



Policy Phase Rules of Practice and Procedure

Introduction

On September 10, 2023, the Government of Canada adopted Order in Council P.C. 2023-0882, establishing the Terms of Reference for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the “Commission” or the “Inquiry”).

Pursuant to clause (a)(i)(E) of its Terms of Reference, the Commission is directed to recommend any means for better protecting federal democratic processes from foreign interference that the Commissioner may consider appropriate. The Commission intends to hold a Policy Phase of the Inquiry in order to assist the Commissioner in discharging her mandate under this clause.

Subject to the Terms of Reference and the *Inquiries Act*, RSC 1985, c. I-11, the Commission has the power to control its own processes and make rules governing its practice and procedure as necessary to fulfill its mandate. The Terms of Reference authorize the Commissioner to adopt any procedures and methods she considers expedient for the proper and efficient conduct of the Inquiry.

These *Policy Phase Rules of Practice and Procedure* (the “Policy Phase Rules”) apply to the conduct of the Inquiry referred to in clause (a)(i)(E) of the Commission’s Terms of Reference and are designed to guide the Commission’s public proceedings and the fulfillment of the Commission’s mandate.



The Policy Phase Rules will be interpreted, applied or varied in a reasonable manner such that the Commission can complete its mandate in a timely manner, consistent with the deadlines in the Terms of Reference.



General

1. These Policy Rules apply to the hearings of the Commission related to clause (a)(i)(E) of its Terms of Reference (the “Policy Phase”).
2. The Commissioner may amend, add, supplement, or dispense with the application of these Policy Rules as she deems necessary to ensure that the Inquiry is complete, fair and timely, and that the resources of the Commission and the Participants are allocated in a manner proportionate to the objectives of the Commission and the recognized interests of the Participants and the public.
3. In the event that a matter arises that is not addressed under these Policy Rules, the Commissioner may choose to make reference to the Commission’s *Rules of Practice and Procedure*, with any modifications as the circumstances require.
4. The Commissioner may make such orders or give such directions as she considers proper to maintain order and to prevent the abuse of the Commission’s process.
5. In these Rules:
 - a. “Participant” refers to a person who has been granted standing to participate in the policy phase of the Inquiry.
 - b. “Person” refers to any member of the public as well as to an organization.
 - c. “Participant Policy Paper” refers to a document submitted to the Commission pursuant to Rule 13.
 - d. “Research Council” refers to the Research Council of the Commission.



Consultation Paper

6. The Research Council may prepare one or more Consultation Papers.
7. The purpose of a Consultation Paper is to present policy issues that the Commission may wish to address during the Policy Phase, including discussions of problems, issues, perspectives, proposed solutions, or other matters relevant to the Commissioner's authority to make recommendations.
8. A Consultation Paper does not necessarily reflect the views of the Commission or the Research Council.
9. If the Research Council releases a Consultation Paper, it will be published on the Commission's website.
10. Any Person may make a submission to the Commission in response to a Consultation Paper. Submissions will be considered by the Research Council for the purposes of planning the policy phase hearings. The Commissioner may issue directions respecting the timing and method of making such submissions.
11. Submissions provided by Participants may be posted on the Commission's website.
12. Submissions provided by other Persons will not be published. The Research Council may, however, prepare a report, memo or other document summarizing responses to the Consultation Paper, which may be published. Responses will not be attributed to individual Persons without their express consent.



Participant Policy Papers

13. Participants may submit a Policy Paper in the form of a brief, report or other observation that may assist the Commissioner formulate recommendations related to policy matters.
14. A Participant Policy Paper is not evidence before the Commission and may not contain factual assertions that are not based on evidence already before the Commissioner during the factual phase of the Inquiry. Purely uncontentious facts or matters for which judicial notice could be taken may be referred to in a Participant Policy Paper.
15. The Commissioner may issue directions respecting the timing and method of submitting a Participant Policy Paper.
16. Participant Policy Papers may be posted on the Commission's website.

Policy Hearings

17. The Commission will hold Policy Phase hearings in Ottawa, on dates and times to be announced by the Commission.
18. The Policy Phase hearings may take a variety of forms, at the discretion of the Commissioner, including but not limited to:
 - a. Expert testimony from one or more experts; and
 - b. Policy round tables.



Expert Evidence

19. Where individual experts or panels of experts are called to provide testimony, their evidence shall be taken in accordance with the Commission's *Rules of Practice and Procedure*, with such modifications as the circumstances require.

Round Tables

20. When the Commission holds policy round tables, Participants will be given reasonable notice of the identity of round table members and the topics that they will discuss.
21. Round tables may take any form that the Commissioner considers appropriate, including presentations, facilitated discussions, or question and answer sessions.
22. The questioning of round table participants will be conducted by one or more persons designated by the Commissioner, which may include Commission counsel, members of the Research Council, or another appropriate person ("Moderator").
23. The Commissioner may also ask questions of round table participants.
24. Participants are entitled to suggest questions or topics to be explored during the round tables either before or during a round table. Suggestions shall be provided by email to participants@pifi-epie.gc.ca. The Moderator shall give consideration to suggested questions or topics proposed by the Participants. The Moderator will ultimately determine what questions are relevant and useful to ask and are not required to ask questions proposed by the Participants.



Submissions

25. Participants are entitled to make submissions at the conclusion of the Policy Phase. The Commissioner may issue directions respecting the timing and method of making submissions.
26. The purpose of submissions is to permit Participants to comment on the proceedings during the policy hearings and to make final suggestions respecting recommendations that the Commissioner should make.
27. Submissions from Participants may be published on the Commission's website.