

RULES OF PROCEDURE AND PRACTICE

Subject to fairness considerations, a commissioner has considerable discretion in conducting an inquiry in a manner that best meets the mandate. This discretion extends to defining the rules that underlie the conduct of the inquiry.⁵⁰ Typically, these rules, commonly known as rules of procedure and practice, are developed early in the inquiry process so that the public and participants will know the “rules of the game.”⁵¹ They address procedural matters such as the granting of standing and funding for interested parties, the disclosure of documents, and the calling of witnesses. The rules may also address practical matters such as the location and schedule of inquiry hearings and other activities. We modeled our Rules on those of similarly structured public inquiries and in keeping with the principles I had articulated for the Inquiry. Commission counsel invited the parties with standing to comment on the draft Rules and we posted the final version on our website. The Rules were not formally amended over the course of the Inquiry. Occasionally, however, it was necessary to relax or modify them slightly to deal with unforeseen circumstances. For example, on occasion I determined that it was reasonable to relax the “twenty-four-hour rule.”⁵² In each case, I was mindful that any adjustment to the Rules should not compromise or prejudice any party’s participation or give any party an unfair advantage.

50 For example, *Public Inquiries Act*, *supra* note 5 at c.P41.s.3.

51 *A Handbook on Public Inquiries in Canada*, *supra* note 4 at 69.

52 Rule 38 (Appendix 2, Rules of Procedure and Practice) stipulated that parties were required to provide Commission counsel with any documents that they intended to file as an exhibit or otherwise refer to during the hearings no later than twenty-four hours prior to the day the document would be referred to or filed.

