



NUMBER 7
AUGUST 2000



Practice *Direction*

Sharing of representations

Application

1. This *Practice Direction* applies to an inquiry conducted in the Adjudication stage under section 7 of the *Code of Procedure*.

General

2. The Adjudicator may provide representations received from a party to the other party or parties, unless the Adjudicator decides that some or all of the representations should be withheld.

Request to withhold representations

3. A party providing representations shall indicate clearly and in detail, in its representations, which information in its representations, if any, the party wishes the Adjudicator to withhold from the other party or parties.
4. A party seeking to have the Adjudicator withhold information in its representations from the other party or parties shall explain clearly and in detail the reasons for its request, with specific reference to the following criteria.

Criteria for withholding representations

5. The Adjudicator may withhold information contained in a party's representations where:
 - (a) disclosure of the information would reveal the substance of a record claimed to be exempt; or
 - (b) the information would be exempt if contained in a record subject to the *Act*; or
 - (c) the information should not be disclosed to the other party for another reason.
6. For the purpose of section 5(c), the Adjudicator will apply the following test:
 - (i) the party communicated the information to the IPC in a confidence that it would not be disclosed to the other party;
 - (ii) confidentiality is essential to the full and satisfactory maintenance of the relation between the IPC and the party;

- (iii) the relation is one which in the opinion of the community ought to be diligently fostered; and
- (iv) the injury to the relation that would result from the disclosure of the information is greater than the benefit gained for the correct disposal of the appeal.

Request to withhold representations not accepted

7. Should the Adjudicator decide not to accept a party's submission that information in its representations should be withheld, the Adjudicator will notify the party of this decision and will not disclose the information for the period of time specified in the notice, which shall not be less than 14 days.

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