



NUMBER 8
APRIL 2002



Practice *Direction*

Reasonable Search Appeals and Fee Appeals

Application

1. This *Practice Direction* applies to a Reasonable Search Appeal or Fee Appeal under section 9 of the *Code of Procedure*.

Format of representations

2. Where practicable, the parties shall make representations in the inquiry orally and in person at the offices of the IPC. In other cases, the parties shall make representations in the inquiry orally and by telephone.

Representation by agent or counsel

3. A party may be represented in the inquiry by counsel or an agent, who may give representations on the party's behalf. In addition, other individuals may give representations on the party's behalf, at the request of either the party or the Adjudicator.

Conduct of inquiry

4. The Adjudicator will conduct the inquiry. The Mediator will be present at the inquiry. At any time during or after the representations portion of the inquiry, prior to the Adjudicator making an order, the Adjudicator may offer the parties an opportunity to settle the matter themselves or with the assistance of the Mediator, within an established time frame.
5. The Adjudicator will begin the representations portion of the inquiry by reciting a summary of the facts and issues in the appeal, and then provide an opportunity for the parties to comment on the summary. The Adjudicator will then invite the parties to make their representations, one party at a time. The Adjudicator may ask questions of a party (or an individual giving representations on behalf of a party) during or after its representations, on the Adjudicator's own initiative or at the request of the other party.

6. During the representations portion of the inquiry, all questions, statements or requests for clarification by a party concerning the other party's representations shall be directed through the Adjudicator.

Tape recording

7. The IPC will record the representations portion of the inquiry on audio tape. A party (or the party's representative) is entitled to a copy of the tape, which the IPC will provide on request if the party provides the IPC with a suitable blank tape. Persons other than the parties, their representatives and IPC staff will not be given access to the tape.
8. The IPC will not record any settlement or mediation discussions on audio tape.

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