

**THE ELLIOT LAKE
COMMISSION OF INQUIRY**

The Honourable Paul R. Bélanger,
Commissioner

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**LA COMMISSION
D'ENQUETE ELLIOT LAKE**

L'honorable Paul R. Bélanger,
Commissaire

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REVISED RULES OF STANDING AND FUNDING

General

1. These Rules of Standing and Funding apply to the Elliot Lake Commission of Inquiry (the “Commission” or “Inquiry”), established pursuant to Order in Council 1097/2012 (the “Terms of Reference”).
2. Subject to the *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sched. 6 (the “Act”) and the Terms of Reference, these Rules are issued by The Honourable Paul Bélanger (the “Commissioner”), in his discretion to facilitate the efficient disposition of the issues of standing and funding.
3. The Commissioner may amend these Rules or dispense with compliance of these Rules as he deems necessary to ensure the Inquiry is thorough, fair and timely.
4. All interested persons and their counsel shall be deemed to undertake to adhere to these Rules, and may raise any issue of non-compliance with the Commissioner.
5. The Commissioner may deal with a breach of these Rules as he deems appropriate.
6. In these Rules,
 - a. “persons” refers to individuals, groups, governments, agencies, institutions or any other entity;
 - b. “electronic format” refers to pdf format.

Standing

7. Commission Counsel, who will assist the Commissioner to ensure the orderly conduct of the Inquiry, have standing throughout the Inquiry. Commission Counsel have the primary responsibility of representing the public interest throughout the Inquiry, including the responsibility of ensuring that all matters that bear upon the public interest are brought to the Commissioner’s attention.

8. Persons may seek standing at the Inquiry by way of motion in writing with supporting materials, to be filed, in electronic format if possible, with the Commission on or before October 17, 2012, or at the discretion of the Commission on any other date.
9. Motions in writing for standing must include the following information:
 - a. The person's name, address, telephone number, and fax number and e-mail address, if available;
 - b. The name(s) of the lawyer(s), if any, representing the person, together with the lawyer(s)'s address, telephone number, fax number and email address;
 - c. The nature of the person's interest in the subject matter of the inquiry, why he/she wishes standing, and how he/she proposes to contribute to the Inquiry, having specific regard to the Terms of Reference and the Commissioner's remarks delivered on August 15, 2012;
 - d. Whether the person is seeking full standing or standing on one or more specific issues as outlined in the Terms of Reference; and
 - e. Whether the person wishes to make oral submissions in support of the motion for standing.
10. A person who wishes to make oral submissions in support of the motion for standing may be given an opportunity to appear in person, or by counsel, and make oral submissions at a hearing at a date and time to be determined. The Commissioner will allocate time for oral submissions for each person who is permitted to make oral submissions.
11. Standing will be granted in the discretion of the Commissioner, in accordance with section 15 of the Act, the Terms of Reference and the desirability of a fair and expeditious proceeding. The Commissioner will consider, among other things, the following factors:
 - a. whether a person has a substantial and direct interest in the subject matter of the Inquiry;
 - b. whether a person is likely to be notified of a possible finding of misconduct under section 17 of the Act;
 - c. whether a person's participation would further the conduct of the Inquiry;
 - d. whether a person's participation would contribute to the openness and fairness of the Inquiry.

12. The Commissioner may determine the manner and scope of the participation of persons granted standing, as well as their rights and responsibilities.
13. The Commissioner may direct that a number of applicants share in a single grant of standing.
14. All materials filed in support of a person's motion in writing for standing will be available to the public on the Commission's website at www.elliottlakeinquiry.ca.
15. Those granted standing will be designated as Participants before the Inquiry.
16. Subject to the Rules of Procedure yet to be published, the Participants in the Inquiry may have, at the Commissioner's discretion, among other things,:
 - a. Access to documents collected by the Commission subject to the Rules of Procedure;
 - b. Advance notice of documents which are proposed to be introduced into evidence;
 - c. Advance provision of will say statements of anticipated witnesses;
 - d. A seat at counsel table;
 - e. The opportunity to suggest witnesses to be called by Commission Counsel, failing which an opportunity to apply to the Commissioner to lead the evidence of a particular witness;
 - f. The right to cross-examine witnesses on matters relevant to the basis upon which standing was granted;
 - g. The right to make closing submissions.
17. The Commissioner may decide, in his discretion, that one or more applicants for standing will have more limited rights of participation than others. He may also decide that two or more applicants for standing will be required to participate as a group, and be required to exercise their rights of participation jointly.
18. Any updated information with respect to standing may be made available on the Commission's website at www.elliottlakeinquiry.ca.

Funding

19. Further to paragraph 11 of the Terms of Reference, the Commissioner may make recommendations to the Attorney General regarding funding for a party to the

extent of the party's interest, where in the Commissioner's view, the party would not otherwise be able to participate in the inquiry without such funding.

20. Persons may seek funding by way of motion in writing with supporting materials to be filed, in electronic format if possible, with the Commission on or before October 17, 2012, or at the discretion of the Commissioner on any other date. Persons will be expected to seek funding at the same time as they seek standing, and motion materials prepared in support of funding may be combined with motion materials prepared in support of standing.
21. Motions in writing for funding must include the following information:
 - a. The person's name, address, telephone number, and fax number and e-mail address, if available;
 - b. The name(s) of the lawyer(s), if any, representing the person, together with the lawyer(s)'s address, telephone number, fax number and email address;
 - c. Evidence that demonstrates that a person does not have adequate financial resources that enables it to represent its interest;
 - d. How it intends to make use of the funds and how it will account for the funds; and
 - e. Whether the person wishes to make oral submissions in support of the motion for funding.
22. A person who wishes to make oral submissions in support of the funding motion may be given an opportunity to appear in person, or by counsel, and make oral submissions in support of the motion for funding at a hearing at a date and time to be determined by the Commission. The Commissioner will allocate time for oral submissions for each person who is permitted to make oral submissions.
23. Funding will be recommended at the Commissioner's discretion in accordance with paragraph 11 of the Terms of Reference. The Commission will also consider, among other things, the following factors in making his funding recommendations:
 - a. the nature of the applicant's interest and/or proposed involvement in the Inquiry;
 - b. whether the applicant has an established record of concerns for and a demonstrated commitment to the interest it seeks to represent;

- c. whether the applicant has special experience or expertise with respect to the Commission's mandate; and
 - d. whether the applicant has attempted to form a group with others of similar interests.
24. Where the Commissioner's funding recommendation is accepted, funding shall be in accordance with applicable Management Board of Cabinet directives and guidelines respecting rates or remuneration and reimbursement and the assessment of accounts.
25. All materials filed in support of a party's motion in writing for funding will be available to the public on the Commission's website at www.elliottlakeinquiry.ca.
26. Any updated information with respect to funding may be made available on the Commission's website at www.elliottlakeinquiry.ca.

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