time, again, this is now
 19 drafted on November 7th, 2005, did you have
 20 any discussion with Ms. Hennessey on that
 21 issue around this time in working together to
 22 formulate this briefing note?
 23 MS. MUNDON:
 24 A. This would have been one of, like, 40
 25 something briefing note that I would have been

1 MS. MUNDON:
 2 A. No. I wouldn't be, I wouldn't be involved in
 3 the overall management of a specific file or
 4 any files in the department.
 5 CHAYTOR, Q.C.:
 6 Q. That's fair enough. But in terms of coming
 7 together or working together to come up with
 8 this briefing note and coming up with the
 9 question of how it happened and what's being
 10 done to correct this problem, if Ms. Hennessey
 11 made such inquiries, she didn't share that
 12 with you?
 13 MS. MUNDON:
 14 A. No, I don't recall her sharing that with me.
 15 COMMISSIONER:
 16 Q. Ms. Chaytor, wherever you can find a
 17 convenient space, we'll break. Ms. Mundon, I
 18 missed something you said and I'm not sure
 19 whether you put a not in it or not, in your
 20 response. If we just go--just in terms of the
 21 order of things in this particular briefing
 22 note, which is one of those Q and As.
 23 MS. MUNDON:
 24 A. Yes.
 25 COMMISSIONER:

1 involved with in a short time period to get
 2 the minister ready for the house, so I
 3 wouldn't have necessarily met with the ADMs
 4 responsible on each of the issues. I don't
 5 recall if I specifically met with her on this.
 6 CHAYTOR, Q.C.:
 7 Q. Okay. I'm just wondering if you have any
 8 discussion with Ms. Hennessey around the issue
 9 of, well, what happened, what's being done to
 10 correct the problem, did you have any
 11 discussion with Ms. Hennessey around this time
 12 on that issue?
 13 MS. MUNDON:
 14 A. I can't recall.
 15 CHAYTOR, Q.C.:
 16 Q. Were you aware that a couple of days, three or
 17 four days before this in preparation of this
 18 briefing not that Ms. Hennessey posed the
 19 question to Eastern Health, well, what are the
 20 findings or general findings from your
 21 external reviews?
 22 MS. MUNDON:
 23 A. No, I was not aware of that.
 24 CHAYTOR, Q.C.:
 25 Q. And Ms. Hennessey didn't tell you that?

1 Q. Did I understand you to say that essentially
 2 the answer is in the background?
 3 MS. MUNDON:
 4 A. No, I was trying to describe the, like, the
 5 layout of the briefing notes or the format of
 6 them in that it says anticipated questions,
 7 but it doesn't--there's not a heading titled
 8 "Suggested Responses" -
 9 COMMISSIONER:
 10 Q. No, it's "Other Suggested Responses."
 11 MS. MUNDON:
 12 A. Yeah, there's other suggested responses there.
 13 And I just said that, you know, if it were in
 14 that--if it were anticipated questions,
 15 suggested responses in a similar fashion as I
 16 would write Q an As, for example, question and
 17 answer documents, then the answer would be
 18 contained there. But I said the intent of
 19 briefing note would be to read the entire
 20 briefing note for all the information.
 21 COMMISSIONER:
 22 Q. Okay, so can I conclude from what you said
 23 that because there isn't something that says,
 24 Suggested Responses" there's really no answer
 25 in the material?

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1 MS. MUNDON:
 2 A. No, I don't think--it's not that there's no
 3 answer, I'm just saying that the answer, that
 4 the answers or the full background, the full
 5 context of the issue will be contained within
 6 the entire briefing note as opposed to just
 7 picking up a briefing note, for example, and
 8 just reading the first few headlines there,
 9 the first few headings, "Anticipated
 10 Questions" "Key Messages" and "Other Suggested
 11 Responses" and assuming that that would be all
 12 that will be important on the issue, that's
 13 the point I'm trying to make.
 14 COMMISSIONER:
 15 Q. Okay. So what you were emphasizing was the
 16 importance of reading the background to get
 17 the context for the whole things to understand
 18 the -
 19 MS. MUNDON:
 20 A. Exactly.
 21 COMMISSIONER:
 22 Q. Okay.
 23 MS. MUNDON:
 24 A. That's right.
 25 COMMISSIONER:

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1 Q. And you said something about key messages
 2 which is where I missed whether you said "not"
 3 or "was", and I think you were making response
 4 about what the role of key messages was vis-a-
 5 vis anticipated questions. Do they have any
 6 role, are they connected at all?
 7 MS. MUNDON:
 8 A. Key messages would just be, they're not
 9 necessarily answers to the questions.
 10 COMMISSIONER:
 11 Q. So I learned.
 12 MS. MUNDON:
 13 A. Yeah. Key messages are just, you know,
 14 intended to be, you know, what we would say,
 15 like, if the minister had an opportunity in
 16 the house or in the media to get out there a
 17 few key points in this issue, what would he
 18 want to say.
 19 COMMISSIONER:
 20 Q. All right.
 21 MS. MUNDON:
 22 A. That's how I would describe -
 23 COMMISSIONER:
 24 Q. So if I really wanted to look for anticipated
 25 questions--anticipated answers or suggested

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1 responses in respect of something, I really
 2 should skip my key messages, if I was looking
 3 for answers as opposed to some message that
 4 the minister might want to get out for
 5 whatever reason, and go to either suggested
 6 responses, other suggested responses or
 7 background?
 8 MS. MUNDON:
 9 A. Yes.
 10 COMMISSIONER:
 11 Q. Okay. Thank you.
 12 CHAYTOR, Q.C.:
 13 Q. Okay. And in terms of the key messages that
 14 you've developed for this particular briefing
 15 note, the third one is, "Only a small
 16 percentage of breast cancer patients may be
 17 affected by the retesting as treatment for
 18 breast cancer is based on several factors, not
 19 just ER and PR." So that was identified by
 20 yourself as a key message at this point in
 21 time, November 7th, 2005?
 22 MS. MUNDON:
 23 A. I don't know if this specific message would
 24 have been developed by me originally, but, you
 25 know, it would have been either developed

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1 within the division and I would have looked at
 2 it or I would have drafted it myself. Most
 3 times it would have already been--like, it
 4 would have already taken the draft and I would
 5 review it.
 6 CHAYTOR, Q.C.:
 7 Q. And where would the information that only a
 8 small percentage of breast cancer patients may
 9 be affected, where would that come from and
 10 why would it be considered important to
 11 emphasize that?
 12 MS. MUNDON:
 13 A. I think that was what Eastern Health were
 14 relaying in the public at that time and to the
 15 department.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. And just before I leave this then, in
 18 terms of that question, "How did this happen?"
 19 I take it you've said that's an issue that has
 20 been identified as something the public might
 21 want an answer to?
 22 MS. MUNDON:
 23 A. Um-hm.
 24 CHAYTOR, Q.C.:
 25 Q. And if an answer or a potential answer existed

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1 at this point in time, would you have expected
 2 that that information would have been provided
 3 to the department so that, in turn, the
 4 minister would be well informed on the issue?
 5 MS. MUNDON:
 6 A. That would be my expectation, yes.
 7 CHAYTOR, Q.C.:
 8 Q. Commissioner, this is a convenient place.
 9 COMMISSIONER:
 10 Q. All right, then, we'll break until 2:15.
 11 Thank you.
 12 (LUNCH BREAK)
 13 COMMISSIONER:
 14 Q. Please be seated. Ms. Chaytor.
 15 CHAYTOR, Q.C.:
 16 Q. Thank you, Commissioner. Good afternoon, Ms.
 17 Mundon.
 18 MS. MUNDON:
 19 A. Good afternoon.
 20 CHAYTOR, Q.C.:
 21 Q. Commissioner, we have a few new exhibits to
 22 enter, or I would ask, please, to have entered
 23 this afternoon. It's P-1623, P-1624, P-1625,
 24 P-1668, P-1669 and P-1670.
 25 COMMISSIONER:

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1 Q. Entered.
 2 EXHIBITS P-1623 THROUGH P-1625, INCLUSIVE, ENTERED INTO
 3 EVIDENCE.
 4 EXHIBITS P-1668 THROUGH P-1670, INCLUSIVE, ENTERED INTO
 5 EVIDENCE.
 6 CHAYTOR, Q.C.:
 7 Q. Thank you. And those are the documents, Ms.
 8 Mundon, regarding communication strategy.
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. But I want to take you through those, perhaps
 13 not this afternoon, may not get there until
 14 tomorrow morning. All counsel have been
 15 provided with copies.
 16 COMMISSIONER:
 17 Q. All right, thank you.
 18 CHAYTOR, Q.C.:
 19 Q. I've been advised. If we could just go back
 20 for a moment to P-0808, please? And page 2 of
 21 this exhibit, you'll recall we looked at this
 22 earlier, this is the e-mail that Ms. Walsh
 23 sent and it was 10 mm indicated?
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. And on this copy of it the names of the people
 3 are actually inserted. And just in reviewing
 4 that, I noticed there are a couple of names
 5 that we're not familiar with, Deirdre
 6 Robinson-Greene, can you tell us who is she?
 7 MS. MUNDON:
 8 A. She previously worked in the communications
 9 and consultations branch.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. And Melony O'Neill?
 12 MS. MUNDON:
 13 A. Melony O'Neill currently works in the
 14 communications consultations branch.
 15 CHAYTOR, Q.C.:
 16 Q. And Rick Callahan?
 17 MS. MUNDON:
 18 A. Rick Callahan also worked at the branch during
 19 that time, has since retired.
 20 CHAYTOR, Q.C.:
 21 Q. So these are all people from the
 22 communications and consultation branch?
 23 MS. MUNDON:
 24 A. Correct.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. Thank you for filling in that for us.
 2 If we could go back, then, please, I think we
 3 were up to November, 2005? And we understand
 4 there was a briefing with Eastern Health on
 5 November 17th, 2005. Did you attend that
 6 briefing?
 7 MS. MUNDON:
 8 A. I know that it was suggested that I did. I
 9 can't recall attending it, but that doesn't
 10 mean that I didn't attend it.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. So you, yourself, have no recollection
 13 of that briefing?
 14 MS. MUNDON:
 15 A. No, I don't.
 16 CHAYTOR, Q.C.:
 17 Q. I take it that would have been, Ms. Mundon,
 18 that would have been the first face-to-face
 19 briefing you would have had with Eastern
 20 Health on this issue?
 21 MS. MUNDON:
 22 A. It would have been, yes.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. And would you expect then that it would
 25 stand out in your mind had you been there?

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1 MS. MUNDON:
 2 A. I would expect it to, yes.
 3 CHAYTOR, Q.C.:
 4 Q. And do you normally take notes of meetings
 5 that you attend?
 6 MS. MUNDON:
 7 A. Depending on the nature of the meeting I would
 8 sometimes take notes.
 9 CHAYTOR, Q.C.:
 10 Q. And on an issue such as this do you expect if
 11 you had attended, you would have taken notes
 12 and you would still have those notes?
 13 MS. MUNDON:
 14 A. I would expect that I would have, but again, I
 15 did look through my books and I didn't find
 16 anything.
 17 CHAYTOR, Q.C.:
 18 Q. So you have no independent recollection of
 19 that meeting at all or whether or not you even
 20 attended it?
 21 MS. MUNDON:
 22 A. No, I don't.
 23 CHAYTOR, Q.C.:
 24 Q. If we could look at P-0153, please? And this
 25 is an e-mail from yourself to Deborah-Thomas

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1 Pennell and Susan Bonnell and you've copied it
 2 to Mr. Tilley, Mr. Hynes and Mr. Abbott.
 3 MS. MUNDON:
 4 A. Um-hm.
 5 CHAYTOR, Q.C.:
 6 Q. "Re: ER/PR questions." Importance "High."
 7 It's dated November 18th, 2005. And you've
 8 sent this high priority. "Susan/Deborah,
 9 Further to a briefing yesterday with George
 10 and Dr. Williams I attach the following
 11 questions that the minister would like
 12 answered in advance of the House of Assembly
 13 opening on Monday if at all possible. Many
 14 thanks, Tansy." So it certainly refers to the
 15 briefing yesterday with--and you indicate
 16 "George" did you know Mr. Tilley?
 17 MS. MUNDON:
 18 A. No, not prior to going to the department, no.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And so up to this point in time would
 21 you had even met Mr. Tilley?
 22 MS. MUNDON:
 23 A. I can't say if I would have met him at that
 24 point or not.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. So it refers to the briefing yesterday,
 2 but whether or not you were there, you don't
 3 recall?
 4 MS. MUNDON:
 5 A. I don't recall. I may have been there, I
 6 don't recall.
 7 CHAYTOR, Q.C.:
 8 Q. Okay. And you're attaching, then, a list of
 9 questions on page 2. And there's a number of
 10 questions listed here. And you've indicated
 11 that the minister would like to have those
 12 answered, if at all possible, before the house
 13 opens Monday.
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. How common would it be for you to send
 18 such a list of questions to a health authority
 19 looking for answers?
 20 MS. MUNDON:
 21 A. It wouldn't be very common for me to have that
 22 role. Typically that would be done in terms
 23 of the briefing notes being prepared between
 24 the particular division and the health
 25 authority. I believe in this instance I was

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1 probably asked by the--by Mr. Abbott to
 2 forward these questions.
 3 CHAYTOR, Q.C.:
 4 Q. Okay. So Mr. Abbott asked you to do this?
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. Okay.
 9 MS. MUNDON:
 10 A. If I can recall.
 11 CHAYTOR, Q.C.:
 12 Q. Had you ever done this on a prior occasion?
 13 MS. MUNDON:
 14 A. With respect to this file or -
 15 CHAYTOR, Q.C.:
 16 Q. With respect to any issue, on any other issue?
 17 MS. MUNDON:
 18 A. Not that I can recall.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. Do you recall ever having done it since
 21 on any issue?
 22 MS. MUNDON:
 23 A. I think I would have, if I can remember
 24 correctly, I believe I sent some potential
 25 questions for one of the Eastern Health media

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1 briefings for them, questions to consider in
 2 May, 2007.
 3 CHAYTOR, Q.C.:
 4 Q. Again, on the ER/PR issue?
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. Yes, okay. So I take it it's not something
 9 that you're normally involved in that you
 10 would look for questions to be answered?
 11 MS. MUNDON:
 12 A. Correct.
 13 CHAYTOR, Q.C.:
 14 Q. In order to get those answers for the
 15 minister?
 16 MS. MUNDON:
 17 A. Correct.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. And you say that they are questions
 20 that the minister would like answered?
 21 MS. MUNDON:
 22 A. Um-hm.
 23 CHAYTOR, Q.C.:
 24 Q. So did you draft those questions yourself and-
 25 -or did you do it in consultation with anyone?

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1 MS. MUNDON:
 2 A. I would have done them in consultation with
 3 the deputy minister.
 4 CHAYTOR, Q.C.:
 5 Q. Okay. And was the minister also involved in
 6 the drafting of the questions or posing what
 7 he needed answered?
 8 MS. MUNDON:
 9 A. I don't believe he was.
 10 CHAYTOR, Q.C.:
 11 Q. And why do you think not?
 12 MS. MUNDON:
 13 A. Typically that wasn't the way that it would
 14 work. Typically minister--or, sorry, Mr.
 15 Abbott would have asked me to do, to carry out
 16 a task and I would work directly with him as
 17 opposed to with the minister. I'm not sure if
 18 he had any conversation with the minister
 19 himself, but I don't recall having a
 20 conversation with the minister on these
 21 questions.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. So you don't recall yourself discussing
 24 these questions with the minister?
 25 MS. MUNDON:

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1 A. No, I don't.
 2 CHAYTOR, Q.C.:
 3 Q. But you recall a discussion with Mr. Abbott?
 4 MS. MUNDON:
 5 A. Yes.
 6 CHAYTOR, Q.C.:
 7 Q. And did you and Mr. Abbott then sit down
 8 together and come up with these questions or
 9 who came up with them?
 10 MS. MUNDON:
 11 A. I'm not sure if I sat down with him, but he
 12 certainly would have reviewed them before I
 13 sent them to Eastern Health.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. And whether or not the minister
 16 reviewed them, you don't know?
 17 MS. MUNDON:
 18 A. I'm not aware if he did or not.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. But I take it it was so that the
 21 minister could prepare himself for the House
 22 of Assembly?
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. Okay. And the first question asking "When did
 2 the Health and Community Services minister
 3 find out about the inaccurate cancer test
 4 results and what direction did he give to
 5 Eastern Health on how to handle this
 6 situation?" Why would that question have to
 7 go to Eastern Health for answering, wouldn't
 8 that information be within the department?
 9 MS. MUNDON:
 10 A. It would, but I guess the purpose of this
 11 question would be to determine what Eastern
 12 Health's perception of that answer would be as
 13 opposed to the department's.
 14 CHAYTOR, Q.C.:
 15 Q. Sorry, and why would that be, why would that
 16 be relevant?
 17 MS. MUNDON:
 18 A. I guess just to see if they recall things the
 19 same way that the department would have
 20 recalled things.
 21 CHAYTOR, Q.C.:
 22 Q. Was there some question of that at this point
 23 in time? This is November 21st or November
 24 18th, 2005.
 25 MS. MUNDON:

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1 A. No, I don't think there was any question. I
 2 just think it's one of the questions that--
 3 that's a typical question. The questions are
 4 posed in a manner of how the media would ask
 5 them, so the media, if the media were asking
 6 the minister questions, they would want to
 7 know, obviously, when did the minister find
 8 out. The same question could be asked of
 9 Eastern Health, as well, so we it was just to
 10 get their answer on this question.

11 CHAYTOR, Q.C.:

12 Q. Okay. And to see if the recollections are
 13 consistent?

14 MS. MUNDON:

15 A. Um-hm.

16 CHAYTOR, Q.C.:

17 Q. Okay. If we could look, then, please, to P-
 18 0154? 0154, please? And this is an e-mail
 19 back from Ms. Thomas-Pennell, and it's two
 20 days later, three days later, November 21st,
 21 2005 to yourself, copied to Ms. Bonnell.
 22 "Subject, ER/PR questions." And "As
 23 requested, Tansy." Signed, "Deborah." And
 24 then attached is the--at page 2 and 3 are the
 25 questions. And you'll see that she's put in

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1 bold the answers that they're sending back,
 2 and it seems to be the same questions that you
 3 posed.

4 MS. MUNDON:

5 A. Um-hm.

6 CHAYTOR, Q.C.:

7 Q. So the first question being, "When did the
 8 minister find out about the inaccurate cancer
 9 test results?" And the answer given is, "The
 10 minister was informed in early July as soon as
 11 Eastern Health became aware that this was not
 12 an isolated issue." How did that answer
 13 compare to the department's understanding as
 14 to when the minister was informed?

15 MS. MUNDON:

16 A. Well, the department, the minister was
 17 informed--the department's memory is that the
 18 minister was informed towards the end of July.
 19 But I don't recall any conversation at the
 20 time that these Q and As came back. I don't
 21 recall any debate around that particular
 22 point.

23 CHAYTOR, Q.C.:

24 Q. So you don't recall the minister questioning
 25 that when it came back or -

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1 MS. MUNDON:

2 A. No.

3 CHAYTOR, Q.C.:

4 Q. Or the deputy minister questioning that?

5 MS. MUNDON:

6 A. No.

7 CHAYTOR, Q.C.:

8 Q. Okay. And if we continue on down, there's a
 9 question posed, "How many patients are
 10 affected? How many have been notified to
 11 date?" And the answer given is, "Province
 12 wide there are 835 individuals whose samples
 13 require retesting at present. Notification is
 14 still ongoing, but all individuals will be
 15 contacted and informed that their sample has
 16 been retested." So again, this is November
 17 21st, 2005. So I take it certainly at this
 18 point the department is being told that all
 19 patients have not yet been notified, that it's
 20 ongoing, and they'll be informed, however,
 21 that their sample has been retested, but that
 22 process is ongoing?

23 MS. MUNDON:

24 A. Yes.

25 CHAYTOR, Q.C.:

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1 Q. And any doubt that may have been in your mind
 2 up to this point in terms of the numbers of
 3 patients and whether it's across the province,
 4 this certainly answers that question?

5 MS. MUNDON:

6 A. Yes.

7 CHAYTOR, Q.C.:

8 Q. And on to page 3, "Has a review occurred to
 9 determine how this could have happened? How
 10 could there be inaccurate tests for a period
 11 of five years without being detected? Will
 12 there be disciplinary action taken?" And the
 13 answer provided is "This is still an ongoing
 14 investigation into this situation. However,
 15 there is," that should be "ample" "literature
 16 to suggest that these tests have limitations
 17 and are not guided by national standards. In
 18 the meantime, until all the results from
 19 retesting are obtained it is impossible to
 20 determine the exact details of the cause of
 21 the problem. Three reviews have taken place
 22 of our current testing procedure, our
 23 pathology services and our technical services.
 24 Recommendations have been made and are being
 25 acted upon, which will immediately ensure the

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1 quality and reproducibility of results." Ms.
 2 Mundon, so this indicates that it was still an
 3 ongoing investigation. And the idea that the
 4 literature suggests these tests have
 5 limitations and are not guided by national
 6 standards, is that something that you had
 7 heard prior to reading it in this document, is
 8 that an explanation that had ever been given
 9 to you before?
 10 MS. MUNDON:
 11 A. Not that I recall, no.
 12 CHAYTOR, Q.C.:
 13 Q. Is it an explanation that you heard
 14 afterwards?
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. And is that something that you heard
 19 consistently throughout your dealing in the
 20 ER/PR issue?
 21 MS. MUNDON:
 22 A. Yes.
 23 CHAYTOR, Q.C.:
 24 Q. And who would tell you that?
 25 MS. MUNDON:

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1 A. This was brought up in the November 23rd
 2 briefing and also in discussions that I would
 3 have had over a period of time with Ms.
 4 Bonnell.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. So November 23rd, 2006 briefing?
 7 MS. MUNDON:
 8 A. Yes.
 9 CHAYTOR, Q.C.:
 10 Q. You heard that reiterated again?
 11 MS. MUNDON:
 12 A. Yes.
 13 CHAYTOR, Q.C.:
 14 Q. Okay. And did you hear any other explanation?
 15 MS. MUNDON:
 16 A. I kept hearing consistently the fact that it
 17 was a complex test with over 40 manual steps.
 18 And that sticks out in my mind because I did
 19 hear that repeatedly throughout the course of
 20 this issue.
 21 CHAYTOR, Q.C.:
 22 Q. And anything else in terms of a cause of the
 23 problem?
 24 MS. MUNDON:
 25 A. Well, I know that they had switched over from

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1 the DAKO system, but there really wasn't any
 2 explanation given as to what the cause of the
 3 problem would be, even up until I left the
 4 department in August of 2007.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. It says here, "In the meantime, until
 7 all the results from retesting are obtained it
 8 is impossible to determine the exact details
 9 of the cause of the problem." What did you
 10 take that to mean, how would the results from
 11 the retesting relate to determining the cause
 12 of the problem?
 13 MS. MUNDON:
 14 A. I'm not sure if I looked it and analyzed that
 15 sentence closely like that.
 16 CHAYTOR, Q.C.:
 17 Q. Okay.
 18 MS. MUNDON:
 19 A. I guess they were trying to determine how many
 20 tests results would convert at that point in
 21 time.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. And did -
 24 MS. MUNDON:
 25 A. Could have -

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1 CHAYTOR, Q.C.:
 2 Q. - you understand that the retest results would
 3 somehow shed any light on the cause of the
 4 problem with the original tests?
 5 MS. MUNDON:
 6 A. Again, I don't recall if I remember that or
 7 not.
 8 CHAYTOR, Q.C.:
 9 Q. Okay. And what did you do with this
 10 information? It was e-mailed to you and what
 11 did you do with it?
 12 MS. MUNDON:
 13 A. I provided it to the deputy minister and the
 14 minister.
 15 CHAYTOR, Q.C.:
 16 Q. So you gave it to the deputy minister and the
 17 minister?
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. And did either of them come back and ask you
 22 any questions about any of this information?
 23 MS. MUNDON:
 24 A. No, they didn't.
 25 CHAYTOR, Q.C.:

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1 Q. And it also refers to the fact that three
 2 reviews have taken place and that
 3 recommendations have been made and are being
 4 acted upon. Did the minister or the deputy
 5 minister come back and inquire of you as to
 6 the outcome of those reviews?
 7 MS. MUNDON:
 8 A. No, they did not.
 9 CHAYTOR, Q.C.:
 10 Q. Did they ask for any other information
 11 regarding this issue?
 12 MS. MUNDON:
 13 A. Not from me, no.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. And to your knowledge did they ask of
 16 information from anyone else?
 17 MS. MUNDON:
 18 A. Not to my knowledge.
 19 CHAYTOR, Q.C.:
 20 Q. And again, in answering this question, "Has a
 21 review occurred to determine how this could
 22 have happened? How could there be inaccurate
 23 tests for a period of five years without being
 24 detected?" If Eastern Health had any other
 25 information that could help answer that

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1 question, I take it you would expect it to
 2 have been provided in this answer?
 3 MS. MUNDON:
 4 A. Yes, I would.
 5 CHAYTOR, Q.C.:
 6 Q. So what was your understanding at that point
 7 in time as to an answer to that question, the
 8 existence of an answer to that question?
 9 MS. MUNDON:
 10 A. I don't think that the question is really
 11 answered, "has a review occurred to determine
 12 how it could have happened?" It references
 13 reviews, but it doesn't say how it happened
 14 essentially.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, and as you continued to deal with this,
 17 you said up until you left in August 2007, you
 18 didn't feel an answer had been provided to
 19 that question?
 20 MS. MUNDON:
 21 A. No.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. Do you know whether or not the answer
 24 continued to get asked?
 25 MS. MUNDON:

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1 A. Yes, it did.
 2 CHAYTOR, Q.C.:
 3 Q. And who was asking the question?
 4 MS. MUNDON:
 5 A. It's my understanding that the question was
 6 asked by the Assistant Deputy Minister in
 7 preparing the briefing notes over a period of
 8 time.
 9 CHAYTOR, Q.C.:
 10 Q. And the idea of the tests having limitations,
 11 not being guided by national standards, were
 12 you given the impression, in your dealings on
 13 this issue, that problems of this nature that
 14 were being encountered in St. John's were not
 15 unique to St. John's?
 16 MS. MUNDON:
 17 A. Yes, that's correct.
 18 CHAYTOR, Q.C.:
 19 Q. Okay, and what were you told in that regard?
 20 MS. MUNDON:
 21 A. Just that this could be happening in other
 22 labs across the country, but that because they
 23 haven't gone back, they being the other labs
 24 across the country haven't gone back to
 25 compare test results that the problem is

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1 probably not known.
 2 CHAYTOR, Q.C.:
 3 Q. To those other labs?
 4 MS. MUNDON:
 5 A. Yes.
 6 CHAYTOR, Q.C.:
 7 Q. And who told you that?
 8 MS. MUNDON:
 9 A. I can't recall specifically who would have
 10 told me that. It would have likely been Ms.
 11 Bonnell.
 12 CHAYTOR, Q.C.:
 13 Q. Someone from Eastern Health?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. Did anyone within the Department say
 18 that?
 19 MS. MUNDON:
 20 A. No.
 21 CHAYTOR, Q.C.:
 22 Q. And in terms of there being a rate of error,
 23 for example, a rate of error or an acceptable
 24 rate of error with any given test, was that an
 25 issue of discussion between yourself and Ms.

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1 Bonnell?

2 MS. MUNDON:

3 A. Not at this point in time, no.

4 CHAYTOR, Q.C.:

5 Q. At any point in time in dealing with her, did

6 you have a discussion about that?

7 MS. MUNDON:

8 A. There was a discussion around that during the

9 November 2006 briefing.

10 CHAYTOR, Q.C.:

11 Q. And what was your understanding, in terms of

12 how the lab in St. John's was performing

13 compared to labs otherwise across the country

14 on this particular test?

15 MS. MUNDON:

16 A. If I can remember correctly, I think that the

17 number that was provided at that November 27th

18 briefing, November 23rd briefing was when they

19 compared their results that they had at that

20 point in time, they said it was--I think they

21 referred to a three percent rate of error,

22 which they didn't like to use that

23 terminology, but three percent and that was

24 within national standards.

25 THE COMMISSIONER:

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1 Q. I'm sorry, did you say three percent rate of

2 error?

3 MS. MUNDON:

4 A. Yes.

5 CHAYTOR, Q.C.:

6 Q. And Eastern Health didn't like the term "rate

7 of error"?

8 MS. MUNDON:

9 A. No.

10 CHAYTOR, Q.C.:

11 Q. Okay, and that comes up in the November 23rd

12 2006 meeting? Is that right?

13 MS. MUNDON:

14 A. Yes.

15 CHAYTOR, Q.C.:

16 Q. Okay. So we'll come to that and I'll ask you

17 some more detail about it. So in getting this

18 information from Eastern Health, you forwarded

19 on to the Deputy and to the Minister. Did you

20 do anything with it yourself in terms of

21 reading it and comparing it to other

22 information that may already exist within the

23 Department?

24 MS. MUNDON:

25 A. No, I don't think I would have. It wouldn't

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1 have really been my role to do that. That

2 would have been done by the person managing

3 the file.

4 CHAYTOR, Q.C.:

5 Q. And who was that?

6 MS. MUNDON:

7 A. That would be Ms. Hennessey and Mr. Abbott.

8 CHAYTOR, Q.C.:

9 Q. Okay. So from your perspective, there were

10 two people managing the file within the

11 Department?

12 MS. MUNDON:

13 A. Yes.

14 CHAYTOR, Q.C.:

15 Q. Did you provide the information to Ms.

16 Hennessey as well?

17 MS. MUNDON:

18 A. I believe I did, yes.

19 CHAYTOR, Q.C.:

20 Q. So in terms of getting any information from

21 Eastern Health, and there were times when you

22 obviously were the conduit for that, you saw

23 your role as just passing that along to Ms.

24 Hennessey, Mr. Abbott and the Minister?

25 MS. MUNDON:

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1 A. Yes.

2 CHAYTOR, Q.C.:

3 Q. If we could look at 0310, please? And Ms.

4 Mundon, this is an e-mail from Ms. Thomas-

5 Pennell to yourself on December 1st 2005, and

6 she says "Hi, Tansy. Just for your

7 information, Mark Quinn is doing a news story

8 on the fact that the ER/PR testing is taking

9 longer than we thought. He has talked to

10 Peter Dawe and cancer survivor" and the name

11 is blocked out, "and Dr. Williams also did a

12 quick telephone interview. Basically all he

13 said is that we are getting the results back

14 as fast as we can, that we have issued a plea

15 to Mount Sinai that they do what they can to

16 hurry the procedure along and that as soon as

17 we get the results back we are letting people

18 know. There's not much more we can say. Just

19 wanted to keep you in the loop. I managed to

20 hold him off until today. That way, the issue

21 should be dead again by the time the House

22 opens again next week." And it's Deborah.

23 And then you reply, "heads up! Please

24 make sure the Minister knows," and Darrell

25 Hynes comes back to you and asks you "is he

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1 with CBC Radio, right?" meaning Mr. Quinn, I
 2 take it.
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. This idea of Ms. Thomas-Pennell indicating
 7 that she "managed to hold Mr. Quinn off until
 8 today and that way the issue should be dead
 9 again by the time the House opens next week,"
 10 did you ever have any discussions with her
 11 around that, around the idea of holding off a
 12 reporter so that the issue would die out
 13 before the House would open?
 14 MS. MUNDON:
 15 A. No, I did not.
 16 CHAYTOR, Q.C.:
 17 Q. Have you ever had such discussion with her?
 18 MS. MUNDON:
 19 A. No, the Minister was briefed on the issue and
 20 was prepared to respond.
 21 CHAYTOR, Q.C.:
 22 Q. And you forwarded on to Darrell Hynes with a
 23 "heads up! Make sure the Minister knows."
 24 MS. MUNDON:
 25 A. Um-hm.

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1 CHAYTOR, Q.C.:
 2 Q. Why did you do that? Why would that be
 3 important?
 4 MS. MUNDON:
 5 A. Just to make sure that the Minister was aware
 6 that this was going to be in the media, this
 7 issue, and Mr. Hynes was in--usually in more
 8 frequent contact with the Minister than I was,
 9 at that time. The Minister didn't have a
 10 Blackberry in his possession.
 11 CHAYTOR, Q.C.:
 12 Q. Okay, and this idea or the notion of trying to
 13 keep issues or keep them low profile or
 14 putting off issues, is that anything you've
 15 ever heard discussed in the Department?
 16 MS. MUNDON:
 17 A. No. Obviously we try to manage issues within
 18 the Department so they don't become public
 19 issues, but that's what any department would
 20 want to do, try to manage issues before they
 21 become issues, manage files, I guess, before
 22 they become issues, but certainly not trying
 23 to, you know, hide things from the media or
 24 from the public.
 25 CHAYTOR, Q.C.:

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1 Q. What does it mean to manage an issue so it
 2 doesn't become public?
 3 MS. MUNDON:
 4 A. Just that if, you know, a particular issue
 5 came up within health authority and they made
 6 the Department aware of that, that hopefully
 7 that, you know, that issue would be resolved
 8 by the health authority before it became an
 9 issue.
 10 CHAYTOR, Q.C.:
 11 Q. So is there any reluctance to have issues
 12 discussed in the public forum?
 13 MS. MUNDON:
 14 A. No, absolutely not. It's just that part of
 15 the role of the Department would be to, you
 16 know, work with a health authority if the
 17 health authority brings something to their
 18 attention, you know, and just like I said,
 19 it's not about keeping something out of the
 20 media. It's just about resolving issues.
 21 CHAYTOR, Q.C.:
 22 Q. And did you--I take it you've had, after this
 23 date, December 1st, you would have had
 24 subsequent discussions with Ms. Thomas-Pennell
 25 on this issue?

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1 MS. MUNDON:
 2 A. Yes.
 3 CHAYTOR, Q.C.:
 4 Q. Did you ever bring that up with her, that the
 5 fact that from your point of view in the
 6 Department, "that's not something we do. We
 7 don't try to hold off issues," you know,
 8 "we're prepared to speak to the issue and
 9 there's no need to do that"?
 10 MS. MUNDON:
 11 A. No, I wouldn't have brought that up to her
 12 because, again, she didn't report directly to
 13 me, so I wouldn't feel it was my place to do
 14 that.
 15 CHAYTOR, Q.C.:
 16 Q. And did the Minister or anybody speak to you
 17 about that sentiment expressed by Ms. Thomas-
 18 Pennell?
 19 MS. MUNDON:
 20 A. No.
 21 CHAYTOR, Q.C.:
 22 Q. If we could look at P-0100, please? And this
 23 is an e-mail exchange which actually begins
 24 December 2nd with your e-mail to Deborah
 25 Thomas-Pennell. So I'll just take you to the

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1 bottom of this. So it's the next day,
 2 December 2nd, and you're writing to Deborah
 3 Thomas-Pennell on the ER/PR issue. "Thanks
 4 for the heads up yesterday," so I assume
 5 that's heads up on Mr. Quinn's story?
 6 MS. MUNDON:
 7 A. Yes.
 8 CHAYTOR, Q.C.:
 9 Q. "I heard the story this morning. Is it
 10 accurate to say though that only one-quarter
 11 of the samples have been tested?" And she
 12 replies to you that "I'll have to check the
 13 latest numbers, but I think that's low. I'll
 14 find out for you." And then your reply back
 15 to her at 8:42 in the morning is "it's low to
 16 the numbers given to the Minister." This is
 17 December 2nd 2005. What were you comparing--
 18 what numbers had already been given to the
 19 Minister?
 20 MS. MUNDON:
 21 A. I can't recall specifically which numbers we
 22 would be talking about in this instance.
 23 CHAYTOR, Q.C.:
 24 Q. If the Minister had numbers, would we expect
 25 they would be in a briefing note?

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1 MS. MUNDON:
 2 A. It may have been either in a briefing note or
 3 at the briefing that he would have had with
 4 Eastern Health officials.
 5 CHAYTOR, Q.C.:
 6 Q. On November 17th?
 7 MS. MUNDON:
 8 A. Yes.
 9 CHAYTOR, Q.C.:
 10 Q. And at this point in time then, Ms. Mundon,
 11 were you noticing a discrepancy in the numbers
 12 that were being provided to the Department
 13 versus the numbers that were being used in the
 14 public or in the media?
 15 MS. MUNDON:
 16 A. Well, I think in this case, obviously someone
 17 in the Department, either the Minister or the
 18 Deputy Minister, would have brought this to my
 19 attention that these numbers were different,
 20 and that's why I went back and asked for
 21 clarification on that.
 22 CHAYTOR, Q.C.:
 23 Q. Do you recall any discussion in the Department
 24 around that issue?
 25 MS. MUNDON:

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1 A. I can't recall specifically, but in order for
 2 me to go back to her and say what I said,
 3 which is "it's low compared to the numbers
 4 given to the Minister," I think that I would
 5 have discussed that with either the Deputy
 6 Minister or the Minister at that time.
 7 CHAYTOR, Q.C.:
 8 Q. And Ms. Deborah Thomas-Pennell gets back to
 9 you and says that she had talked with Dr.
 10 Williams. "We have approximately 175 of the
 11 675 tests back, so one quarter is a tiny bit
 12 low, but not too bad. However, Mount Sinai is
 13 using some new technology to speed this along
 14 and assures us this will be completed by the
 15 end of January." And then you forwarded that,
 16 it appears, to Mr. Hynes, Mr. Abbott, Tara
 17 Furlong and Ms. Hennessey and you note that
 18 it's a potential issue for Monday's session.
 19 I take it the House of Assembly session?
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. And Ms. Hennessey does reply that she's also
 24 "surprised that 25 percent of the tests--that
 25 only about 25 percent of the test results are

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1 back. This has been ongoing since the summer
 2 and I thought Mount Sinai was using extra
 3 staff/overtime to get these tests done as
 4 quickly as possible. From a patient's
 5 perspective, this is becoming less and less
 6 acceptable and it is likely the Minister will
 7 be subject to some hard questioning on why
 8 things went wrong and why it's taking so long
 9 to get the results from Mount Sinai." And you
 10 replied, "this is one I think can definitely
 11 come up in the House this week."
 12 So bearing that in mind, and the fact
 13 that Ms. Hennessey is indicating that she
 14 suspects the Minister could be subject to hard
 15 questioning on why things went wrong and why
 16 it's taking so long to get the results, did
 17 you do anything to prepare the Minister for
 18 the House?
 19 MS. MUNDON:
 20 A. Well, the Minister would have, again, received
 21 a briefing note for the House and I would
 22 assume that this new information would be
 23 contained in that briefing note for the
 24 Minister.
 25 CHAYTOR, Q.C.:

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1 Q. And is there ever anything contained in the
 2 briefing note on why things went wrong?
 3 MS. MUNDON:
 4 A. Again, I would think that they--we still would
 5 not have the answer to that question at this
 6 point in time.
 7 CHAYTOR, Q.C.:
 8 Q. I noticed in looking at this, in terms of the
 9 chronology of what happens and chronology of
 10 the e-mails, December 2nd and it all works
 11 chronologically, December 2nd at 5:24 p.m.
 12 then, you're forwarding it on to Ms. Hennessey
 13 and others and then Ms. Hennessey replies to
 14 you the next day, December 5th, it's probably
 15 just after midnight, looks like that night,
 16 but your response is December 4th at 10:36
 17 p.m. Do you just want to have a look at that?
 18 MS. MUNDON:
 19 A. I'm just scrolling down to the bottom to see
 20 if it was sent from a Blackberry, which it
 21 was, and what likely would have happened in
 22 this case is that when forwarding the e-mail,
 23 it got written at the wrong place in the order
 24 of the e-mail, if you know what I mean?
 25 CHAYTOR, Q.C.:

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1 Q. Not really. Explain that to me.
 2 MS. MUNDON:
 3 A. So essentially, obviously it had to be sent in
 4 logical order.
 5 CHAYTOR, Q.C.:
 6 Q. Yes.
 7 MS. MUNDON:
 8 A. So my e-mail at the top, when it was sent on
 9 the 4th of December -
 10 CHAYTOR, Q.C.:
 11 Q. Yes.
 12 MS. MUNDON:
 13 A. Moira's or Ms. Hennessey's e-mail below should
 14 have gone above mine. So I'm thinking what
 15 happened is that perhaps when Ms. Hennessey
 16 sent this e-mail from her Blackberry to Mr.
 17 Rumboldt, to me and Mr. Rumboldt, that perhaps
 18 she was reading it on her Blackberry and had
 19 scrolled down and started typing at that point
 20 in the e-mail. So the originating part of the
 21 e-mail would have been left at the top of the
 22 screen.
 23 CHAYTOR, Q.C.:
 24 Q. Okay. So you're saying that your response,
 25 "this is one that I think can definitely come

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1 up in the House this week," you said that
 2 before Ms. Hennessey sent you this?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. But you had already replied that you thought
 7 it was a potential issue for Monday's session.
 8 MS. MUNDON:
 9 A. Yes, I had said that in a broader e-mail to
 10 the larger group of people.
 11 CHAYTOR, Q.C.:
 12 Q. Right. So why would you then be repeating
 13 that message just to Ms. Hennessey?
 14 MS. MUNDON:
 15 A. Just perhaps to give her heads up in terms of
 16 a briefing note.
 17 CHAYTOR, Q.C.:
 18 Q. But you'd already included her in your other -
 19 MS. MUNDON:
 20 A. Yes.
 21 CHAYTOR, Q.C.:
 22 Q. - e-mail saying the same thing at 5:24 p.m.?
 23 MS. MUNDON:
 24 A. Yes.
 25 THE COMMISSIONER:

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1 Q. And you're saying the reason for this is
 2 probably because it was sent by a Blackberry?
 3 MS. MUNDON:
 4 A. I'm just thinking--it could happen on your
 5 desktop as well. If you open up an e-mail,
 6 any part of that e-mail can be--you can insert
 7 your message at any part of that e-mail. So
 8 instead of her typing it from the top of the
 9 e-mail, it was probably written down below.
 10 CHAYTOR, Q.C.:
 11 Q. Okay.
 12 MS. MUNDON:
 13 A. That's the only thing I can think of that
 14 would make logical sense here because the
 15 times are there for the e-mail.
 16 CHAYTOR, Q.C.:
 17 Q. But if that is the explanation then forth and
 18 you send the same message to--basically the
 19 same message to Ms. Hennessey at 5:24 p.m. and
 20 then again at 10:36 p.m.?
 21 MS. MUNDON:
 22 A. Yeah, I guess.
 23 CHAYTOR, Q.C.:
 24 Q. Okay.
 25 MS. MUNDON:

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1 A. Could have been a matter of me being home that
 2 evening and going through my e-mails and not
 3 realizing if I had forwarded something and
 4 just sent it again mistakenly.
 5 CHAYTOR, Q.C.:
 6 Q. Okay, and do you recall any other, in terms of
 7 the substance of what Ms. Hennessey then
 8 writes, do you recall any discussion then on
 9 that issue the next day in the Department?
 10 MS. MUNDON:
 11 A. Likely would have brought it to the attention
 12 of the Minister when providing him with a copy
 13 of the updated briefing note.
 14 CHAYTOR, Q.C.:
 15 Q. Okay. And do you recall any questions that
 16 the Minister had for you around that?
 17 MS. MUNDON:
 18 A. No, I don't.
 19 CHAYTOR, Q.C.:
 20 Q. And if we can look at P-0692 please? And this
 21 is an e-mail that you sent to Heidi Staeben-
 22 Simmons, I believe was her name.
 23 MS. MUNDON:
 24 A. Yes.
 25 CHAYTOR, Q.C.:

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1 Q. And she's the director of communications at
 2 Western Health?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. And it's December 8th, 2005. Would this be
 7 the first communication that you had with Ms.
 8 Staeben on this issue--or Ms. Staeben Simmons?
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. And why were you contacting her at this point
 13 in time?
 14 MS. MUNDON:
 15 A. She had sent me that e-mail in the beginning
 16 to let me know that their VP of Medical
 17 Services did an interview on the topic--on
 18 ER/PR, so I just responded back to her and
 19 asked her if she had, if she was planning on
 20 ordering the transcript so that we could see
 21 the full context of the interview. And then I
 22 asked her about the status of testing in the
 23 Western region.
 24 CHAYTOR, Q.C.:
 25 Q. Okay. So she writes to let you know that

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1 their VP Medical, Ken Jenkins, had done an
 2 interview.
 3 MS. MUNDON:
 4 A. Uh-hm.
 5 CHAYTOR, Q.C.:
 6 Q. And Peter Dawe had also--they also had Peter
 7 Dawe yesterday, and that's an interview of
 8 CBC, on the particulars as they relate to
 9 Western region. And so you asked her then for
 10 a status on the Western region, how many
 11 people have been notified and the total number
 12 of samples being retested and you anticipated
 13 that to come up in the House of Assembly.
 14 MS. MUNDON:
 15 A. Uh-hm.
 16 CHAYTOR, Q.C.:
 17 Q. And she replied "I have requested the
 18 transcript and will forward it along. We have
 19 249 cases sent in for retesting. Ken was
 20 checking late yesterday, but I think that
 21 most, if not all the women, have been
 22 notified. We are unsure of the status. They
 23 were sent from here (end of October) to
 24 Eastern and then to Mount Sinai for retesting.
 25 Mount Sinai is hoping to have all of the

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1 retesting completed by the end of January. It
 2 seems like 10 percent of the samples are
 3 coming back as inaccurate. So that translates
 4 in Western to about 25 women who could have
 5 benefited from a different course of
 6 treatment." Heidi. And she says, "I will also
 7 send you Minnie's transcript on the surgical
 8 bed issue." So I think that's a different
 9 issue, okay. So her response to you in
 10 indicating that they are unsure of the status,
 11 did you make any further inquiries then of
 12 Eastern Health on that?
 13 MS. MUNDON:
 14 A. No, I didn't, I would have forwarded her e-
 15 mail along to the relevant people in the
 16 department.
 17 CHAYTOR, Q.C.:
 18 Q. And the idea that it was 10 percent of their
 19 samples that seem to be coming back as
 20 inaccurate, which would translate to about 25
 21 women from Western region, did you transfer
 22 all of this information on? Did you forward
 23 the e-mail or what did you do?
 24 MS. MUNDON:
 25 A. Forwarded the e-mail.

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1 CHAYTOR, Q.C.:

2 Q. You forwarded the e-mail?

3 MS. MUNDON:

4 A. Yes.

5 CHAYTOR, Q.C.:

6 Q. And that we have on page 2, the e-mail,

7 there's forwarded, Re: ER/PR to Mr. Abbott,

8 Ms. Hennessey and Mr. Hynes. Did that

9 information end up in the briefing note or any

10 briefing note for the Minister?

11 MS. MUNDON:

12 A. I'm not sure if it did and I'm not sure if the

13 House would have still been in session. I

14 guess it would have been because I referenced

15 that it would come up, but I'm not sure if it

16 had appeared in an updated briefing note.

17 That would certainly be the intention of me

18 sending it along to the relevant people, in

19 terms of keeping the briefing notes up to date

20 or to inquire on further information if

21 necessary.

22 CHAYTOR, Q.C.:

23 Q. Did you, in dealing with this issue, ever have

24 any contact with the directors of

25 communication from Central region or Labrador

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1 Grenfell?

2 MS. MUNDON:

3 A. I can't recall specifically if I did or not.

4 It wouldn't typically be the norm for me to go

5 out looking for this type of information. It

6 was just because of the fact that there was a

7 media inquiry on it, that I went back and

8 asked for the specifics to forward along.

9 CHAYTOR, Q.C.:

10 Q. And did anyone ask you to do that or did you

11 just take that upon yourself?

12 MS. MUNDON:

13 A. I took that upon myself given that Ms.

14 Staeben-Simmons had made me aware of the

15 interview and I just asked her what the status

16 was and forwarded the information on.

17 CHAYTOR, Q.C.:

18 Q. Okay. And who did you understand was

19 responsible for patient notification within

20 the regions outside of Eastern?

21 MS. MUNDON:

22 A. I don't know at that point if I was aware of

23 who was responsible, if it was done by the

24 health authorities themselves or if it was by

25 Eastern Health.

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1 CHAYTOR, Q.C.:

2 Q. If we could look at then, P-311 please? And

3 this is the same, I think this is December 6,

4 2005, so it's roundabout the same time.

5 Actually, here's the one, the second page and

6 it's December 5th, 2005 and you're forwarding

7 to Mr. Abbott and again Deborah Thomas at

8 Eastern Health and Ms. Hennessey, Mr. Hynes,

9 Mr. Ottenheimer and Ms. Bonnell and Mr.

10 Rumboldt. And you're forwarding on again a

11 story, "Cancer Society says wait for results

12 could have been shorter. It's been several

13 months since"--and then it goes on from there.

14 And apparently this is an interview with Mr.

15 Dawe, between Mr. Dawe by Jeff Gilhooly. Did

16 you, and again you're forwarding this on to

17 Eastern Health personnel and why would you be

18 doing that at this point in time?

19 MS. MUNDON:

20 A. I think it was probably just a courtesy on my

21 behalf to forward it over.

22 CHAYTOR, Q.C.:

23 Q. And you don't include others, though, other

24 regions in that.

25 MS. MUNDON:

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1 A. No.

2 CHAYTOR, Q.C.:

3 Q. And you send this along in the same e-mail

4 that you informed the people within the

5 department.

6 MS. MUNDON:

7 A. Yes.

8 CHAYTOR, Q.C.:

9 Q. And then if we go back to the first page of

10 this, it appears that Mr. Hynes then forwards

11 on the transcript to Mr. Wiseman. And what

12 role did you understand Mr. Wiseman had in the

13 department at this point in time?

14 MS. MUNDON:

15 A. He was the parliamentary secretary to the

16 Minister.

17 CHAYTOR, Q.C.:

18 Q. Do you recall any discussion within the

19 department around this particular article or

20 this particular interview by Mr. Dawe?

21 MS. MUNDON:

22 A. No, not specifically.

23 CHAYTOR, Q.C.:

24 Q. And do you recall or would you know why Mr.

25 Hynes was forwarding it on to Mr. Wiseman?

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1 MS. MUNDON:
 2 A. No, I don't.
 3 CHAYTOR, Q.C.:
 4 Q. Did you ever have any discussions with Mr.
 5 Wiseman while he was the parliamentary
 6 secretary to the department around the ER/PR
 7 issue?
 8 MS. MUNDON:
 9 A. No, I didn't.
 10 CHAYTOR, Q.C.:
 11 Q. Within the department, what was the perception
 12 of Mr. Dawe and Mr. Dawe's involvement on the
 13 ER/PR issue?
 14 MS. MUNDON:
 15 A. I think the perception was that, you know, he
 16 was the key stakeholder on behalf of cancer
 17 patients and that he was certainly advocating
 18 on their behalf.
 19 CHAYTOR, Q.C.:
 20 Q. Did you ever hear any concern expressed about
 21 Mr. Dawe and his statements that he was making
 22 in the media regarding the ER/PR issue?
 23 MS. MUNDON:
 24 A. No, I don't.
 25 CHAYTOR, Q.C.:

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1 Q. Did you ever hear of any such concern
 2 expressed?
 3 MS. MUNDON:
 4 A. No, I don't recall any specific concerns.
 5 CHAYTOR, Q.C.:
 6 Q. Any general concerns?
 7 MS. MUNDON:
 8 A. No, I just, you know, other than the fact that
 9 he was just, like I said, an advocate on
 10 behalf of cancer patients, which was his role
 11 to do.
 12 CHAYTOR, Q.C.:
 13 Q. And if we could look, then please, at P-0124,
 14 page 10, just take you to the end of the page
 15 so you can see here. This particular briefing
 16 note is dated December 5th, 2005 and it's Mr.
 17 Rumboldt who prepared it. Do you recall, did
 18 you have any involvement in preparing the key
 19 messages or anticipated questions in this
 20 briefing note?
 21 MS. MUNDON:
 22 A. The questions were consistent with the e-mail
 23 that you previously brought up on the screen,
 24 as well as the messages.
 25 CHAYTOR, Q.C.:

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1 Q. Okay, I'm sorry? What in the key messages are
 2 consistent with what I just brought up on the
 3 screen?
 4 MS. MUNDON:
 5 A. The previous briefing note that you brought up
 6 on the screen, I think that the messages are
 7 consistent -
 8 CHAYTOR, Q.C.:
 9 Q. Similar, you mean to the last briefing note
 10 that we looked at earlier today?
 11 MS. MUNDON:
 12 A. Yes, yes.
 13 CHAYTOR, Q.C.:
 14 Q. Okay. So I guess you're saying if you were
 15 involved in that one, then it's likely then
 16 this is your work as well?
 17 MS. MUNDON:
 18 A. Yes.
 19 CHAYTOR, Q.C.:
 20 Q. Or you were involved in this as well. And the
 21 anticipated questions you write are similar as
 22 well, "How did this happen" and "What is being
 23 done to correct the problem?". So we still
 24 see that question there.
 25 MS. MUNDON:

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1 A. Yes.
 2 CHAYTOR, Q.C.:
 3 Q. And again do you see any answer to that
 4 question at this point in time, December 5th?
 5 MS. MUNDON:
 6 A. No, there would be no answer because again,
 7 like I said, at the time I left the department
 8 to go on maternity leave in August of 2007 and
 9 I still did not know the answer to that
 10 question myself.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. And Ms. Mundon, if you had that answer,
 13 had information that would answer that
 14 question, would you have included it in your
 15 portions of the briefing note?
 16 MS. MUNDON:
 17 A. Yes, I would.
 18 CHAYTOR, Q.C.:
 19 Q. And do you know other than the questions and
 20 answers--questions which went on November
 21 18th, I believe it was, to Ms. Bonnell and Ms.
 22 Thomas-Pennell and the responses received on
 23 November 21st, do you know other than that
 24 inquiry, whether any other inquiries were made
 25 before update the briefing note as to what

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1 went wrong?
 2 MS. MUNDON:
 3 A. I don't know if there were any other inquiries
 4 made or not within the department.
 5 CHAYTOR, Q.C.:
 6 Q. So that's the only inquiry you are aware of
 7 regarding that issue?
 8 MS. MUNDON:
 9 A. Yes. I wouldn't be involved with day-to-day
 10 updating of briefing notes.
 11 CHAYTOR, Q.C.:
 12 Q. And then we see under your key message here,
 13 Number 3, "The problem was discovered in May
 14 and a quality review began immediately.
 15 Determining what happened with the testing of
 16 tissue samples is critical and a priority for
 17 Eastern Health and the government. The
 18 situation is disturbing for all of us." Did
 19 Minister Ottenheimer come back and ask you for
 20 any further information on any of the issues
 21 or the anticipated questions posed?
 22 MS. MUNDON:
 23 A. No, he didn't, but again, as I said earlier,
 24 if there was an issue with the briefing note,
 25 he wouldn't, the Minister wouldn't necessarily

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1 come to me. It would be to either the
 2 assistant deputy minister or the deputy
 3 minister.
 4 CHAYTOR, Q.C.:
 5 Q. And to your knowledge, did any such
 6 discussions take place?
 7 MS. MUNDON:
 8 A. Not that I'm aware of.
 9 CHAYTOR, Q.C.:
 10 Q. If we could look at P-0815 please? And Ms.
 11 Mundon, you will see that there's a
 12 significant gap. There are some briefing
 13 notes in between but in terms of the written
 14 record and any e-mail communication which
 15 involve you, anyhow, the next document we have
 16 is July 31st, 2006.
 17 MS. MUNDON:
 18 A. Correct.
 19 CHAYTOR, Q.C.:
 20 Q. So from the end of 2005 for the next seven
 21 months, did you have any involvement on this
 22 issue?
 23 MS. MUNDON:
 24 A. Not that I'm aware of, no.
 25 CHAYTOR, Q.C.:

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1 Q. And would you have been involved in the same
 2 manner in terms of any input into any briefing
 3 notes which were prepared?
 4 MS. MUNDON:
 5 A. Yes, I would have.
 6 CHAYTOR, Q.C.:
 7 Q. Okay, so other than that, that would be your
 8 involvement?
 9 MS. MUNDON:
 10 A. That's right.
 11 THE COMMISSIONER:
 12 Q. Do I have it correct that your involvement
 13 with the preparation of briefing notes is,
 14 unless you are specifically asked by the
 15 deputy minister or somebody of that nature to
 16 acquire information, you just review the
 17 material that's been provided by somebody
 18 else, is that correct?
 19 MS. MUNDON:
 20 A. That's correct.
 21 THE COMMISSIONER:
 22 Q. And in that review, do I take it that it is
 23 not your job to critically examine the
 24 content?
 25 MS. MUNDON:

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1 A. That's correct.
 2 THE COMMISSIONER:
 3 Q. Your job is to just determine whether or not
 4 the questions that are suggested that might be
 5 asked are, in your opinion, likely questions.
 6 MS. MUNDON:
 7 A. Correct.
 8 CHAYTOR, Q.C.:
 9 Q. Thank you. If we could have P-0125 please?
 10 And these are, this is just a list that page 1
 11 of the briefing notes, which would have been
 12 prepared. There's a question and answer
 13 briefing note, February 23rd, 2006; March 9th,
 14 2006; March 15th, 2006; April 27th, 2006; May
 15 2nd, 2006; May 18th, 2006. And then that's it
 16 before your e-mail that I was about to bring
 17 you to, July 31st.
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. So there are a number of briefing notes in
 22 between there, but you have no recollection,
 23 yourself, of having any discussions with Susan
 24 Bonnell in the meantime in those seven months
 25 on this issue?

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1 MS. MUNDON:
 2 A. Not that I can recall.
 3 CHAYTOR, Q.C.:
 4 Q. Or Deborah Thomas-Pennell?
 5 MS. MUNDON:
 6 A. No.
 7 CHAYTOR, Q.C.:
 8 Q. Or anyone else within the department?
 9 MS. MUNDON:
 10 A. No, not that I can recall.
 11 CHAYTOR, Q.C.:
 12 Q. And you have a new minister in February of
 13 2006?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. And do you recall when Mr. Osborne then joined
 18 the department whether there was any meeting
 19 to brief him on this issue?
 20 MS. MUNDON:
 21 A. I don't recall if there was a specific meeting
 22 related to this issue; however, I do know that
 23 prior to the House of Assembly session opening
 24 each day, there were daily briefings with the
 25 Minister during lunchtime for an hour each

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1 day.
 2 CHAYTOR, Q.C.:
 3 Q. And do you recall being present when the ER/PR
 4 issue was discussed with the Minister in this
 5 time period?
 6 MS. MUNDON:
 7 A. I don't recall it specifically being discussed
 8 in our briefing session. I know that the
 9 notes would have been in the Minister's
 10 briefing binder for that session, but given
 11 that the issue wasn't in the media at that
 12 time, it's unlikely that we would have
 13 discussed it in the context of coming up in
 14 that day session of the House.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, and then that seven-month period in
 17 terms of your involvement on it if it's not in
 18 the media, then your involvement would be
 19 minimal?
 20 MS. MUNDON:
 21 A. Yes, other than, as I said earlier I'm just
 22 providing--getting the House of Assembly
 23 briefing binder ready for the Minister.
 24 CHAYTOR, Q.C.:
 25 Q. Okay, and actually Mr. Coffey rightfully

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1 points out that this March 9th, 2006 is in
 2 error, that should in fact be March 9th, 2007.
 3 So there's only one briefing note in March of
 4 2006.
 5 MS. MUNDON:
 6 A. Uh-hm.
 7 CHAYTOR, Q.C.:
 8 Q. And this is the briefing note of February 23rd
 9 and the anticipated questions, "has the
 10 testing been completed on the samples sent to
 11 Mount Sinai? Has everyone been notified of
 12 the results? What has been done to correct
 13 this problem." Were you involved in drafting
 14 those questions?
 15 MS. MUNDON:
 16 A. I don't think that I would have been involved
 17 with drafting--I'm just scrolling down to see
 18 who prepared the -
 19 CHAYTOR, Q.C.:
 20 Q. I think it was Debbie Morris.
 21 MS. MUNDON:
 22 A. Yeah, I don't think I was involved with
 23 preparing those questions; however, those
 24 questions it looks like to me would have been
 25 taken from the questions in the previous two

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1 briefing notes.
 2 CHAYTOR, Q.C.:
 3 Q. When we no longer see the question about what
 4 went wrong or what happened to cause the
 5 problem.
 6 MS. MUNDON:
 7 A. Yeah, I don't think I was involved with these
 8 questions and answers for this briefing note.
 9 CHAYTOR, Q.C.:
 10 Q. And why wouldn't you be involved at this point
 11 in time?
 12 MS. MUNDON:
 13 A. I don't recall working with Ms. Morris on this
 14 note or any other note, for that matter.
 15 CHAYTOR, Q.C.:
 16 Q. Okay. And then the next one then is, actually
 17 I think this is the one in error, yes, that
 18 was the next page, page 8, March 15th one.
 19 And this one is also prepared by Ms. Morris.
 20 MS. MUNDON:
 21 A. Uh-hm.
 22 CHAYTOR, Q.C.:
 23 Q. And the questions are similar.
 24 MS. MUNDON:
 25 A. I think they're the exact same questions, are

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1 they not, from -
 2 CHAYTOR, Q.C.:
 3 Q. And again, you don't have any recollection of
 4 working with Ms. Morris on this?
 5 MS. MUNDON:
 6 A. No.
 7 CHAYTOR, Q.C.:
 8 Q. And the next one is prepared again by her,
 9 April 27th, 2006.
 10 MS. MUNDON:
 11 A. They're the same questions again, I believe.
 12 CHAYTOR, Q.C.:
 13 Q. And what about the key messages, would you
 14 have been involved though in those?
 15 MS. MUNDON:
 16 A. I don't believe so because if I wouldn't have
 17 been involved with the questions, it's very
 18 unlikely that I would have been involved with
 19 the key messages and just looking, when you're
 20 scrolling back and forth, it looks like it's
 21 very consistent with a similar message,
 22 similar questions and similar messages in all
 23 three notes, if not identical.
 24 CHAYTOR, Q.C.:
 25 Q. And the next one then is on May 2nd and again

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1 it's Ms. Morris and Ms. Hennessey approving.
 2 MS. MUNDON:
 3 A. I think it's the exact same questions and key
 4 messages in each of those notes.
 5 CHAYTOR, Q.C.:
 6 Q. And May 18th, again the same two people are
 7 involved and the questions now have changed?
 8 MS. MUNDON:
 9 A. Yeah.
 10 CHAYTOR, Q.C.:
 11 Q. Does any of this look familiar? Are you
 12 involved in this work?
 13 MS. MUNDON:
 14 A. This certainly looks like the type of
 15 questions that I would include in the briefing
 16 note, as opposed to the ones we previously
 17 went through.
 18 CHAYTOR, Q.C.:
 19 Q. Okay, and so you think you may have been
 20 involved in this?
 21 MS. MUNDON:
 22 A. I may have been involved with the questions in
 23 this one.
 24 CHAYTOR, Q.C.:
 25 Q. Okay, and what about the key messaging? This

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1 indicates that all the test results are now
 2 back from Mount Sinai.
 3 MS. MUNDON:
 4 A. I don't think I would have been involved with
 5 the key messages, here again, they look very
 6 similar to the messages that were in the
 7 previous notes.
 8 CHAYTOR, Q.C.:
 9 Q. And this has a key message that "government is
 10 unable to comment at this time on the
 11 Statement of Claim due to the legal
 12 proceedings". Is that a key message that you
 13 formulated?
 14 MS. MUNDON:
 15 A. I don't recall formulating that message, no.
 16 CHAYTOR, Q.C.:
 17 Q. And is that something you understand to be
 18 department procedure, that if there's a
 19 Statement of Claim issued, then the government
 20 will not be involved in commenting?
 21 MS. MUNDON:
 22 A. I would say generally that would be the case.
 23 CHAYTOR, Q.C.:
 24 Q. And what do you understand is the reason
 25 behind that?

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1 MS. MUNDON:
 2 A. Just the only way that--my past experience is
 3 that because of ongoing court proceedings that
 4 government has refrained from commenting.
 5 CHAYTOR, Q.C.:
 6 Q. The key message that all the test results are
 7 back from Mount Sinai Hospital, was there any
 8 discussion in the department, it's now May of
 9 2006, all the results are in, according to
 10 this key message. Is there any discussion
 11 then in the department around that?
 12 MS. MUNDON:
 13 A. Not that I can recall.
 14 CHAYTOR, Q.C.:
 15 Q. And that's the last briefing note before we
 16 take you to the July 31st e-mail. So if we
 17 could go back now, please, to 8:15 and this is
 18 an e-mail from yourself to Mr. Cake, Gary Cake
 19 on July 31st, 2006 and you're writing "Gary,
 20 as per John's request, please see attached
 21 briefing note prepared by Eastern Health
 22 regarding ER/PR." What--did you know Mr.
 23 Cake, had you had any dealings with him
 24 before?
 25 MS. MUNDON:

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1 A. Not that I can recall, no. This was just
 2 following up on a request by Mr. Abbott that I
 3 forward this on his behalf.
 4 CHAYTOR, Q.C.:
 5 Q. And the briefing note that you forward is the
 6 one attached here, July 31st, 2006 from Ms.
 7 Predham at Eastern Health?
 8 MS. MUNDON:
 9 A. Yes, I believe at the time that Ms. Hennessey
 10 may have been on vacation, may have been why
 11 Mr. Abbott asked me to forward this.
 12 CHAYTOR, Q.C.:
 13 Q. Okay. And after this point in time we
 14 understand this is the beginning of the August
 15 18th, 2006 briefing note to Cabinet
 16 Secretariat.
 17 MS. MUNDON:
 18 A. Yes.
 19 CHAYTOR, Q.C.:
 20 Q. After this point in time on July 31st, did you
 21 have any further involvement in the drafting
 22 of that briefing note?
 23 MS. MUNDON:
 24 A. No, I did not.
 25 CHAYTOR, Q.C.:

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1 Q. And in terms of communicating with Cabinet
 2 Secretariat and providing them with
 3 information for briefing notes, would that be
 4 part of what your job responsibilities would
 5 include?
 6 MS. MUNDON:
 7 A. No, it would not.
 8 CHAYTOR, Q.C.:
 9 Q. So if we look at P-0125, page 31, please?
 10 This is the briefing note that ultimately gets
 11 prepared. I'll just scroll down and show you,
 12 it's August 18th, 2006 and your name doesn't
 13 appear on it.
 14 MS. MUNDON:
 15 A. No.
 16 CHAYTOR, Q.C.:
 17 Q. And you'll see that it is the one that was
 18 filed in the Registry. Have you seen that
 19 briefing note before?
 20 MS. MUNDON:
 21 A. I didn't see the final version of that
 22 briefing note until the spring of 2007 when I
 23 was compiling the binder that I mentioned
 24 earlier.
 25 THE COMMISSIONER:

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1 Q. When you were compiling what?
 2 MS. MUNDON:
 3 A. A binder for the Minister in the spring of
 4 2007, including all documents on the issue.
 5 THE COMMISSIONER:
 6 Q. So you didn't see the final version?
 7 MS. MUNDON:
 8 A. Yes, there was a draft version that was, that
 9 I was cc'd on and I think that's probably here
 10 in the exhibit as well, that Ms. Hennessey had
 11 sent Mr. Abbott a draft of it and asked for
 12 his feedback and I was copied on it.
 13 CHAYTOR, Q.C.:
 14 Q. Okay, so you were provided with a draft of the
 15 briefing note?
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. Which was, I take it, similar to what I've
 20 just shown you?
 21 MS. MUNDON:
 22 A. Yes.
 23 CHAYTOR, Q.C.:
 24 Q. And when did you receive that?
 25 MS. MUNDON:

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1 A. I can't recall the specific date, but I
 2 remember that I was out of the province with
 3 the Minister travelling and I simply opened
 4 the e-mail and when I saw that it was being
 5 forwarded to Mr. Abbott by Ms. Hennessey for
 6 review and approval, I recognized that it was
 7 a draft briefing note and didn't go down
 8 through the details in it, recognizing that it
 9 was a draft. It was not signed off by the
 10 deputy.
 11 CHAYTOR, Q.C.:
 12 Q. And you were travelling with the Minister at
 13 the time out of province?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. Was Mr. Abbott also with you?
 18 MS. MUNDON:
 19 A. I believe so, yes.
 20 CHAYTOR, Q.C.:
 21 Q. So all three of you were travelling together.
 22 MS. MUNDON:
 23 A. Yes.
 24 CHAYTOR, Q.C.:
 25 Q. And did you have any discussion then with Mr.

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1 Abbott or the Minister regarding that briefing
 2 note or the draft briefing note?
 3 MS. MUNDON:
 4 A. Not that I recall, no.
 5 CHAYTOR, Q.C.:
 6 Q. So you received this on your Blackberry, I
 7 take it?
 8 MS. MUNDON:
 9 A. Yes.
 10 CHAYTOR, Q.C.:
 11 Q. You scrolled down through it?
 12 MS. MUNDON:
 13 A. Well I would have had to open it up as an
 14 attachment, I would think.
 15 CHAYTOR, Q.C.:
 16 Q. Yes, and do you recall reading it? You read
 17 it enough to know that it was also being sent
 18 to Mr. Abbott.
 19 MS. MUNDON:
 20 A. Well that would be in the initial e-mail.
 21 CHAYTOR, Q.C.:
 22 Q. Yes.
 23 MS. MUNDON:
 24 A. And then I would have to actually open up the
 25 attachment from the Blackberry to get access

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1 to the briefing note.
 2 CHAYTOR, Q.C.:
 3 Q. And did you--and you don't recall having any
 4 discussion during that trip around this
 5 briefing note with either Mr. Abbott or Mr.
 6 Osborne?
 7 MS. MUNDON:
 8 A. No, I don't.
 9 COMMISSIONER:
 10 Q. So why were you copied on it?
 11 MS. MUNDON:
 12 A. I'm not sure, Madam Commissioner, why I would
 13 be copied on it.
 14 COMMISSIONER:
 15 Q. Would you expect to see the final version?
 16 MS. MUNDON:
 17 A. Well, yes, I would expect to see the final
 18 version if the minister, obviously, would be
 19 getting a final version, yes. I was copied on
 20 all notes, all of the House of Assembly
 21 briefing notes on this issue, the final
 22 version, so I would expect to get a final
 23 version of this.
 24 COMMISSIONER:
 25 Q. So what is the role of the director of

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1 communications vis-a-vis briefing notes and if
 2 there's a difference between different kinds
 3 of briefing notes, what is your role with
 4 different kinds of briefing notes?
 5 MS. MUNDON:
 6 A. My only role in terms of briefing notes
 7 specifically with respect to House of Assembly
 8 briefing notes would be assisting with the key
 9 messages and the anticipated questions, key
 10 messages section of the note.
 11 COMMISSIONER:
 12 Q. Um-hm.
 13 MS. MUNDON:
 14 A. Briefing notes are prepared by the assistant
 15 deputy minister responsible for the file and
 16 signed off and approved by the deputy minister
 17 who then would pass the note on to the
 18 minister.
 19 COMMISSIONER:
 20 Q. Okay, so for House of Assembly briefing notes
 21 your responsibility, you had said at one time
 22 something about gathering briefing notes for
 23 the minister. Do you have any responsibility
 24 in making sure you have them?
 25 MS. MUNDON:

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1 A. Yes, or I'm -
 2 COMMISSIONER:
 3 Q. Or -
 4 MS. MUNDON:
 5 A. I'm involved with preparing, putting together
 6 a binder for the minister for the House of
 7 Assembly.
 8 COMMISSIONER:
 9 Q. Um-hm.
 10 MS. MUNDON:
 11 A. All of the briefing notes.
 12 COMMISSIONER:
 13 Q. So that is your responsibility?
 14 MS. MUNDON:
 15 A. Yes.
 16 COMMISSIONER:
 17 Q. So you have to locate them, wherever they are?
 18 MS. MUNDON:
 19 A. Yes.
 20 COMMISSIONER:
 21 Q. Now, do you have a role to play in determining
 22 what gets a briefing note?
 23 MS. MUNDON:
 24 A. I would discuss with the deputy minister which
 25 issues he felt would require a briefing note

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1 and I would then do up a master list and send
 2 out an e-mail to all the staff requesting
 3 notes on the following issues.
 4 COMMISSIONER:
 5 Q. Okay. And then you would vet them for two
 6 purposes only, questions and key messages?
 7 MS. MUNDON:
 8 A. Yes. And again, I don't have final sign off
 9 on those. They're signed off by the deputy
 10 minister.
 11 COMMISSIONER:
 12 Q. Okay. And -
 13 MS. MUNDON:
 14 A. With respect to a general issues briefing
 15 note, as it's called, I would have no
 16 involvement with that.
 17 COMMISSIONER:
 18 Q. No involvement at all with a general issues?
 19 MS. MUNDON:
 20 A. No, and no involvement with, you know, which I
 21 would call this a general issues briefing
 22 note, the ones that's before us from Ms.
 23 Greene.
 24 COMMISSIONER:
 25 Q. A number of other persons who've had similar

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1 positions to yours have given evidence and I
 2 got the impression from some of those that
 3 they were, how shall I put it, it was seen to
 4 be an important part of their job that they be
 5 in the loop, up to date, whatever you want to
 6 call it, about the issues that were going on
 7 within the department. Would you feel that
 8 way, as well?
 9 MS. MUNDON:
 10 A. Yes, I would.
 11 COMMISSIONER:
 12 Q. So would you expect to attend meetings about
 13 major issues, that kind of stuff?
 14 MS. MUNDON:
 15 A. Depending on the issue. If it was from a
 16 media perspective or communications
 17 perspective, an issue that was in the public
 18 or expected to be in the public, I would
 19 expect to be there. But in terms of a general
 20 meeting on an issue that someone, an ADM in
 21 the department was filing, I wouldn't expect
 22 to be involved with those every day, daily -
 23 COMMISSIONER:
 24 Q. Okay. So you wouldn't expect, for example,
 25 that something that might become a media issue

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1 at some point further down the road, that
 2 someone would say, well, maybe we'd better get
 3 her involved early so she understands the
 4 background and have you involved perhaps some
 5 month or two before the thing was expected to
 6 hit the general knowledge?
 7 MS. MUNDON:
 8 A. Yes, I would expect to be involved in issues
 9 like that, but certain routine issues, day-to-
 10 day issues, I wouldn't be involved with.
 11 COMMISSIONER:
 12 Q. Okay. And I got the impression from what you
 13 were saying in respect of those briefing notes
 14 which you had a role, in which you had a role
 15 to pay, ie, those for the House of Assembly?
 16 MS. MUNDON:
 17 A. Yes.
 18 COMMISSIONER:
 19 Q. That when you were reviewing them, it was not
 20 your job to really review them for content, it
 21 was merely your job to review them for the
 22 purpose of determining whether the questions
 23 were the kind of questions that one might
 24 reasonably expect from the media and whether
 25 the key messages were indeed the department's

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1 correct key messages?
 2 MS. MUNDON:
 3 A. Yes.
 4 COMMISSIONER:
 5 Q. Is that correct?
 6 MS. MUNDON:
 7 A. Yes.
 8 COMMISSIONER:
 9 Q. So, for example, if there were errors in a
 10 briefing note from one briefing note to the
 11 next, I should not expect that you would
 12 notice that?
 13 MS. MUNDON:
 14 A. No.
 15 COMMISSIONER:
 16 Q. All right. Thank you.
 17 CHAYTOR, Q.C.:
 18 Q. Thank you, Commissioner. If we could look at
 19 at P-0168, please? Now, Ms. Mundon, this is
 20 e-mail to Minister Osborne from yourself, July
 21 31st, 2006 at 4:41 p.m. "Briefing note,
 22 ER/PR. Minister, John asked that I forward
 23 the following briefing note to Gary Cake in
 24 Cabinet Secretariat. The note was prepared by
 25 Eastern Health in response to an article in

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1 The Independent on ER/PR. Tansy." And you
 2 send along to the minister a copy of the July
 3 31st, 2006 version of the note which was
 4 received from Heather Predham.
 5 MS. MUNDON:
 6 A. Um-hm.
 7 CHAYTOR, Q.C.:
 8 Q. So you did take it upon yourself on July 31st
 9 to send the draft briefing note to Minister
 10 Osborne?
 11 MS. MUNDON:
 12 A. I sent this note to Minister Osborne because
 13 of the fact that it's not normally part of my
 14 responsibilities to forward briefing notes to
 15 Cabinet Secretariat on behalf of the
 16 department and I wanted to ensure that the
 17 minister was aware that I was doing this.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. But Mr. Abbott, who you report to, had
 20 asked you to do it?
 21 MS. MUNDON:
 22 A. Yes.
 23 CHAYTOR, Q.C.:
 24 Q. So why would you feel the need to inform the
 25 minister?

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1 MS. MUNDON:
 2 A. Just because it wasn't part of my normal
 3 responsibilities. Normally briefing notes are
 4 forwarded to Cabinet Secretariat by either the
 5 assistant deputy minister or the deputy
 6 minister.
 7 CHAYTOR, Q.C.:
 8 Q. Did you have some concern about what Mr.
 9 Abbott had asked of you?
 10 MS. MUNDON:
 11 A. No, I didn't have any concern about it, but it
 12 just wasn't part of my normal role so I just
 13 wanted to have a comfort level that the
 14 minister was aware that I was doing this
 15 because it wasn't normally part of my role.
 16 CHAYTOR, Q.C.:
 17 Q. At this point in time were you aware that
 18 briefing notes had gone to Cabinet Secretariat
 19 without the minister's knowledge?
 20 MS. MUNDON:
 21 A. At that point in time I don't think that I was
 22 aware of that, no.
 23 CHAYTOR, Q.C.:
 24 Q. That's something that you've become aware of
 25 later?

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1 MS. MUNDON:
 2 A. Yes.
 3 CHAYTOR, Q.C.:
 4 Q. But you felt the need that you should let Mr.
 5 Osborne know you had been asked to do this by
 6 Mr. Abbott?
 7 MS. MUNDON:
 8 A. Yes.
 9 CHAYTOR, Q.C.:
 10 Q. Okay. Did you ever do that on anything else,
 11 any other issue that Mr. Abbott asked you to
 12 do something, so you let the minister know?
 13 MS. MUNDON:
 14 A. Not that I can recall. Just because in this
 15 instance it wasn't my normal role and I
 16 normally don't forward notes to Cabinet
 17 Secretariat, it's not part of my role and I
 18 wanted to, just wanted to make sure that the
 19 minister was aware that I was doing this.
 20 CHAYTOR, Q.C.:
 21 Q. Okay.
 22 MS. MUNDON:
 23 A. And if I'm not mistaken, I believe Mr. Abbott
 24 may have been out of the office that day and
 25 had called me and asked me to do this.

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1 CHAYTOR, Q.C.:
 2 Q. To forward the briefing note?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. Did he also ask you to inform the minister
 7 that you were doing so?
 8 MS. MUNDON:
 9 A. No, he did not.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. So when you're travelling with the
 12 minister and Mr. Abbott and you get another
 13 version of this briefing note forwarded to
 14 you, there's no discussion amongst the three
 15 of you about the briefing note?
 16 MS. MUNDON:
 17 A. Not that I recall, no. We would have been in
 18 meetings at that time.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And you don't forward on an updated,
 21 the updated version to the minister?
 22 MS. MUNDON:
 23 A. No, because at this point in time a draft note
 24 had been sent from the ADM to the deputy
 25 minister for review and approval.

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1 CHAYTOR, Q.C.:

2 Q. Yes.

3 MS. MUNDON:

4 A. Whereas this note was sent over, the final

5 version from Eastern Health.

6 CHAYTOR, Q.C.:

7 Q. After sending the e-mail on July 31st to

8 Minister Osborne indicating that you'd been

9 asked to do this by Mr. Abbott did he come

10 back with any questions to you?

11 MS. MUNDON:

12 A. Not that I can recall, but I wouldn't expect

13 him, again, to come to me with questions, I

14 would expect him to ask the deputy minister.

15 CHAYTOR, Q.C.:

16 Q. And are you aware of whether or not that

17 happened?

18 MS. MUNDON:

19 A. I'm not aware if he asked him any questions.

20 CHAYTOR, Q.C.:

21 Q. And if the deputy minister wasn't in the

22 office, as you said, on that date, would you

23 expect the minister to have come and asked you

24 about this if he had any questions?

25 MS. MUNDON:

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1 A. Yes, I would expect that he would come to me

2 if the minister and--or the deputy minister

3 and the assistant deputy minister were not in

4 the department on that day, then I would

5 expect him to come to me and ask me, at which

6 point I would try to get in contact with the

7 deputy minister.

8 CHAYTOR, Q.C.:

9 Q. Yes. Well, and you're the one who's

10 communicating with him directly on this?

11 MS. MUNDON:

12 A. Yes.

13 CHAYTOR, Q.C.:

14 Q. Yes. And you have no recollection of the

15 minister raising any question with you around

16 this?

17 MS. MUNDON:

18 A. No, I don't.

19 CHAYTOR, Q.C.:

20 Q. Okay. So the minister was at least aware of a

21 draft briefing note having gone to Cabinet

22 Secretariat on July 31st, 2006?

23 MS. MUNDON:

24 A. Yes.

25 COMMISSIONER:

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1 Q. Wherever you can find an appropriate spot,

2 we'll take a break, Ms. Chaytor.

3 CHAYTOR, Q.C.:

4 Q. Thank you. In August or middle--mid August,

5 2006, were you aware that at that time that

6 the minister had not seen the final version or

7 any further version of the note?

8 MS. MUNDON:

9 A. No, I don't think I was aware at that point in

10 time that he hadn't seen that.

11 CHAYTOR, Q.C.:

12 Q. And when did that come to your attention?

13 MS. MUNDON:

14 A. I don't think it came to my attention until

15 the spring of 2007.

16 CHAYTOR, Q.C.:

17 Q. And who advised you at that time?

18 MS. MUNDON:

19 A. I can't recall who specifically it was, but I

20 know that there was a discussion at the

21 department about a note going over the

22 previous summer and that Minister Osborne

23 hadn't seen a copy of that note.

24 CHAYTOR, Q.C.:

25 Q. And who did you have that discussion with?

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1 MS. MUNDON:

2 A. I think it may have been raised by Minister

3 Wiseman in a meeting of the executive that

4 this had happened and he wanted to ensure that

5 it wouldn't happen today, like, during his

6 tenure there.

7 CHAYTOR, Q.C.:

8 Q. Okay. And so you recall Minister Wiseman

9 bringing it up. That's the first time you

10 realized that that -

11 MS. MUNDON:

12 A. Yes.

13 CHAYTOR, Q.C.:

14 Q. - this was the note that you originally had

15 sent over to Cabinet Secretariat a version?

16 MS. MUNDON:

17 A. Yes.

18 CHAYTOR, Q.C.:

19 Q. And that's the first time you had become aware

20 that Minister Osborne had never seen the final

21 version?

22 MS. MUNDON:

23 A. That's correct.

24 CHAYTOR, Q.C.:

25 Q. Of the note. Okay. This is a convenient

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1 spot, then, Commissioner.
 2 COMMISSIONER:
 3 Q. We'll take the afternoon break.
 4 (RECESS)
 5 COMMISSIONER:
 6 Q. Please be seated. Ms. Chaytor.
 7 CHAYTOR, Q.C.:
 8 Q. If we could have P-0170, please, Registrar?
 9 It's an e-mail from yourself, Ms. Mundon,
 10 August 4th, 2006. And you're forwarding this
 11 to Mr. Abbott, Ms. Hennessey and Minister
 12 Osborne. Message for The Current. "For your
 13 information, The Current is running a story on
 14 ER/PR. Please see attached statement
 15 forwarded by Eastern Health. This story will
 16 air nationally on Monday." What discussions
 17 did you have regarding this issue?
 18 MS. MUNDON:
 19 A. Well, Ms. Bonnell would have called me to tell
 20 me that The Current was doing a story and that
 21 they would be submitting a statement as
 22 opposed to providing an interview and that she
 23 was going to forward me the statement. And
 24 from there I forwarded this on within the
 25 department. I don't recall any further

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1 discussions within the department on this.
 2 CHAYTOR, Q.C.:
 3 Q. Okay. And the idea of issuing a statement
 4 rather than participating in the story, did
 5 you agree with that approach?
 6 MS. MUNDON:
 7 A. I can't recall what the rationale was she gave
 8 me as to why they would be issuing a statement
 9 as opposed to doing an interview. It
 10 certainly wouldn't be the norm to provide a
 11 statement. In most cases it would be -
 12 COMMISSIONER:
 13 Q. I'm sorry, did you say would or wouldn't?
 14 MS. MUNDON:
 15 A. It wouldn't be the norm to provide a
 16 statement. In most cases, you know, certainly
 17 an interview would, you know, would be
 18 expected as opposed to a statement.
 19 CHAYTOR, Q.C.:
 20 Q. And did Ms. Bonnell indicate whether or not
 21 she agreed with that approach of going with a
 22 statement or whose decision it may have been
 23 within Eastern Health to do it this way?
 24 MS. MUNDON:
 25 A. I don't think she told me whose idea, whose

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1 decision it was to do this. I think she just
 2 had indicated that the decision was made that
 3 they would be issuing a statement as opposed
 4 to doing an interview.
 5 CHAYTOR, Q.C.:
 6 Q. And did she indicate what her preference would
 7 have been?
 8 MS. MUNDON:
 9 A. No, she did not.
 10 CHAYTOR, Q.C.:
 11 Q. Did she voice any concern or frustration to
 12 you around this issue?
 13 MS. MUNDON:
 14 A. Not that I can recall, no.
 15 CHAYTOR, Q.C.:
 16 Q. After forwarding this on to the individuals in
 17 the senior executive within the department,
 18 did you--was there any discussion in the
 19 department around the issue?
 20 MS. MUNDON:
 21 A. No, not that I recall.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. And did you forward this on then, this
 24 is now going to be a national story, did you
 25 give Josephine Cheeseman a heads up that this

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1 was happening?
 2 MS. MUNDON:
 3 A. I can't recall if I did or not. I can't say if
 4 I did or not.
 5 CHAYTOR, Q.C.:
 6 Q. Is this the type of thing if it's a national
 7 story, that you would expect you would have
 8 given her notification of?
 9 MS. MUNDON:
 10 A. Certainly if it was an issue that the
 11 department was managing, definitely I would
 12 let her know. However, given, again, that
 13 this was being, this was an operational issue
 14 being managed by Eastern Health, I'm not sure
 15 if I would have provided her with this or not.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. If we could look at, I think it's P-
 18 0153? No, that's not it. Let's try 0176?
 19 Okay. And this is an e-mail then from Chris
 20 O'Neill-Yates to yourself, November 22nd,
 21 2006. And she refers to the subject as being
 22 breast cancer screening. "Hi, Tansy, I'm
 23 doing a story on the breast cancer screening
 24 test that went awry. I have been for weeks
 25 trying to get an interview with Eastern

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1 Health. They say they have nothing to say
 2 until the end of the month, even though for
 3 weeks they have had the results of the
 4 retesting from Mount Sinai. Experts I've
 5 spoken with indicate that they should be able
 6 to tell us what the rate of error was based on
 7 that, but so far no go. I have two people
 8 involved in this story and I'm filing on it
 9 tomorrow. The questions I have been asked by
 10 individuals affected are: Why are they
 11 hearing--why are they from the minister about
 12 what went wrong?" Presumably that should be
 13 "Why aren't they". "Is this something the
 14 minister could address? I've spoken to many
 15 people and there is great consternation about
 16 this matter, about how this matter has been
 17 handled." So, Ms. O'Neill-Yates is writing to
 18 you, she says, "Hi Tansy." How well did you
 19 know Ms. O'Neill-Yates?
 20 MS. MUNDON:
 21 A. I know her fairly well from dealing with her
 22 through the media.
 23 CHAYTOR, Q.C.:
 24 Q. And she's indicating that she has been trying
 25 for weeks to get an interview or information

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1 or an interview, anyhow, from Eastern Health.
 2 Did you share this with others in the
 3 department, with the minister and others that
 4 Ms. O'Neill-Yates had written involving,
 5 indicating that she hadn't been able to get
 6 the information she was seeking?
 7 MS. MUNDON:
 8 A. I believe I would have brought it to the
 9 minister's attention, yes.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. And if we look at P-0177, please?
 12 Okay. And if we could just go back, please,
 13 to 0176 for a moment? The idea that Ms.
 14 O'Neill-Yates is asking whether or not the
 15 minister may be able to address what went
 16 wrong, did you discuss that with the minister?
 17 MS. MUNDON:
 18 A. I would have, yes.
 19 CHAYTOR, Q.C.:
 20 Q. Okay. And what do you recall about that
 21 discussion?
 22 MS. MUNDON:
 23 A. Up until this point all of the media inquiries
 24 had been addressed by Eastern Health and I
 25 can't recall specifically what the minister

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1 would have said to me, but I know that based
 2 on the fact that Eastern Health had already
 3 done all previous interviews on this, that
 4 that would have been the deputy minister's
 5 preference that, again, with them managing the
 6 issue, that the media requests be addressed by
 7 Eastern Health.
 8 CHAYTOR, Q.C.:
 9 Q. Okay. So you're saying that you spoke to
 10 Minister Osborne?
 11 MS. MUNDON:
 12 A. Yes.
 13 CHAYTOR, Q.C.:
 14 Q. You told him that you had received this
 15 communication from the media?
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. And that Chris O'Neill-Yates is specifically
 20 saying can the minister address what went
 21 wrong?
 22 MS. MUNDON:
 23 A. Um-hm.
 24 CHAYTOR, Q.C.:
 25 Q. And that she's hearing great consternation

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1 about how the matter has been handled. What
 2 direction was then given to you by the
 3 minister?
 4 MS. MUNDON:
 5 A. I can't say specifically if it would have been
 6 the minister who would have given me the
 7 direction or the deputy minister, but the
 8 direction that was given was to ask Eastern
 9 Health to respond to the media request, that
 10 it was asked of them.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. And who asked you to do that?
 13 MS. MUNDON:
 14 A. Again, I can't say specifically if it would
 15 have been the minister or the deputy minister.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. And did the minister say to you or ask
 18 you any questions--you're telling him, I take
 19 it, the information that has been contained
 20 here in the e-mail. And did he ask you, well,
 21 what information do we have, what did go
 22 wrong, what's the latest on that, was there
 23 any discussion around that?
 24 MS. MUNDON:
 25 A. Not that I recall, no. I guess the minister

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1 would have had, at that point, access only to
 2 the briefing materials from the House of
 3 Assembly book that spring.
 4 CHAYTOR, Q.C.:
 5 Q. This is, when you read it, I mean, what Ms.
 6 O'Neill-Yates is writing here, it's almost a
 7 warning, isn't it, that she's hearing a great
 8 deal of consternation is her word about how
 9 the matter has been handled. And if we read
 10 it carefully in terms of what she's looking
 11 for, it's the rate of error and what went
 12 wrong, those are the two things that she
 13 identifies as being two issues at this point
 14 in time?
 15 MS. MUNDON:
 16 A. Um-hm.
 17 CHAYTOR, Q.C.:
 18 Q. And the things that she says the people
 19 affected, so presumably the patients and/or
 20 the patients' families, these are the issues
 21 that they were looking to have addressed?
 22 MS. MUNDON:
 23 A. Yes.
 24 CHAYTOR, Q.C.:
 25 Q. So it -

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1 MS. MUNDON:
 2 A. This wouldn't be the first time that I would
 3 have received a call or, in this case it was
 4 an e-mail, but I would have received calls in
 5 the past on other issues from the media with
 6 respect to Eastern Health and them requesting
 7 media interviews. This was not a new issue to
 8 me that a media outlet had been trying to get
 9 Eastern Health to do an interview on a
 10 specific topic. I had received a number of
 11 calls during my tenure in the Department in
 12 which the media expressed to me frustrations
 13 with Eastern Health doing interviews and, you
 14 know, had just wondered if the Minister, in
 15 some cases, could do the interview because of
 16 the fact that Eastern Health wouldn't.
 17 CHAYTOR, Q.C.:
 18 Q. Okay.
 19 MS. MUNDON:
 20 A. But in many cases, it was--again, because of
 21 Eastern Health managing the issue, they were
 22 the ones best suited to respond to the inquiry
 23 as opposed to the Minister.
 24 CHAYTOR, Q.C.:
 25 Q. And is this the first time though that you

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1 received such contact regarding the ER/PR
 2 issue?
 3 MS. MUNDON:
 4 A. That I can recall, yes.
 5 CHAYTOR, Q.C.:
 6 Q. And in terms of the two issues that Ms.
 7 O'Neill-Yates has identified or the two that's
 8 spelled out here, in terms of the rate of
 9 error and what went wrong, was there then
 10 discussion in the Department around those two
 11 points?
 12 MS. MUNDON:
 13 A. I think there would have been discussion
 14 following the filing of the story, once the
 15 story ran, because I know that after that, the
 16 Minister asked for a briefing on the issue
 17 from Eastern Health.
 18 CHAYTOR, Q.C.:
 19 Q. Okay. So the action that was decided upon
 20 after you had brought this to the attention of
 21 the Minister on November 22nd was for contact
 22 to be made with Eastern Health and have them
 23 respond?
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. And I take it you did that then?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. If we could look at 0178, please? I'll
 7 just take you to the second page of this
 8 exhibit, Ms. Mundon. On November ~~22nd~~
 9 then, at 1:43 p.m., so within less than 45
 10 minutes after you received the request from
 11 Ms. O'Neill-Yates, you write to Leona
 12 Barrington and Susan Bonnell, and you copy Mr.
 13 Tilley and Mr. Abbott. "In light of this
 14 request, can you please ask that a status
 15 report is sent to the Minister this week." So
 16 did the Minister ask to be provided with a
 17 status report?
 18 MS. MUNDON:
 19 A. I would think so, yes.
 20 CHAYTOR, Q.C.:
 21 Q. And I don't see any mention there about
 22 instructing or suggesting to Eastern Health
 23 that they follow up with Ms. O'Neill-Yates on
 24 the issue.
 25 MS. MUNDON:

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1 A. I believe I called her to follow up on that.
 2 CHAYTOR, Q.C.:
 3 Q. You called Ms. Bonnell?
 4 MS. MUNDON:
 5 A. Yes.
 6 CHAYTOR, Q.C.:
 7 Q. Okay, and what do you recall of your
 8 discussion with Ms. Bonnell?
 9 MS. MUNDON:
 10 A. Just asked her to follow up with Ms. O'Neill-
 11 Yates as per her request to respond to the
 12 media inquiry.
 13 CHAYTOR, Q.C.:
 14 Q. Okay, and what was Ms. Bonnell's response to
 15 that?
 16 MS. MUNDON:
 17 A. I believe she said that she would try to get
 18 in touch with her.
 19 CHAYTOR, Q.C.:
 20 Q. Okay, and then we have an e-mail from Ms.
 21 Bonnell to yourself at 2:54 the same day.
 22 "Can you call me? I'm talking to Dr. Howell
 23 on the phone now and we'd like to know what
 24 the Minister would want. Would a verbal
 25 briefing be helpful? Despite what Chris says,

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1 we aren't in the position to give a detailed
 2 briefing this week, rate of error, etcetera."
 3 And then you e-mail her back saying that
 4 you're just waiting for the Minister to come
 5 out of the House of Assembly and you'll call
 6 her, and then she e-mails to you "we have been
 7 trying to get herself on the phone. We've
 8 left her a couple of messages. We're
 9 attempting to set up the media briefing for
 10 the first week of December. Just trying to
 11 line up all the players we need to do this."
 12 And then you tell her that "Susan, the
 13 Minister doesn't need a briefing today. We
 14 would like to set up a briefing for him ASAP.
 15 I will advise you once I discuss with John
 16 Abbott and we can find a time." And she gets
 17 back and says "we are going to brief Peter
 18 Dawe next Friday, December 1st, and are going
 19 to arrange media for December 11th. Oscar can
 20 make himself available whenever this week."
 21 Why did the Minister want to set up a
 22 briefing ASAP?
 23 MS. MUNDON:
 24 A. I think it was in response to the request that
 25 Ms. O'Neill-Yates had e-mailed, the one that

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1 we were just previously talking about, and I
 2 guess he wanted to get up to speed on where
 3 the issue was at that point in time, and felt
 4 that it was an appropriate time now for
 5 Eastern Health to go public with the
 6 information.
 7 CHAYTOR, Q.C.:
 8 Q. And was that meeting then set up for this
 9 week?
 10 MS. MUNDON:
 11 A. That meeting was set up for the following day,
 12 the 23rd.
 13 CHAYTOR, Q.C.:
 14 Q. And did you attend that meeting?
 15 MS. MUNDON:
 16 A. Yes, I did.
 17 CHAYTOR, Q.C.:
 18 Q. And what do you recall about that meeting?
 19 MS. MUNDON:
 20 A. I recall it was over in the boardroom outside
 21 of the House of Assembly. I recall there were
 22 a number of officials from Eastern Health and
 23 from the Department. There was myself, the
 24 Minister, Mr. Hynes and Mr. Abbott, and in
 25 that meeting, we were given a one-page fact

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1 sheet with numbers and there was a general
 2 discussion around the issue, an update for the
 3 Minister and they were basically going through
 4 and telling us where they felt the issue was,
 5 from their perspective.
 6 CHAYTOR, Q.C.:
 7 Q. And did you take notes of that meeting?
 8 MS. MUNDON:
 9 A. No, I did not.
 10 CHAYTOR, Q.C.:
 11 Q. And again, it was the Minister, Mr. Hynes, Mr.
 12 Abbott and yourself from the Department?
 13 MS. MUNDON:
 14 A. Yes.
 15 CHAYTOR, Q.C.:
 16 Q. Was Ms. Hennessey there?
 17 MS. MUNDON:
 18 A. No, she was not.
 19 CHAYTOR, Q.C.:
 20 Q. Okay, and from Eastern Health, who was there?
 21 MS. MUNDON:
 22 A. Ms. Bonnell, Mr. Tilley, Dr. Laing, Dr.
 23 Howell, and Mr. Denic, I believe.
 24 CHAYTOR, Q.C.:
 25 Q. Dr. Denic?

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1 MS. MUNDON:
 2 A. Dr. Denic, yes.
 3 CHAYTOR, Q.C.:
 4 Q. And they gave an update as to where the matter
 5 was?
 6 MS. MUNDON:
 7 A. Yes.
 8 CHAYTOR, Q.C.:
 9 Q. Was there discussion about whether or not all
 10 the patients had been notified?
 11 MS. MUNDON:
 12 A. I believe--I can't recall specifically if they
 13 discussed patient notification at that time.
 14 CHAYTOR, Q.C.:
 15 Q. So do you recall any discussion around that
 16 issue?
 17 MS. MUNDON:
 18 A. Around patient notification?
 19 CHAYTOR, Q.C.:
 20 Q. Yes.
 21 MS. MUNDON:
 22 A. No, I don't.
 23 CHAYTOR, Q.C.:
 24 Q. Was there any discussion about the class
 25 action?

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1 MS. MUNDON:
 2 A. I don't recall if there was any discussion
 3 around a class action. I recall that we were
 4 brought through, in terms of the numbers on
 5 that sheet, and I don't know if you have it
 6 here.
 7 CHAYTOR, Q.C.:
 8 Q. Yes, perhaps we could bring that up then. I
 9 think that's 0125 and I'll find it from there.
 10 No, it's not there. Do you remember what one?
 11 MR. PRITCHARD:
 12 Q. Yes, it's on the back.
 13 CHAYTOR, Q.C.:
 14 Q. It's on the back?
 15 MR. PRITCHARD:
 16 Q. It's on the back of the exhibit.
 17 CHAYTOR, Q.C.:
 18 Q. Okay. Try page 42, please. There we go.
 19 Thank you. Okay, is this the sheet that
 20 you're referring to, Ms. Mundon?
 21 MS. MUNDON:
 22 A. Yes, it is.
 23 CHAYTOR, Q.C.:
 24 Q. Okay, and so you recall discussion around the
 25 numbers presented in this sheet?

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1 MS. MUNDON:
 2 A. Yeah. We didn't--I don't recall going through
 3 all of the numbers on that sheet, but
 4 certainly the overall number, 2760, and the
 5 number of people who required treatment
 6 change, I believe it was. Anyway, the
 7 calculation that was told us at that day, I
 8 believe, was like three percent.
 9 CHAYTOR, Q.C.:
 10 Q. So you recall the number three percent being
 11 used?
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. Okay.
 16 MS. MUNDON:
 17 A. And it being within an acceptable margin.
 18 CHAYTOR, Q.C.:
 19 Q. Of error?
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. Separate--an acceptable margin of error?
 24 MS. MUNDON:
 25 A. Yes.

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1 CHAYTOR, Q.C.:
 2 Q. Okay. So that's what earlier this morning
 3 when you gave evidence about the three
 4 percent, it was in this meeting?
 5 MS. MUNDON:
 6 A. Yes.
 7 CHAYTOR, Q.C.:
 8 Q. And who do you recall saying that, that it was
 9 three percent and it was within the margin of
 10 error?
 11 MS. MUNDON:
 12 A. I don't recall specifically who from Eastern
 13 Health would have said that, but it would have
 14 one of the officials there. I recall as well
 15 there was some discussion around the deceased,
 16 and that they told us all of the deceased's
 17 test results weren't retested and the Minister
 18 asked why they hadn't been retested and Dr.
 19 Laing had said that--there was an exchange
 20 between Dr. Laing and Mr. Hynes. Dr. Laing
 21 had said that they were more concerned with
 22 the living than the dead, and Mr. Hynes had
 23 said well, something to the effect of "I hope
 24 that's not the response you're going to give
 25 in the media briefing."

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1 CHAYTOR, Q.C.:

2 Q. Okay. So that was the exchange between

3 Darrell Hynes and Dr. Laing?

4 MS. MUNDON:

5 A. Yes.

6 CHAYTOR, Q.C.:

7 Q. Okay, and were they upset in their exchange

8 with one another?

9 MS. MUNDON:

10 A. I think it was a heated exchange, yes.

11 CHAYTOR, Q.C.:

12 Q. A heated exchange?

13 MS. MUNDON:

14 A. Yes.

15 CHAYTOR, Q.C.:

16 Q. Okay, and what about the rest of the meeting,

17 what was the overall tone of the meeting?

18 MS. MUNDON:

19 A. I would say the rest of the meeting was fairly

20 cordial.

21 CHAYTOR, Q.C.:

22 Q. And what was Dr. Laing's response to Mr.

23 Hynes' suggestion?

24 MS. MUNDON:

25 A. I can't recall what she would have said after

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1 that point, but those two exchanges just stick

2 out in my mind, looking back.

3 CHAYTOR, Q.C.:

4 Q. Did the Minister--what did the Minister state

5 in terms of the deceased's samples? Did he

6 want to have them all retested?

7 MS. MUNDON:

8 A. Yes, he did.

9 CHAYTOR, Q.C.:

10 Q. And did he ask that that happen?

11 MS. MUNDON:

12 A. Yes, he did.

13 CHAYTOR, Q.C.:

14 Q. And what was the response of Eastern Health?

15 MS. MUNDON:

16 A. I can't recall specifically what their

17 response was. However, I certainly had the

18 understanding that they were going to do that.

19 CHAYTOR, Q.C.:

20 Q. Was there any discussion in the three percent

21 being put forward or any discussion of the

22 numbers as to if you don't have all the

23 samples retested, how can you calculate a rate

24 of error?

25 MS. MUNDON:

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1 A. There was some discussion around rate of error

2 and Eastern Health had indicated that they--

3 you know, they didn't like to use the

4 terminology "rate of error" and that, because

5 they really didn't know what a true rate of

6 error was at this stage, and there was some

7 discussion in the meeting, yes, about the fact

8 that if you don't have all of the deceased

9 numbers, then how can you calculate a true

10 rate of error.

11 CHAYTOR, Q.C.:

12 Q. And who made that comment?

13 MS. MUNDON:

14 A. I can't recall who made that comment.

15 CHAYTOR, Q.C.:

16 Q. And what was Eastern Health's issue with using

17 the phraseology "rate of error"?

18 MS. MUNDON:

19 A. I think they just didn't like the terminology

20 because they didn't feel that they could truly

21 define a rate of error.

22 CHAYTOR, Q.C.:

23 Q. Did Eastern Health advise that they would not

24 be referring to a rate of error at the

25 upcoming media technical briefing?

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1 MS. MUNDON:

2 A. No, they did not.

3 CHAYTOR, Q.C.:

4 Q. But they did indicate that they didn't like

5 the use of the term "rate of error"?

6 MS. MUNDON:

7 A. Yes.

8 CHAYTOR, Q.C.:

9 Q. They used the term "margin or error"?

10 MS. MUNDON:

11 A. I can't recall. They may have, I'm not sure.

12 CHAYTOR, Q.C.:

13 Q. In saying the three percent?

14 MS. MUNDON:

15 A. Yes, I think they used margin, yes, in that

16 context.

17 CHAYTOR, Q.C.:

18 Q. Did anybody ask, in this meeting, what caused

19 the problem, how did this happen and how did

20 it go on for so long without being detected?

21 MS. MUNDON:

22 A. I think the question was asked, but I don't

23 recall hearing an answer to that question, a

24 satisfactory answer.

25 CHAYTOR, Q.C.:

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1 Q. Who posed the question?
 2 MS. MUNDON:
 3 A. I believe it may have been the Minister.
 4 CHAYTOR, Q.C.:
 5 Q. And was there any response given?
 6 MS. MUNDON:
 7 A. I can't recall there being any--certainly not
 8 an answer that would stand out in my mind as
 9 being a satisfactory answer.
 10 CHAYTOR, Q.C.:
 11 Q. Okay, and in the use of the term "rate of
 12 error" was the difficulty that Eastern Health
 13 had, was it with the term "rate" or was it
 14 with the term "error"?
 15 MS. MUNDON:
 16 A. I'm not sure.
 17 CHAYTOR, Q.C.:
 18 Q. Do you recall if there were any other
 19 questions asked?
 20 MS. MUNDON:
 21 A. No, I don't recall, but I do know that when we
 22 left that meeting, our understanding was that
 23 this information on this sheet would be
 24 released, all of it.
 25 CHAYTOR, Q.C.:

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1 Q. You recall that? That was your understanding?
 2 MS. MUNDON:
 3 A. Yes.
 4 CHAYTOR, Q.C.:
 5 Q. And who indicated that?
 6 MS. MUNDON:
 7 A. I don't know specifically who indicated it. I
 8 know that when I left the meeting, that was my
 9 understanding, that it would all be released.
 10 I know the Minister had said in the meeting
 11 that he wanted to be upfront with the public
 12 and provide, you know, all of the information.
 13 CHAYTOR, Q.C.:
 14 Q. And was there any discussion by Eastern Health
 15 then that there were certain things that they
 16 would not be able to discuss or certain
 17 information that they would not be in a
 18 position to disclose?
 19 MS. MUNDON:
 20 A. No, I don't recall them saying anything about
 21 not being able to disclose information.
 22 CHAYTOR, Q.C.:
 23 Q. Did Eastern Health, in terms of the deceased
 24 patients, it indicates there were 176 and 101
 25 of those had been retested. Did they indicate

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1 why 101 were retested?
 2 MS. MUNDON:
 3 A. It's my understanding that they were included
 4 with the rest of the test results by mistake.
 5 CHAYTOR, Q.C.:
 6 Q. Okay, and that was said in the meeting?
 7 MS. MUNDON:
 8 A. Yes.
 9 CHAYTOR, Q.C.:
 10 Q. Did anybody ask why it had taken so long for
 11 patients to be informed?
 12 MS. MUNDON:
 13 A. I think the question was asked why it took so
 14 long to get the results back from Mount Sinai,
 15 and I remember Mr. Tilley explaining that
 16 initially Mount Sinai had committed to
 17 complete it in a timely fashion, but their own
 18 workload prevented them from doing that, so it
 19 took much longer than what was anticipated.
 20 CHAYTOR, Q.C.:
 21 Q. Ms. Mundon, this is your first meeting, I take
 22 it, with Eastern Health on this issue?
 23 MS. MUNDON:
 24 A. That I can recall, yes.
 25 CHAYTOR, Q.C.:

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1 Q. And did you know the people in the room? Did
 2 you know--had you met Mr. Tilley before?
 3 MS. MUNDON:
 4 A. I think I may have met him in the Department
 5 on maybe one previous occasion.
 6 CHAYTOR, Q.C.:
 7 Q. On this issue?
 8 MS. MUNDON:
 9 A. No.
 10 CHAYTOR, Q.C.:
 11 Q. Okay, and what about Dr. Laing, had you met
 12 her prior to this?
 13 MS. MUNDON:
 14 A. I think I met Dr. Laing on a previous occasion
 15 in a discussion around Herceptin.
 16 CHAYTOR, Q.C.:
 17 Q. Okay. So you would have been involved in that
 18 issue?
 19 MS. MUNDON:
 20 A. I just had a discussion with respect to a news
 21 release I believe.
 22 CHAYTOR, Q.C.:
 23 Q. Okay, and in terms of getting together this
 24 group of people, this is your first
 25 involvement that you recall on the issue?

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1 MS. MUNDON:
 2 A. Yes.
 3 CHAYTOR, Q.C.:
 4 Q. Okay. In terms of the--was the Minister--what
 5 role was the Minister playing in this meeting?
 6 Was the Minister, as such, chairing the
 7 meeting? Was he the one directing the
 8 conversation? Was he asking a lot of
 9 questions? How was it happening? Who was
 10 doing most of the talking?
 11 MS. MUNDON:
 12 A. The Minister was certainly asking a number of
 13 questions, as was Mr. Hynes.
 14 CHAYTOR, Q.C.:
 15 Q. Okay, and were there questions being answered?
 16 MS. MUNDON:
 17 A. Yes, I guess they were.
 18 CHAYTOR, Q.C.:
 19 Q. Do you recall what other questions they were
 20 asking?
 21 MS. MUNDON:
 22 A. No, I don't recall other than what we already
 23 discussed here.
 24 CHAYTOR, Q.C.:
 25 Q. Were there any questions asked about whether

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1 or not there was anything else that can be
 2 done to accommodate the patients?
 3 MS. MUNDON:
 4 A. I don't recall if that conversation occurred.
 5 CHAYTOR, Q.C.:
 6 Q. And what about what measures had been taken to
 7 ensure that the same problem wouldn't happen
 8 again, were questions along those lines asked?
 9 MS. MUNDON:
 10 A. I think those questions may have been asked,
 11 and I think that Eastern Health may have
 12 referenced different measures that they had
 13 taken in terms of quality around the lab.
 14 CHAYTOR, Q.C.:
 15 Q. And what was your impression of the response
 16 by Eastern Health's officials to the questions
 17 that were being posed to them?
 18 MS. MUNDON:
 19 A. Nothing seems to stand out in my mind about
 20 it. I guess they were just answering the
 21 questions.
 22 CHAYTOR, Q.C.:
 23 Q. Did they appear to be defensive in the answers
 24 that were -
 25 MS. MUNDON:

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1 A. Well, as I indicated before, Dr. Laing was
 2 certainly defensive in that exchange with Mr.
 3 Hynes.
 4 CHAYTOR, Q.C.:
 5 Q. Other than that, was anyone else in the room
 6 appearing to be defensive in their answers?
 7 MS. MUNDON:
 8 A. Not that I recall.
 9 CHAYTOR, Q.C.:
 10 Q. Did anyone from Eastern Health state that they
 11 would not have had to go back, that they
 12 really didn't have to do this; they didn't
 13 have to go and do the retesting?
 14 MS. MUNDON:
 15 A. Yes, they did; they said it.
 16 CHAYTOR, Q.C.:
 17 Q. Who?
 18 MS. MUNDON:
 19 A. I think it was Mr. Tilley perhaps that would
 20 have said that, they didn't have to go back
 21 and do this, but they wanted to. It may have
 22 been Mr. Tilley or it could have been Dr.
 23 Laing, but they wanted to ensure that they did
 24 this for patients to ensure that the test
 25 results were sent away, retested, so that if

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1 there was one patient they could help through
 2 this process, that they wanted to do that.
 3 CHAYTOR, Q.C.:
 4 Q. And other than on the issue of the deceased,
 5 did Dr. Laing otherwise appear frustrated or
 6 defensive in any answers?
 7 MS. MUNDON:
 8 A. I can't recall her being defensive in any
 9 other way.
 10 CHAYTOR, Q.C.:
 11 Q. Okay. Did she suggest that--did she take
 12 issue with any question being raised as to
 13 their medical expertise?
 14 MS. MUNDON:
 15 A. Not that I recall, no.
 16 CHAYTOR, Q.C.:
 17 Q. Did she appear frustrated that the media had
 18 to be involved in this at all or the public
 19 would have to be involved at all?
 20 MS. MUNDON:
 21 A. Yes, she did.
 22 CHAYTOR, Q.C.:
 23 Q. And what was said around that?
 24 MS. MUNDON:
 25 A. Just that their focus was primarily on

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1 patients and that she didn't understand why
 2 the media had to be involved.
 3 CHAYTOR, Q.C.:
 4 Q. And did anyone else express a similar concern?
 5 MS. MUNDON:
 6 A. No, not that I recall.
 7 CHAYTOR, Q.C.:
 8 Q. So, Dr. Laing was saying that this is a
 9 patient issue and she didn't understand why
 10 there was the need to go public with the media
 11 briefing, is that what that was about?
 12 MS. MUNDON:
 13 A. I guess so, that would be my understanding.
 14 CHAYTOR, Q.C.:
 15 Q. So, at the end of this meeting, you understood
 16 that all these numbers would be disclosed at
 17 the upcoming briefing.
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. Okay. And what did you understand--how were
 22 things left? What was to happen next?
 23 MS. MUNDON:
 24 A. Eastern Health was to leave the meeting and
 25 prepare materials. They were also to arrange

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1 a briefing for Mr. Dawe in advance of the
 2 technical briefing for media.
 3 CHAYTOR, Q.C.:
 4 Q. And was there any hesitation in doing that or
 5 any expression mentioned about any reluctance
 6 to do that?
 7 MS. MUNDON:
 8 A. No, not at that meeting.
 9 CHAYTOR, Q.C.:
 10 Q. And was there any discussion at all that
 11 certain information would not be forthcoming?
 12 MS. MUNDON:
 13 A. Not that I recall.
 14 CHAYTOR, Q.C.:
 15 Q. Is there anything else then that you recall
 16 about that meeting?
 17 MS. MUNDON:
 18 A. No, I think that covers it.
 19 CHAYTOR, Q.C.:
 20 Q. And in terms then of the overall meeting, how
 21 did you perceive it went?
 22 MS. MUNDON:
 23 A. I think at the end of the day, you know, the
 24 questions, I believe, were answered that the
 25 Minister would have asked and others. And the

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1 impression that I had maybe in the meeting was
 2 that they were now in a position to be able to
 3 provide the information to the public.
 4 CHAYTOR, Q.C.:
 5 Q. Okay. Had the question about this happened,
 6 had that been answered?
 7 MS. MUNDON:
 8 A. Again, as I said earlier, I don't think I've
 9 ever heard a satisfactory answer to that
 10 question.
 11 CHAYTOR, Q.C.:
 12 Q. Okay. What did you understand was going to be
 13 told to Mr. Dawe when the meeting took place
 14 with Mr. Dawe?
 15 MS. MUNDON:
 16 A. I understood that Mr. Dawe would be receiving
 17 the same information that would be provided in
 18 the media briefing, in advance of the public
 19 being notified.
 20 CHAYTOR, Q.C.:
 21 Q. And what did you understand was going to be
 22 told to the public and Mr. Dawe as to how this
 23 situation had happened?
 24 MS. MUNDON:
 25 A. I don't think that they had really discussed

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1 that at the meeting, as to how they were going
 2 to frame their communications messages. We
 3 didn't have a discussion around the
 4 communications materials at that meeting.
 5 CHAYTOR, Q.C.:
 6 Q. And in terms of the answer, you said that was
 7 given in the meeting, not being satisfactory,
 8 the answer to that question not being
 9 satisfactory, was there any discussion then,
 10 well, what are you going to tell the public?
 11 MS. MUNDON:
 12 A. I don't recall specifically if that answer in
 13 the meeting wasn't satisfactory, just I don't
 14 remember receiving a satisfactory answer on
 15 that during my whole time in the department.
 16 It was just that it wasn't, still wasn't known
 17 at that point in time what had gone wrong.
 18 CHAYTOR, Q.C.:
 19 Q. It wasn't known at this point in time?
 20 MS. MUNDON:
 21 A. No.
 22 CHAYTOR, Q.C.:
 23 Q. November 2006.
 24 MS. MUNDON:
 25 A. Um-hm. That was my understanding.

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1 CHAYTOR, Q.C.:

2 Q. If we could look at P-1611, please. And this

3 is an e-mail from yourself to the minister,

4 it's November 23, 2006. So, it's the same day

5 as your meeting, and it's that evening. And

6 you're forwarding it to the minister saying,

7 "FYI" and it's a copy of an e-mail from Ms.

8 Hennessey to Ms. Griffiths indicating that the

9 issue had been on CBC TV and as well, George

10 Tilley met with the minister today to provide

11 an update and Ms. Hennessey is looking for an

12 updated briefing note to be ready for the

13 House for Monday. And she's suggesting that

14 you "please check with Tansy on the key

15 messages. Tansy was at the meeting with the

16 Eastern and they have some suggestive

17 changes". And so then I take it that you

18 worked on the key messages for the updated

19 briefing note?

20 MS. MUNDON:

21 A. I would assume from this that I did, yes.

22 CHAYTOR, Q.C.:

23 Q. Okay. And if we could look at P-0180, please.

24 This an e-mail from yourself to Mr. Abbott,

25 Ms. Hennessey, Darrell Hynes and to Minister

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1 Osborne and it's dated November 27, but you'll

2 see it's a transcript of the news story or

3 November 23, 2006.

4 MS. MUNDON:

5 A. Um-hm.

6 CHAYTOR, Q.C.:

7 Q. And this is, you'll recall the day before, Ms.

8 O'Neill-Yates had been contacting you on this

9 issue.

10 MS. MUNDON:

11 A. Um-hm.

12 CHAYTOR, Q.C.:

13 Q. And this appears to be the story that she

14 filed as she said she would be doing. And we

15 have Minnie Hoyles and Peter Dawe are both

16 quoted in this story.

17 MS. MUNDON:

18 A. Um-hm.

19 CHAYTOR, Q.C.:

20 Q. And Jonathan Crowe says, "breast cancer

21 survivors wants answers about mistakes and a

22 breast cancer screen test. Eastern Health

23 discovered the problem a year and a half ago,

24 but they're still not saying what went wrong

25 or how many women got false results. And then

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1 it goes on with Ms. O'Neill-Yates' report on

2 that and quotes from both patient, Minnie

3 Hoyles and Mr. Dawe. You forwarded this on,

4 in the department. This is being forwarded

5 then the 27th, so, after your meeting with

6 Eastern. Was there any response back from any

7 of officials in the department on this story?

8 MS. MUNDON:

9 A. No, not that I recall.

10 CHAYTOR, Q.C.:

11 Q. Is there any other discussion in the

12 department on the issues that are being

13 addressed and then specifically on what went

14 wrong and how many people got false results?

15 MS. MUNDON:

16 A. No, not that I recall.

17 CHAYTOR, Q.C.:

18 Q. And if we could look at P-0195, please and

19 this is an e-mail exchange, Ms. Mundon,

20 between yourself and Betty Donahue. And who

21 is Betty Donahue again?

22 MS. MUNDON:

23 A. She's the secretary for the deputy minister.

24 CHAYTOR, Q.C.:

25 Q. Okay. So, Mr. Abbott's secretary?

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1 MS. MUNDON:

2 A. Yes.

3 CHAYTOR, Q.C.:

4 Q. Okay. And John, I take it, is Mr. Abbott,

5 "ask that I talk to you to arrange a time for

6 a meeting with George Tilley, Susan Bonnell,

7 John and I. Can you please let me know a time

8 that works. Thanks." And then there's

9 correspondence back and forth between you

10 trying to arrange that meeting and you

11 indicate that the topic is ER/PR and

12 communications. What's that about?

13 MS. MUNDON:

14 A. This was a meeting that was being arranged as

15 a result of a discussion that I had with Mr.

16 Abbott with respect to the relationship with

17 Ms. Bonnell at the time and what I felt could

18 be improved, an improved relationship with

19 respect to ER/PR and communications.

20 CHAYTOR, Q.C.:

21 Q. So, at this point in time, what difficulties

22 were you having with Ms. Bonnell in your

23 communications?

24 MS. MUNDON:

25 A. I can't recall specifically what would have

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1 occurred for me to go to the deputy minister,
 2 but I think it was a number of different
 3 things over a period of time.
 4 CHAYTOR, Q.C.:
 5 Q. Now, we've just looked at the e-mail traffic
 6 and there appears to be very little between
 7 yourself and Ms. Bonnell in this time period
 8 other than the exchange regarding Ms. O'Neill-
 9 Yates' article or news items.
 10 MS. MUNDON:
 11 A. Um-hm.
 12 CHAYTOR, Q.C.:
 13 Q. And other than that, was there anything else
 14 on this issue?
 15 MS. MUNDON:
 16 A. I can't remember the specifics of why I would
 17 have gone to the deputy, but again, like, it
 18 would have had to have been a number of
 19 different things that would have occurred
 20 between Ms. Bonnell and myself that I would
 21 want to--that I would feel the need to go to
 22 the deputy minister about this to see if we
 23 could improve the relationship.
 24 CHAYTOR, Q.C.:
 25 Q. Yes. Ms. Mundon, this is now November 27,

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1 2006.
 2 MS. MUNDON:
 3 A. Yes.
 4 CHAYTOR, Q.C.:
 5 Q. There had been a meeting which took place
 6 November 23 just four days before -
 7 MS. MUNDON:
 8 A. Um-hm.
 9 CHAYTOR, Q.C.:
 10 Q. - that, with Eastern Health representatives
 11 and department representatives. And they're
 12 getting--you understood at that point in time,
 13 they were getting ready for their technical
 14 media briefing.
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. So, I take it, they would be particularly busy
 19 on the issue at that point in time. What was
 20 of such importance, what happened for you to
 21 require a meeting of George Tilley, the CEO;
 22 John Abbott, the Deputy Minister; yourself and
 23 Ms. Bonnell?
 24 MS. MUNDON:
 25 A. I can't recall specifically, but it may have

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1 been around the communications materials
 2 themselves, the fact that they would be
 3 preparing them and we wouldn't have seen them,
 4 up to that point in time or had any sense of
 5 what was going to be in the materials, but
 6 just--I can't recall specifically what would
 7 have been the issue, but I know that I had a
 8 conversation with the deputy minister before
 9 this e-mail was sent and that was his solution
 10 to this issue, was to bring everyone together
 11 and have a discussion.
 12 CHAYTOR, Q.C.:
 13 Q. So, something happened between yourself and
 14 Ms. Bonnell in that time period and you don't
 15 know what it is which necessitated this
 16 meeting.
 17 MS. MUNDON:
 18 A. Again, I would have went to the deputy
 19 minister expressing frustration about just a
 20 lack--what I would have seen as a lack of co-
 21 operation with Ms. Bonnell on the issue from a
 22 communications perspective. I'd gone to the
 23 deputy to see if perhaps there was something
 24 that he could do, you know, maybe could make a
 25 recommendation or whatever. I didn't ask for

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1 a meeting with these individuals. I just went
 2 to the deputy with the issue and he
 3 recommended that we have a face-to-face
 4 meeting.
 5 CHAYTOR, Q.C.:
 6 Q. Okay. And what that lack of co-operation is,
 7 you're not able to recollect?
 8 MS. MUNDON:
 9 A. I can't recall specifically what it was.
 10 CHAYTOR, Q.C.:
 11 Q. You mentioned that it may have been something
 12 about not receiving or not going to receive
 13 the information that would be presented at the
 14 technical media briefing. Was that suggested
 15 to you?
 16 MS. MUNDON:
 17 A. Well, I wouldn't have expected to receive the
 18 actual materials for review and approval
 19 because we never did review and approve their
 20 materials, but certainly again, like I can't
 21 remember specifically what it would have been,
 22 other than the fact that over a period of
 23 time, there just were a number of issues where
 24 I felt there could have been--an improved
 25 relationship would have been beneficial from a

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1 communications perspective.
 2 CHAYTOR, Q.C.:
 3 Q. If we could go back to P-0180, please. This
 4 is the same day that the meeting is trying to
 5 be arranged, November 27 and this is the news
 6 article and the indication is that Eastern
 7 health are not speaking about what went wrong
 8 and how many people got false results.
 9 MS. MUNDON:
 10 A. Um-hm.
 11 CHAYTOR, Q.C.:
 12 Q. Did you have discussions with Susan Bonnell
 13 around those two issues, will you be talking
 14 about how many women got false results and
 15 what went wrong?
 16 MS. MUNDON:
 17 A. Not that I recall, no.
 18 CHAYTOR, Q.C.:
 19 Q. Was there anything else that happened on
 20 November 27th?
 21 MS. MUNDON:
 22 A. I think there was an e-mail exchange between
 23 myself and Ms. Bonnell regarding the timing
 24 of--as an update to the meeting that we had
 25 had on the 23rd, the minister was looking for

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1 an update on the briefing for Mr. Dawe and the
 2 date for the media briefing.
 3 CHAYTOR, Q.C.:
 4 Q. Yes. And I believe that e-mail exchange
 5 happens after, however, it's already been in
 6 the works to try and get a meeting with
 7 Eastern Health?
 8 MS. MUNDON:
 9 A. Yes.
 10 CHAYTOR, Q.C.:
 11 Q. And you can have a look at that. It does
 12 happen after, according to the e-mails that we
 13 have.
 14 MS. MUNDON:
 15 A. u
 16 CHAYTOR, Q.C.:
 17 Q. So the meeting was in the works before you
 18 ever have that e-mail exchange with Ms.
 19 Bonnell?
 20 MS. MUNDON:
 21 A. Um-hm.
 22 CHAYTOR, Q.C.:
 23 Q. Okay. So is there anything else or anything--
 24 anything else then, because the topic that's
 25 indicated, if we could just go back to 0195?

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1 The topic of your meeting is going to be ER/PR
 2 and communications?
 3 MS. MUNDON:
 4 A. Um-hm.
 5 CHAYTOR, Q.C.:
 6 Q. But you're unable to give any further
 7 information as to what it may have been that
 8 brought it to the crux of needing this meeting
 9 at this point in time?
 10 MS. MUNDON:
 11 A. Other than just a general what I felt to be an
 12 issue with--between Ms. Bonnell and myself
 13 with respect to communications related to
 14 ER/PR that a more cooperative approach would
 15 have been beneficial.
 16 COMMISSIONER:
 17 Q. What communications?
 18 MS. MUNDON:
 19 A. Just exchanges that we would have had with
 20 each other on the issue.
 21 THE COMMISSIONER:
 22 Q. Well was your concern being briefed before
 23 Eastern Health gave either information to the
 24 media or media briefings or communicated
 25 externally to their own organization? And if

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1 so, what communications would they have had
 2 that they didn't give you the information on?
 3 MS. MUNDON:
 4 A. Madam Commissioner, I can't recall
 5 specifically what, you know, what happened
 6 that would have brought it to this level. I
 7 do know from the meeting that we had that day
 8 that there was a discussion around just
 9 keeping the department in the loop on
 10 communications related--around this file and
 11 how that would be beneficial and I know that
 12 at that meeting that Mr. Tilley had said that
 13 if the department, that they were a large
 14 organization, that they were struggling to
 15 keep each other in the loop and that if the
 16 department wasn't satisfied with the
 17 information that was forthcoming, then perhaps
 18 they should send an official from the
 19 Department of Health and Community Services
 20 down to Eastern Health to report back.
 21 CHAYTOR, Q.C.:
 22 Q. And did that happen--which meeting did that
 23 happen in?
 24 MS. MUNDON:
 25 A. In the December 4th meeting.

1 THE COMMISSIONER:
 2 Q. In the December which?
 3 MS. MUNDON:
 4 A. 4th meeting related to communications and
 5 ER/PR.
 6 THE COMMISSIONER:
 7 Q. But was that communications between the--you
 8 see, I'm not understanding is what I'm saying
 9 because up until your last statement, I was
 10 thinking the problem between you and Ms.
 11 Bonnell related to your lack of being kept in
 12 the loop about what the communications end of
 13 Eastern Health was doing, vis-a-vis this
 14 issue.
 15 MS. MUNDON:
 16 A. Yes.
 17 THE COMMISSIONER:
 18 Q. And my second part to the question was I had
 19 understood this morning that initially when
 20 this thing broke and became a media issue, at
 21 least from the point when you joined the
 22 department onwards, that in the early days
 23 that wasn't a problem, that became a problem
 24 and frankly that there hadn't been that much
 25 external communication vis-a-vis Eastern

1 MS. MUNDON:
 2 A. I'm not sure what the message was from Mr.
 3 Tilley's perspective. I know that the purpose
 4 of the meeting from my perspective was to have
 5 an improved relationship from a
 6 communications' perspective with Eastern
 7 Health and while I can't recall the specifics
 8 around what would have caused that meeting, I
 9 do know that in the meeting that day, we had
 10 discussed that and what could be done to keep
 11 the department more in the loop from a
 12 communications' perspective. And that's when
 13 Mr. Tilley had said that they struggled within
 14 their own organization to keep each other in
 15 the loop. And if the department wasn't
 16 satisfied with what they were receiving, then
 17 perhaps they should send someone from the
 18 department down to Eastern Health and report
 19 back.
 20 CHAYTOR, Q.C.:
 21 Q. And did you perceive that to be a defensive
 22 answer?
 23 MS. MUNDON:
 24 A. Yes, I did.
 25 CHAYTOR, Q.C.:

1 Health and the public for a fair period of
 2 that time. So I was having difficulty
 3 figuring out what it was you weren't being
 4 kept in the loop about. Now your last
 5 statement seems to me to relate to something
 6 different, which is whether or not Eastern
 7 Health was keeping the Department of Health or
 8 the Minister of Health up to date on what was
 9 happening, vis-a-vis the question of ER/PR,
 10 two different issues to me.
 11 MS. MUNDON:
 12 A. Mr. Tilley was speaking in the context of
 13 communications; in other words, in order for
 14 Ms. Bonnell to be able to inform me from a
 15 communications' perspective, then within the
 16 organization people would have to inform her
 17 and that within that organization, as large as
 18 it was, that they struggled to keep each other
 19 in the loop.
 20 THE COMMISSIONER:
 21 Q. So was the implication of that when Ms.
 22 Bonnell was communicating externally, she
 23 might not have had all the information she
 24 should have had? Is that what that message
 25 was?

1 Q. I just want to recap here, you're contacted by
 2 Chris O'Neill-Yates and that's on November
 3 22nd and Ms. O'Neill-Yates is frustrated that
 4 she's not getting information from Eastern
 5 Health.
 6 MS. MUNDON:
 7 A. Uh-hm.
 8 CHAYTOR, Q.C.:
 9 Q. She identifies rate of error and what went
 10 wrong as questions that she was looking at and
 11 thought that the people affected would want
 12 addressed. A meeting is held with the
 13 Minister the following day. You follow up on
 14 the same day with Ms. Bonnell, pass along Ms.
 15 O'Neill-Yates' inquiry.
 16 MS. MUNDON:
 17 A. Uh-hm.
 18 CHAYTOR, Q.C.:
 19 Q. And you have discussions, you say, with Ms.
 20 Bonnell on that.
 21 MS. MUNDON:
 22 A. Uh-hm.
 23 CHAYTOR, Q.C.:
 24 Q. And you said that was because Eastern Health
 25 had been dealing with the media and you

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1 expected, I take it, that Ms. Bonnell would
 2 then deal with Ms. O'Neill-Yates on the issue.
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. The next day there's a meeting, November 23rd,
 7 with Eastern Health officials and department
 8 officials.
 9 MS. MUNDON:
 10 A. Yes.
 11 CHAYTOR, Q.C.:
 12 Q. You leave the meeting understanding that
 13 everything would be disclosed to the media?
 14 MS. MUNDON:
 15 A. Yes.
 16 CHAYTOR, Q.C.:
 17 Q. Everything that's on the sheet. There's no
 18 indication to you that there's going to be any
 19 information held back.
 20 MS. MUNDON:
 21 A. No.
 22 CHAYTOR, Q.C.:
 23 Q. On November 27th, you circulate to Mr. Abbott
 24 and Mr. Osborne and Ms. Hennessey, a
 25 transcript of what happened on November 23rd

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1 with Ms. O'Neill-Yate's story, and the two
 2 questions that still are outstanding are rate
 3 of error or at least how many people had
 4 changed results and what went wrong.
 5 MS. MUNDON:
 6 A. Uh-hm.
 7 CHAYTOR, Q.C.:
 8 Q. Was that what caused the meeting then on
 9 December 4th? Is it that they had not gone
 10 forward with Ms. O'Neill-Yates and given the
 11 information?
 12 MS. MUNDON:
 13 A. No, I don't think so.
 14 CHAYTOR, Q.C.:
 15 Q. If we could look then, please, at P-0181? And
 16 this is your e-mail exchange with Ms. Bonnell
 17 and Ms. Barrington on November 27th, 2006 and
 18 you say, "Hi, there is a follow up to the
 19 briefing last week. Just wondering if a date
 20 has been confirmed for a briefing with the
 21 media and Peter Dawe." And then she replies
 22 "Tansy, the media briefings are going to be
 23 set up for December 11th. We will try to make
 24 time for Peter on that day, but I'm not sure
 25 if we will be able to fit him in. He won't be

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1 getting the advanced goodwill presentation I
 2 offered him last week ... you throw someone an
 3 olive branch and they whip you to death with
 4 it ... fool me once ..." You reply, "Thanks
 5 Susan" at 5:01 p.m. "FYI, John Abbott is
 6 attempting to set up a meeting between him,
 7 George, you and I regarding ER and PR
 8 communications. I think they are looking at
 9 Monday of next week." Now the e-mails I
 10 showed you earlier where you and Ms. Donahue
 11 are trying to set up the meeting, those e-
 12 mails are 1:44 p.m.; 1:49 p.m.; 1:51 p.m. And
 13 this response from Ms. Bonnell comes in at
 14 2:42 p.m. The comments that you see here from
 15 Ms. Bonnell about Mr. Dawe, did those comments
 16 surprise you?
 17 MS. MUNDON:
 18 A. No, not really.
 19 CHAYTOR, Q.C.:
 20 Q. Why not?
 21 MS. MUNDON:
 22 A. It would have been consistent with some of the
 23 comments Ms. Bonnell would have made in
 24 moments of frustration.
 25 CHAYTOR, Q.C.:

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1 Q. So you heard her say similar things?
 2 MS. MUNDON:
 3 A. Pardon me?
 4 CHAYTOR, Q.C.:
 5 Q. You heard her say or verbalize similar things?
 6 MS. MUNDON:
 7 A. Yes.
 8 CHAYTOR, Q.C.:
 9 Q. About Mr. Dawe?
 10 MS. MUNDON:
 11 A. I don't know specifically about Mr. Dawe, but
 12 just, you know, general frustration with the
 13 media and the like.
 14 CHAYTOR, Q.C.:
 15 Q. With the media.
 16 MS. MUNDON:
 17 A. Yes.
 18 CHAYTOR, Q.C.:
 19 Q. Around the ER/PR issue?
 20 MS. MUNDON:
 21 A. Yes and other issues.
 22 CHAYTOR, Q.C.:
 23 Q. So did this cause you any concern, the tone of
 24 these comments in relation to Mr. Dawe who
 25 you, yourself, indicate to be an important

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1 stakeholder?
 2 MS. MUNDON:
 3 A. Well I didn't think it was appropriate when I
 4 read it; however, Ms. Bonnell doesn't report
 5 to me, so I didn't feel I was in any position
 6 to do anything about it.
 7 CHAYTOR, Q.C.:
 8 Q. Did you mention this to anyone in the
 9 department, the level of frustration or
 10 defensiveness that Ms. Bonnell appeared to be
 11 demonstrating in this e-mail?
 12 MS. MUNDON:
 13 A. I think I brought it to the attention of the
 14 Deputy Minister and the Minister.
 15 CHAYTOR, Q.C.:
 16 Q. Okay, and what did they tell you? What was
 17 their response?
 18 MS. MUNDON:
 19 A. I think the Minister--or sorry, the Deputy
 20 Minister just indicated that, you know, that
 21 it wouldn't be our place to bring this to Ms.
 22 Bonnell's attention.
 23 CHAYTOR, Q.C.:
 24 Q. So this tone didn't particularly surprise you.
 25 Is this the type of attitude that you,

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1 yourself, experienced from time to time in
 2 dealing with Ms. Bonnell?
 3 MS. MUNDON:
 4 A. Not on a regular basis, but on occasion there
 5 was certainly a level of defensiveness and,
 6 you know, a reluctance to have me involved
 7 with their issues from a communications'
 8 perspective.
 9 CHAYTOR, Q.C.:
 10 Q. Did you, as a communications director
 11 yourself, had you had any dealings with Mr.
 12 Dawe?
 13 MS. MUNDON:
 14 A. I certainly knew Mr. Dawe and I'd had a number
 15 of conversations with him during my time in
 16 the Department.
 17 CHAYTOR, Q.C.:
 18 Q. And did you have any difficulty, having
 19 reviewed the most recent, up to this point in
 20 time, the most recent interview by Mr. Dawe on
 21 November 23rd, did you have any difficulty
 22 with Mr. Dawe's comments?
 23 MS. MUNDON:
 24 A. No, I feel that Mr. Dawe was doing his job.
 25 He's an advocate on behalf of cancer patients

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1 and I wouldn't expect any other from him in
 2 that role.
 3 CHAYTOR, Q.C.:
 4 Q. When you had your meeting then on December
 5 4th, was this attitude, this defensiveness or
 6 frustration, was that addressed in the meeting
 7 on December 4th?
 8 MS. MUNDON:
 9 A. I can't recall if that came up. I know that
 10 Mr. Abbott was sort of leading the meeting, so
 11 I don't know if specifically if that came up.
 12 CHAYTOR, Q.C.:
 13 Q. So where did this meeting--this meeting was of
 14 the four of you?
 15 MS. MUNDON:
 16 A. Yes.
 17 CHAYTOR, Q.C.:
 18 Q. Mr. Tilley, Mr. Abbott, Ms. Bonnell and
 19 yourself?
 20 MS. MUNDON:
 21 A. Yes.
 22 CHAYTOR, Q.C.:
 23 Q. Where did it take place?
 24 MS. MUNDON:
 25 A. At the Department.

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1 CHAYTOR, Q.C.:
 2 Q. And Mr. Abbott, you say, led the meeting?
 3 MS. MUNDON:
 4 A. Yes.
 5 CHAYTOR, Q.C.:
 6 Q. And so how did he open it up? You're there
 7 and you're expecting that he's going to
 8 address the issue of communication
 9 difficulties you're having with Ms. Bonnell.
 10 MS. MUNDON:
 11 A. I just recall generally that the tone of the
 12 meeting was cordial and I felt that the Deputy
 13 was trying to, you know, be in a sort of
 14 mediating role, to try to be fair to both
 15 sides and just without, you know, making it--
 16 bringing it to this level, in terms of
 17 defensiveness and the like. I think he was
 18 just trying to get greater cooperation.
 19 CHAYTOR, Q.C.:
 20 Q. And did Ms. Bonnell ask "well, what's the
 21 problem? Like, what have I said, what have I
 22 done?"
 23 MS. MUNDON:
 24 A. No, I don't think she did.
 25 CHAYTOR, Q.C.:

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1 Q. Well, what was discussed? What got said?
 2 MS. MUNDON:
 3 A. I can't recall how it was presented. I just
 4 know there was a general discussion around
 5 keeping the Department in the loop and my role
 6 in terms of keeping the Minister apprised of
 7 things that are in the media and in the public
 8 domain and why it would be important for there
 9 to be, you know, cooperative relationship
 10 between me and Ms. Bonnell.
 11 CHAYTOR, Q.C.:
 12 Q. Were you feeling, yourself, a sense of tension
 13 between what was being expected of you from
 14 Minister Osborne and the amount of information
 15 he was requiring and what was forthcoming from
 16 Eastern Health?
 17 MS. MUNDON:
 18 A. I would say that, at the time, that the
 19 expectation of the Deputy Minister was that
 20 Eastern Health manage the issue, but I would
 21 also say that the expectation of the public
 22 and of the Minister was that the Minister be
 23 fully apprised of the issue. So I did feel
 24 somewhat torn in that regard, on occasion,
 25 yes.

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1 CHAYTOR, Q.C.:
 2 Q. Okay. So your tension was between your
 3 Minister and your Deputy Minister who you
 4 reported directly to?
 5 MS. MUNDON:
 6 A. Well, there wasn't any obvious tension between
 7 both of them. I'm just -
 8 CHAYTOR, Q.C.:
 9 Q. No, not between them, but you're feeling this
 10 tension?
 11 MS. MUNDON:
 12 A. Yes.
 13 CHAYTOR, Q.C.:
 14 Q. That the Deputy Minister is telling you
 15 Eastern Health manages this issue. They have
 16 their own communications people. And the
 17 Minister is looking for more information from
 18 you than that?
 19 MS. MUNDON:
 20 A. On occasion, yes.
 21 CHAYTOR, Q.C.:
 22 Q. Okay, and were you feeling the tension then in
 23 going back to Eastern Health and Eastern
 24 Health not giving you adequate or satisfactory
 25 information that you could then bring back to

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1 the Minister to answer his queries?
 2 MS. MUNDON:
 3 A. That may have been the issue, yes.
 4 CHAYTOR, Q.C.:
 5 Q. That may have been the issue?
 6 MS. MUNDON:
 7 A. Um-hm.
 8 CHAYTOR, Q.C.:
 9 Q. So is it fair then to say that Minister
 10 Osborne was interested in receiving as much
 11 information as possible about the ER/PR issue?
 12 MS. MUNDON:
 13 A. Yes.
 14 CHAYTOR, Q.C.:
 15 Q. And that you were not receiving enough or
 16 satisfactory information from Eastern Health
 17 to meet Minister Osborne's demands?
 18 MS. MUNDON:
 19 A. I can't say specifically if that was the case,
 20 but I do know that the Minister was requesting
 21 information and I do know that on occasion, in
 22 dealing with Eastern Health, from a
 23 communications perspective, that Ms. Bonnell
 24 would at times appear to be defensive and
 25 would question me being involved to that

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1 level.
 2 CHAYTOR, Q.C.:
 3 Q. In asking the questions you were asking?
 4 MS. MUNDON:
 5 A. Yes.
 6 THE COMMISSIONER:
 7 Q. Were the questions you were asking limited to
 8 what i would call communications, or was the
 9 Minister using you to try to get other kinds
 10 of information from Eastern Health?
 11 MS. MUNDON:
 12 A. No, it would be limited to communications.
 13 CHAYTOR, Q.C.:
 14 Q. And was one of those questions the question of
 15 what happened to cause this problem?
 16 MS. MUNDON:
 17 A. I don't recall that being one of the
 18 questions.
 19 CHAYTOR, Q.C.:
 20 Q. What questions were you posing then that you
 21 weren't getting satisfactory answers on?
 22 MS. MUNDON:
 23 A. I don't recall specifically what questions
 24 they would have been. I just--like I said,
 25 just in general, I know that there was a

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1 desire to have a more cooperative relationship
 2 between me and Ms. Bonnell at the time, and
 3 certainly as compared to the relationship that
 4 I had with the other three directors of
 5 communications, it was quite different.
 6 CHAYTOR, Q.C.:
 7 Q. You mean in the other health authorities?
 8 MS. MUNDON:
 9 A. Yes.
 10 CHAYTOR, Q.C.:
 11 Q. Okay.
 12 THE COMMISSIONER:
 13 Q. Wherever you can find a convenient spot, Ms.
 14 Chaytor, we'll break for the day.
 15 CHAYTOR, Q.C.:
 16 Q. Okay. So the meeting takes place on December
 17 4th?
 18 MS. MUNDON:
 19 A. Yes.
 20 CHAYTOR, Q.C.:
 21 Q. At the end of the meeting, did you find that
 22 it was useful in addressing your concerns?
 23 MS. MUNDON:
 24 A. No, I did not.
 25 CHAYTOR, Q.C.:

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1 Q. And how did you feel by the end of the
 2 meeting?
 3 MS. MUNDON:
 4 A. I felt it reaffirmed for me the fact that the
 5 Deputy Minister reiterated to me from time to
 6 time was that Eastern Health was managing
 7 their own issues and really the Department
 8 shouldn't really be involved at that level.
 9 CHAYTOR, Q.C.:
 10 Q. And I take it Mr. Tilley's suggestion that if
 11 the Department needs more to come over with
 12 your own person and you can report directly
 13 back, what was Mr. Abbott's response to that?
 14 MS. MUNDON:
 15 A. I don't recall him responding to that.
 16 CHAYTOR, Q.C.:
 17 Q. What was the overall tone of that meeting?
 18 MS. MUNDON:
 19 A. Overall, it was a cordial meeting. There was
 20 no heated exchange.
 21 CHAYTOR, Q.C.:
 22 Q. Was Minister Osborne aware of your frustration
 23 in this regard?
 24 MS. MUNDON:
 25 A. Yes, he was.

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1 CHAYTOR, Q.C.:
 2 Q. And what did you tell him about this?
 3 MS. MUNDON:
 4 A. I would have told him about the meeting, and
 5 the outcome of the meeting.
 6 CHAYTOR, Q.C.:
 7 Q. So after this meeting, you told Mr. Osborne
 8 that you're no further ahead, you're still
 9 frustrated?
 10 MS. MUNDON:
 11 A. Yes.
 12 CHAYTOR, Q.C.:
 13 Q. And what was his response to you?
 14 MS. MUNDON:
 15 A. I can't recall specifically what he would have
 16 said in relation to that.
 17 CHAYTOR, Q.C.:
 18 Q. Did he have any advice for you?
 19 MS. MUNDON:
 20 A. No, not that I remember.
 21 CHAYTOR, Q.C.:
 22 Q. And did you say to him that "the Deputy
 23 Minister keeps reminding me that Eastern
 24 Health is arm's length, have to run their own-
 25 -manage their own issue and I'm feeling this

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1 tension." Would you explain that to him?
 2 MS. MUNDON:
 3 A. I think I had told him that at another point
 4 in time. I'm not sure if I told him that
 5 specifically that day.
 6 CHAYTOR, Q.C.:
 7 Q. And did you understand there was going to be
 8 anything further done on this issue to address
 9 your concerns?
 10 MS. MUNDON:
 11 A. No.
 12 CHAYTOR, Q.C.:
 13 Q. In that meeting on December 4th, was there
 14 discussion on the issue of how--what Eastern
 15 Health was going to do in the upcoming media
 16 technical briefing on December 11th? It's now
 17 only a week away. Was there discussion on
 18 what information would be going forward?
 19 MS. MUNDON:
 20 A. I don't recall any conversation around the
 21 materials for that meeting.
 22 CHAYTOR, Q.C.:
 23 Q. And you think one of your issues may have been
 24 some reluctance to provide you with materials
 25 for that. Was there any discussion about yes,

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1 you will get the materials beforehand. The
2 Department would get the materials?
3 MS. MUNDON:
4 A. No, I don't recall that being said.
5 CHAYTOR, Q.C.:
6 Q. Did any issue come up at all about the media
7 technical briefing in the meeting on December
8 4th?
9 MS. MUNDON:
10 A. No, not that I recall.
11 CHAYTOR, Q.C.:
12 Q. It's a convenient place, Commissioner.
13 THE COMMISSIONER:
14 Q. Thank you. We'll meet in the morning at 9:30.
15 All right, thank you.
16 Upon conclusion at 4:50 p.m.

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1 CERTIFICATE
2 I, Judy Moss, hereby certify that the foregoing is
3 a true and correct transcript in the matter of the
4 Commission of Inquiry on Hormone Receptor Testing,
5 heard on the 16th day of June, A.D., 2008 before
6 the Honourable Justice Margaret A. Cameron,
7 Commissioner, at the Commission of Inquiry, St.
8 John's, Newfoundland and Labrador and was
9 transcribed by me to the best of my ability by
10 means of a sound apparatus.
11 Dated at St. John's, Newfoundland and Labrador
12 this 16th day of June, A.D., 2008
13 Judy Moss

Inquiry on Hormone Receptor Testing

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