

Appendix 3

Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River

RULES FOR STANDING AND FUNDING

(As amended)

A. GENERAL

1. These Rules for Standing and Funding apply to the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River (the “Cohen Commission”).
2. The commission will be conducted in accordance with Part I of the *Inquiries Act*, R.S.C. 1985, c. I-11 (the “Act”) and pursuant to Order in Council PC 2009-1860 (the “Terms of Reference”).
3. The commission’s procedures in respect of standing and funding will be conducted in accordance with the Terms and Conditions for the Contribution Program for the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River, dated 19 January 2010 (the “Contribution Program Terms”) (as amended 4 March 2010).
4. Subject to the Act, the Terms of Reference, and the Contribution Program Terms (as amended 4 March 2010), the Rules for Standing and Funding are issued by the Honourable Bruce Cohen (the “Commissioner”), in his discretion to ensure that the inquiry is thorough, fair and timely.
5. The Commissioner may amend these Rules or dispense with their compliance as he deems necessary to ensure that the inquiry is thorough, fair and timely.
6. All applicants for standing or funding, participants, and their counsel shall be deemed to undertake to adhere to these Rules, and may raise any issue of non-compliance with the Commissioner.
7. The Commissioner may deal with any non-compliance with these Rules as he deems appropriate, including refusing or rescinding standing.
8. In these Rules, “person” includes an individual, group, government, agency, institution or other entity.

B. STANDING

9. Commission counsel, who will assist the Commissioner to ensure the orderly conduct of the inquiry, and the Government of Canada (as amended 4 March 2010) have standing throughout the inquiry.

10. Commission counsel have the primary responsibility for representing the public interest, including the responsibility to ensure that all matters that bear upon the public interest are brought to the Commissioner's attention.

11. The Commissioner may grant a person standing if he is satisfied that the person has a substantial and direct interest in the matters investigated in the inquiry or portions thereof.

12. In these Rules, persons with standing are referred to as "participants".

13. The Commissioner will determine on what terms and in which parts of the inquiry a participant may participate, and the nature and extent of such participation. The Commissioner retains the discretion to vary a participant's participation or rescind standing.

14. To apply for standing, a person must submit a written application to the Commissioner by 4 p.m. on 10 March 2010. An application should demonstrate why the person has a substantial and direct interest in the subject matter of the inquiry and outline how the applicant proposes to contribute to the inquiry. Guidelines for application format and delivery will be posted on the commission website: www.cohencommission.ca.

15. The Commissioner will determine the outcome of applications for standing on the basis of written applications, unless the Commissioner determines that an oral hearing is necessary. Any oral hearings conducted on standing will take place on 23-24 March 2010 at the Federal Court, 8th floor, 701 West Georgia Street, Vancouver, B.C., and on such other dates as the Commissioner may determine (amended 19 March 2010).

16. Where persons have shared interests in the subject matter of the inquiry, they should make a single application for standing, identifying those persons whose interests are reflected in the application.

17. The Commissioner may direct that a number of applicants share in a single grant of standing.

C. FUNDING

18. Where the Commissioner is satisfied on the evidence that a participant would not otherwise be able to participate in the inquiry, the Commissioner may recommend to the Clerk of the Privy Council that a participant receive financial assistance to pay for legal counsel to facilitate participation appropriate to the extent of a participant's interest.

19. Applications for funding recommendations may be made concurrently with applications for standing. To apply for a funding recommendation, a person must submit a written application to the Commissioner by 4 p.m. on 10 March

2010, or by such other dates as the Commissioner may determine (13 April 2010).

20. An application for a funding recommendation must be supported by an affidavit setting out the following:

(a) facts that demonstrate the person seeking funding does not have sufficient financial resources to participate in the work of the commission without financial assistance for legal counsel, and

(b) facts in relation to any other sources of funds received, expected or sought by the person in relation to legal services rendered, or to be rendered, with respect to the inquiry.

Affidavits must be in Form 1 to these Rules, or in another form as the Commissioner may determine (13 April 2010). Guidelines for application format and delivery will be posted on the commission website: www.cohencommission.ca.

21. The Commissioner will determine the outcome of applications for funding recommendations on the basis of written applications, unless the Commissioner determines that an oral hearing is necessary. Any oral hearings conducted on funding will take place on 23-24 March 2010 at the Federal Court, 8th Floor, 701 West Georgia Street, Vancouver, B.C., and on such other dates as the Commissioner may determine (amended 19 March 2010).

22. Where the Commissioner's funding recommendation is approved by the Clerk of the Privy Council, funding shall be in accordance with terms and conditions approved by the Treasury Board respecting rates of remuneration and reimbursement and the assessment of accounts.

FORM 1
(Rule 19)

COMMISSION OF INQUIRY INTO THE DECLINE OF SOCKEYE SALMON IN
THE FRASER RIVER

In the matter of Her Excellency the Governor General in Council, on the recommendation of the Prime Minister, directing that a Commission do issue under Part I of the Inquiries Act and under the Great Seal of Canada appointing the Honourable Bruce Cohen as Commissioner to conduct an inquiry into the decline of sockeye salmon in the Fraser River.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR FUNDING
RECOMMENDATION

I,[*name*] of[*address*] in the City of
.....[*city of residence*], in the Province of.....,

MAKE OATH AND SAY AS FOLLOWS:

1. [*Set out the following in sequentially numbered paragraphs: facts that demonstrate the person seeking funding does not have sufficient financial resources to participate in the work of the Commission without financial assistance for legal counsel, and facts in relation to any other sources of funds received, expected or sought by the person in relation to legal services rendered, or to be rendered, with respect to the Inquiry.*]

SWORN / SOLEMNLY AFFIRMED BEFORE ME at

.....in the Province

of, the day of

....., 2010

.....
[*print name of deponent*]

.....
A Commissioner for taking Affidavits in
[*name of jurisdiction*]

[Original signed by Commissioner on 14 of April, 2010.]