

SASKATCHEWAN POLICY STATEMENT 12-602

PROCEDURE FOR HEARINGS AND REVIEWS

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SASKATCHEWAN POLICY STATEMENT 12-602

PROCEDURE FOR HEARINGS AND REVIEWS

Part 1 - General

1.1 Interpretation

In this Policy:

- (a) “**Act**” means *The Securities Act, 1988*;
- (b) “**application**” includes an application:
 - (i) for review of a decision of the Chair or Director pursuant to section 10 of the Act;
 - (ii) for a further decision pursuant to subsection 11(7) of the Act;
 - (iii) for review of a decision of a recognized entity pursuant to section 21.7 of the Act;
 - (iv) pursuant to section 101 of the Act in connection with take-over bids and issuer bids;
 - (v) by Staff pursuant to section 134 of the Act;
 - (vi) by the Director pursuant to section 135.6 of the Act
 - (vii) for a variation or a revocation pursuant to section 158(3) of the Act of a decision referred in subclauses (i) to (vii) above;
- (c) “**Authority**” means the Financial and Consumer Affairs Authority of Saskatchewan;
- (d) “**company**” means a company as defined in subsection 2(1) of the Act;
- (e) “**decision**” means a decision as defined in subsection 2(1) of the Act;
- (f) “**Director**” means the Director as defined in subsection 2(1) of the Act;
- (g) “**electronic transmission**” means transmission by facsimile or e-mail;
- (h) “**electronic hearing**” means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear and see one another;
- (i) “**file**” means to file with the Registrar in accordance with section 1.4.3;

- (j) “**intervenor**” means a person who has been granted intervenor status by order of a Panel;
- (k) “**motion**” means an application to a Panel before the hearing or review on a matter related to a hearing or review;
- (l) “**Panel**” means a hearing panel appointed pursuant to section 17 of *The Financial and Consumer Affairs Authority of Saskatchewan Act*;
- (m) “**party**” includes:
- (i) a person that is a party pursuant to provisions of the Act;
 - (ii) a person entitled by law to be a party to the proceeding;
 - (iii) a person granted party status by order of a Panel; and
 - (iv) Staff;
- (n) “**person**” means a person as defined in subsection 2(1) of the Act and includes a company as defined in subsection 2(1);
- (o) “**representative**” means a person who represents a person in a proceeding and who is governed by *The Legal Professions Act, 1990* (Saskatchewan) unless otherwise ordered by a Panel;
- (p) “**Policy**” means this policy statement;
- (q) “**Registrar**” means the individual designated by the Chair to be the Registrar;
- (r) “**respondent**” means a person who is named as a respondent in a proceeding to which this Policy applies;
- (s) “**Staff**” means staff of the Securities Division of the Authority as represented by legal counsel;
- (t) “**Website**” means the Authority’s Website;
- (u) “**written hearing**” means a hearing held by means of exchange of documents, whether in written form or by electronic means.

1.2 General Principles

1.2(1) Unless otherwise provided in this Policy, this Policy applies to all proceedings before a Panel where the Authority is authorized under the Act or otherwise by law to hold a hearing.

(2) This Policy should be construed to achieve the most expeditious and least expensive

determination of every proceeding before a Panel, consistent with the requirements of natural justice.

1.3 Procedural Directions or Orders by a Panel

1.3(1) A Panel may exercise any of its powers under this Policy on its own initiative or at the request of a party.

(2) A Panel may issue procedural directions or orders with respect to the application of this Policy in respect of any proceeding before it, and may impose any conditions in the direction or order as it considers appropriate.

(3) A Panel may waive or vary any of this Policy in respect of any proceeding before it, if it is of the opinion that to do so would be in the public interest or that it would otherwise be advisable to secure the just and expeditious determination of the matters in issue.

(4) In considering a request to waive or vary any of this Policy, a Panel may consider factors including:

(a) the nature of the matters in issue;

(b) whether adherence to the time periods set out in this Policy would be likely to cause undue delay or prejudice to any of the parties;

(c) costs; and

(d) any other factors a Panel considers relevant in the public interest.

1.4 Service and Filing

(See also sections 156 and 156.1 of the Act.)

1.4.1 Information on Documents Served or Filed

1.4.1(1) A person who serves or files a document will include with it the following information:

(a) the person's name, address, telephone number, facsimile number and e-mail address, as applicable; or

(b) if the person is represented by a representative, the name, address, telephone number, facsimile number and e-mail address of the representative, as applicable; and

(c) the name of the proceeding to which the document relates; and

(d) the name of the person or representative being served.

(2) If any information referred to in subsection (1) changes, the person who provided the information should notify the person to whom the information was provided and the Registrar of the change.

1.4.2 Inability to Effect Service

1.4.2(1) If a person required to serve a document is unable to serve it by one of the methods prescribed in the Act, the person may apply to a Panel for an order for substituted, validated or waived service.

(2) The application will be filed with an affidavit setting out the efforts already made to serve the person and stating:

- (a) why the proposed method of substituted service is likely to be successful; or
- (b) why a Panel should validate or waive service on that person.

(3) A Panel may give directions for substituted service or, where necessary, may validate or waive service if it considers it appropriate.

1.4.3 Filing

1.4.3(1) A document required under this Policy to be filed should be filed by personal delivery, mail, facsimile transmission or courier to the offices of the Authority, marked to the attention of the Registrar, or, alternatively if the Registrar consents, by e-mail to the Registrar.

(2) The filing of a document with the Registrar pursuant to this Policy does not constitute service of the document on any party to the proceeding, including Staff or any other person.

(3) Unless otherwise specified in this Policy or otherwise directed by the Registrar, when a document is filed, five copies will be filed. The Registrar may require that a greater number of copies be filed.

1.4.4 Electronic Transmission

1.4.4 If a document is filed with the Registrar by electronic transmission, the required number of print copies of the document will be filed forthwith.

1.4.5 Lengthy Facsimile Transmissions

1.4.5 Documents filed by facsimile transmission will not exceed 50 pages, including the cover sheet, except with the consent of the Registrar.

1.4.6 Requirement to File Electronically

1.4.6 The Registrar may require a party to file an electronic version of any or all documents.

1.5 Time

1.5(1) Subject to subsection (2), subsection 2(10) of the Act and section 24 of *The Interpretation Act, 1995* applies to any period of time set out in this Policy.

(2) A Panel may extend or abridge any time period prescribed under this Policy, before or after the time period expires and on any conditions that the Panel considers advisable. Before a hearing begins, a Panel may authorize the Registrar to extend or abridge any time period under this Policy with respect to a hearing.

1.6 Parties

1.6.1 Appearance and Representation

1.6.1 In any proceeding a party may be self-represented or may be represented by a representative.

1.6.2 Representation

1.6.2(1) When a party first appears before a Panel in a proceeding, the party will file or otherwise state on the record, and keep current during the proceeding, the party's address, telephone number, facsimile number and e-mail address, as applicable.

(2) When a person first appears as representative for a party in a proceeding before a Panel, the person will file or otherwise state on the record, and keep current during the proceeding, the person's address, telephone number, facsimile number and e-mail address, as applicable, and the name and address of the party being represented.

1.6.3 Change in Representation by a Party

1.6.3(1) A party who is represented by a representative may change the representative by serving on the representative and on every other party, and filing a notice of the change, giving the name, address, telephone number, facsimile number and e-mail address of the new representative, as applicable.

(2) A party who is represented by a representative may elect to act in person by serving on the representative and on every other party and filing a notice of the intention to act in person, giving the party's address, telephone number, facsimile number and e-mail address, as applicable.

1.6.4 Withdrawal by a Representative

1.6.4(1) A representative for a party in a proceeding may withdraw as representative for the party only with leave of the Panel.

(2) A notice of motion seeking leave to withdraw as a representative will be served on the party and all other parties and filed. The notice of motion will state all facts material to a determination of the motion, including a statement of the reasons why leave should be given. The notice will not disclose any solicitor client communication in which solicitor client privilege has not been waived.

(3) The notice of motion will include:

(a) the client's last known address or the address for service, if different; and

(b) the client's telephone number, facsimile number and e-mail address, as applicable, unless the Panel orders otherwise.

1.7 Intervenors

1.7.1 Motion for Leave to Intervene

1.7.1(1) A motion for leave to intervene in a proceeding will be made pursuant to Part 3.

(2) A motion for leave to intervene will set out:

- (a) the title of the proceeding in which the person making the request wishes to intervene;
- (b) the name, telephone number, facsimile number and e-mail address of the person making the request;
- (c) a concise statement of the scope of the proposed intervention, the issue that directly affects that person and the extent to which that person wishes to intervene; and
- (d) the reasons why intervenor status will be granted.

(3) A Panel may grant leave to intervene or refuse the request on any terms and conditions that it deems appropriate.

(4) In considering a motion for leave to intervene, a Panel may consider factors such as:

- (a) the nature of the matter;
- (b) the issues;
- (c) whether the person or company is directly affected;
- (d) the likelihood that the person or company will be able to make a useful and unique contribution to the Panel's understanding of the issues;
- (e) any delay or prejudice to the parties; and
- (f) any other factor the Panel considers relevant.

1.7.2 Application of this Policy

1.7.2 Once a person has been granted intervenor status, this Policy, including those regarding the service and filing of documents, apply to the intervenor as if it were a party.

Commencement of Proceedings

Part 2 – Application and Notice of Hearing

(See also subsections 9(2) and (3.4) of the Act.)

2.1 Application by Staff

2.1(1) An application by Staff pursuant to section 134 of the Act will be made by filing a Statement of Allegations.

(2) When a Statement of Allegations has been filed by Staff, the Registrar will promptly issue a Notice of Hearing.

(3) Staff will promptly serve the Statement of Allegations and the Notice of Hearing on all the parties.

2.2 Application for Review of a Decision of the Chair, Director or a Recognized Entity

2.2(1) An application for any of the following reviews will be made in accordance with Part 16

(a) a decision of the Chair or Director pursuant to section 10 of the Act;

(b) a decision of a recognized entity pursuant to section 21.7 of the Act;

(2) In the case of an application referred to in subsection 2.2(1), the Registrar will issue a Notice of Hearing only after all the documents required to be filed and served pursuant to Part 16 have been filed and served.

(3) The Registrar will issue the Notice of Hearing and the applicant will serve it on all the parties and on any other persons as the Registrar considers necessary.

2.3 Application for a Further Decision pursuant to Subsection 11(7) of the Act or for a Revocation or Variation of a Decision pursuant to subsection 158(3) of the Act

2.3(1) The following applications will be made in accordance with Part 17:

(a) an application for a further decision pursuant to subsection 11(7) of the Act; and

(b) an application pursuant to subsection 158(3) of the Act for a revocation or a variation of a Panel's decision on an application to which this Policy applies.

(2) In the case of an application referred to in subsection 2.3(1), the Registrar will issue a Notice of Hearing only after all the documents required to be filed and served pursuant to Part 17 have been filed and served.

(3) The applicant will serve the Notice of Hearing on all the parties and on any other persons as the Registrar considers necessary.

2.4 Application pursuant to section 101 of the Act

2.4(1) An application pursuant to section 101 of the Act in connection with a takeover bid or an issuer bid by an interested person will be made in accordance with Part 18, with any modifications as the circumstances require.

(2) The Registrar will issue a Notice of Hearing for an application referred to in subsection 2.4(1) only after all the documents required to be filed and served pursuant to Part 18 have been filed and served.

(3) The applicant will serve the Notice of Hearing on all the parties and on any other persons as the Registrar considers necessary.

2.5 Effect of a Notice of Hearing

2.5 A Notice of Hearing, together with the Statement of Allegations or any other document required to be filed in connection with an application, will be posted on the Website upon confirmation of service on the parties or, in any event, no later than two days following the issuance of the Notice of Hearing.

2.6 Notice of a Constitutional Question

2.6 If a party intends to raise a question about the constitutional validity or applicability of legislation, a regulation or a bylaw made under legislation, or a common law rule, the party will:

(a) serve a notice of the constitutional question on the Attorneys General of Canada and Saskatchewan and on the other parties; and

(b) file the notice as soon as the circumstances requiring a notice become known and, in any event, at least 15 days before the question is to be argued.

Procedures Before Hearings

Part 3 – Motions

3.1 Time and Date

3.1(1) A person who wishes to make a motion will contact the Registrar, who will set a time and date for the hearing of the motion by a Panel.

(2) A person who wishes to make a motion may use the form set out in Appendix A.

(3) The Panel will direct whether the motion is to be argued in person or heard by conference telephone.

3.2 Notice

3.2 (1) A motion will be made by filing a notice of motion along with documents in support of the motion, including any affidavit setting out the facts to be relied upon.

(2) The person making the motion will serve the motion on each party and file it at least seven days before the day on which the motion is to be heard.

3.3 Request for a Written Hearing

3.3 Any request to have a motion heard by way of a written hearing pursuant to Part 12 will be specified in the notice of motion.

3.4 Response

3.4 (1) A party served with a notice of motion may serve one or more affidavits in response on the person making the motion and on each other party at least four days before the day on which the motion is to be heard.

(2) The party serving an affidavit in response will file it within the period set out in subsection (1).

3.5 Reply

3.5 (1) A party served with an affidavit in response to a motion may serve an affidavit in reply on the person making the response and on each other party at least two days before the day on which the motion is to be heard.

(2) The party serving an affidavit in reply will file it within the period set out in subsection (1).

3.6 Memorandum of Fact and Law

3.6(1) The party making the motion will serve a memorandum of fact and law on each party and file it at least two days before the day on which the motion is to be heard.

(2) A party served with a notice of motion and affidavit will serve a memorandum of fact and law on each party and file it at least one day before the day on which the motion is to be heard.

3.7 Affidavits

3.7(1) Subject to subsection (2), evidence on a motion can be made by affidavit.

(2) Where a party files an affidavit in respect of a motion, the party will make the deponent reasonably available for cross-examination by any adverse party.

(3) If the circumstances require, the Panel may grant leave on any terms and conditions that it deems appropriate for:

- (a) oral testimony in relation to an issue raised in the notice of motion; and
- (b) the cross-examination of a deponent to an affidavit.

3.8 Where No Notice Required

3.8 The Panel may permit a party to make a motion without notice if:

- (a) the nature of the motion or the circumstances render service of a notice of motion impractical or unnecessary; or
- (b) the delay necessary to serve the documents relating to the motion might entail serious consequences.

3.9 Filing Motion Materials

3.9 If the party bringing a motion fails to comply with the time limits for the filing of motion materials set out in this Policy or directed by the Registrar, the Panel may dispose of the motion as it considers appropriate.

Part 4 – Disclosure

4.1 Interpretation

4.1(1) In this Part, “document” includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account, and information recorded or stored by means of any device.

(2) “Particulars” includes:

- (a) the grounds upon which any remedy or order is being sought or opposed in the proceeding; and
- (b) a statement of the alleged material facts upon which the party relies in the proceeding.

4.2 Disclosure Order

4.2 At any stage in a proceeding, the Panel may order that a party:

- (a) provide to another party and to the Panel any particulars that the Panel considers

necessary for a full and satisfactory understanding of the subject of the proceeding; and

(b) make any other disclosure required by this Policy within the time limits and on any conditions that the Panel may specify.

4.3 Disclosure of Documents or Things

4.3(1) Each party to a proceeding will deliver to every other party copies of all documents that the party intends to produce or enter as evidence at the hearing, as soon as is reasonably practicable after the Notice of Hearing is served, and in any case, at least 20 days before the commencement of the hearing on the merits.

(2) In the case of a hearing under section 134 of the Act, Staff will provide to every other party copies of all other documents and things that are in the possession or control of Staff that are relevant to the hearing. Staff will provide copies as soon as is reasonably practicable after the Notice of Hearing is served, and in any case at least 20 days before the commencement of the hearing.

(3) A party who does not disclose a document or thing in compliance with subsection (1) may not refer to the document or thing or introduce it in evidence at the hearing without leave of the Panel, which may be on any conditions that the Panel considers just.

4.4 Disclosure

4.4 If the good character, propriety of conduct or competence of a party (the first party) is an issue in a proceeding, the party intending to raise the issue (the second party) will provide particulars of the allegations and disclose to the first party all documents and things in the second party's possession or control relevant to the allegations, promptly after the Notice of Hearing is served, and in any case at least 20 days before the commencement of the hearing.

4.5 Witness Lists and Summaries

4.5(1) A party to a proceeding will serve every other party and file with the Registrar a list of the witnesses the party intends to call to testify on the party's behalf at the hearing at least 10 days before the commencement of the hearing.

(2) If material matters to which a witness is to testify have not otherwise been disclosed, a party to a proceeding will provide to every other party a summary of the evidence that the witness is expected to give at the hearing at least 10 days before the commencement of the hearing.

(3) A witness summary will contain:

(a) the substance of the evidence of the witness;

(b) reference to any documents that the witness will refer to; and

(c) the witness's name and address or, if the witness's address is not provided, the name and address of a person through whom the witness can be contacted.

(4) A party who does not include a witness in the witness list or provide a summary of the evidence a witness is expected to give in accordance with subsections (1), (2) and (3), may not call that person as a witness without leave of the Panel, which may be on any conditions that the Panel considers just.

(5) A witness may not testify to material matters that were not previously disclosed without leave of the Panel, which may be on any conditions that the Panel considers just.

4.6 Expert Witness

4.6(1) A Panel will qualify an expert witness before the witness provides expert testimony at a hearing either orally or through a written report or affidavit.

(2) A party who intends to request that a Panel qualify a witness to give evidence as an expert witness at a hearing will:

(a) inform the other parties of the intent to seek to qualify the witness as an expert witness and state the issue on which the expert will be giving evidence at least 90 days before the commencement of the hearing; and either

(b) serve the expert's report on each other party at least 60 days before the commencement of the hearing; or

(c) if granted leave by a Panel, serve an affidavit of the expert witness on each other party at least 60 days before the commencement of the hearing.

(3) A party on whom an expert's affidavit or expert's report referred to in subsection (2) has been served and who wishes to respond with expert evidence to a matter set out in the affidavit or report, will serve an expert's affidavit or expert's report in response on each other party at least 30 days before the commencement of the hearing.

(4) A party on whom a responding expert's affidavit or responding expert's report has been served and who wishes to reply with expert evidence to a matter set out in that affidavit or report, will serve an expert's affidavit or expert's report in reply on each other party at least 15 days before the commencement of the hearing.

(5) An affidavit or report referred to in subsections (2), (3) and (4) will include:

(a) the name, address and qualifications of the expert;

(b) the substance of the expert's evidence; and

(c) a list of any documents that the expert will refer to.

(6) A party who fails to comply with subsection (2) may not call the expert as a witness without leave of the Panel, which may be on any conditions that the Panel considers just.

(7) A party who fails to comply with subsections (2), (3) and (4) may not file the expert's affidavit or report without leave of the Panel, which may be on any conditions that the Panel considers just.

4.7 Request to Issue a Summons

4.7(1) On an application by a party, the Chair will deal with the application to issue a summons to a witness pursuant to subsection 9(4) of the Act.

(2) Once a summons is served on a witness, it is effective for the duration of the hearing provided that the witness is advised of the adjourned dates.

Part 5 Admission of Allegations

5.1 Requirement to admit or deny allegations

5.1(1) Subsections 9(3.1) and (3.2) of the Act require the every person who is the subject of a hearing or review and is named in a Notice of Hearing must file, a least five business days before the date set for the hearing or review, a written response admitting or denying each of allegations against them.

(2) A written response referred to in subsection (1) should be served on the parties and filed with the Registrar.

Part 6 – Public Access to Documents

(See also subsection 9(13) of the Act.)

6.1 Public Documents

6.1 Subject to section 6.2, all documents required to be filed or received in evidence in proceedings will be available to the public.

6.2. Application for Confidentiality

6.2 (1) On application by a party or person, the Panel may order that any document filed with the Registrar or any document received in evidence or transcript of the proceeding be kept confidential.

(2) A party or person who makes an application pursuant to subsection (1) will advise the Panel of the reasons for the application.

(3) The Panel may, if it is of the opinion that there are valid reasons for restricting access to a document, declare the document confidential and make such other orders as it deems appropriate.

Part 7 – Pre-Hearing Conferences

7.1 Directing and Requesting a Pre-Hearing Conference

7.1(1) A Panel may direct the parties in the proceeding to participate in a pre-hearing conference at any stage of the proceeding.

(2) A party may request a pre-hearing conference by filing a request in the form of Appendix B.

7.2 Panel to Preside

7.2 The Panel designated to hear an application to which this Policy applies will preside at any pre-hearing conference in connection with that matter.

7.3 Notice of Pre-Hearing Conference

7.3(1) The Registrar will give notice of a pre-hearing conference to the parties and to any other persons as the Panel directs.

(2) The notice will include:

- (a) the date, time, place and general purpose of the pre-hearing conference;
- (b) any direction of the Panel regarding the exchange or filing of documents or pre-hearing submissions as prescribed by section 7.3 and, if so, the issues to be addressed and the date or dates on or before which the documents or pre-hearing submissions will be exchanged and filed;
- (c) a direction as to whether parties are required to attend in person and,
 - (i) if so, that they may be accompanied by a representative; or
 - (ii) if not, that they may be represented by a representative who has the authority to make agreements and undertakings on their behalf;
- (d) a statement that if a party does not attend in person or by a representative at the pre-hearing conference, the Panel may proceed in the absence of that party; and
- (e) a statement that any order made by the Panel at the pre-hearing conference will be binding on all the parties.

7.4 Filing and Exchange of Documents for a Pre-Hearing Conference

7.4(1) Each party will serve and file a pre-hearing conference form as set out in Appendix B of this Policy at least five days before the date set for the pre-hearing conference.

(2) At least three days before the date set for the pre-hearing conference, each party will

- (a) provide to each of the other parties all documents intended to be used at the pre-hearing conference that may be of assistance; and

(b) file the documents so that they are available to the Panel at the pre-hearing conference.

7.5 Issues at a Pre-Hearing Conference

7.5 At a pre-hearing conference, a Panel may:

- (a) create a timetable for the scheduling of the hearing;
- (b) amend an existing timetable;
- (c) schedule any preliminary motions;
- (d) give consideration to the simplification or clarification of issues in the proceeding;
- (e) on consent of all of the parties, make an order resolving any matter, including matters relating to:
 - (i) facts or evidence agreed upon;
 - (ii) order the disclosure of documents; and
 - (iii) the resolution of any or all of the issues in the proceeding.

7.6 Oral or Electronic

7.6 A pre-hearing conference may be held in person or by way of an electronic hearing, as the Panel may direct.

7.7 Conference Private

7.7(1) In order to encourage a full and frank exchange of views, a pre-hearing conference will be confidential and conducted in private.

(2) Any pre-hearing submissions referred to in section 7.3 will not be made available to the public.

7.8 Orders, Agreements, Undertakings

7.8(1) After giving the parties an opportunity to make written or oral submissions, the Panel may make orders permitted by this Policy. These orders will be binding on all parties to the proceeding and become part of the record.

(2) All agreements and undertakings made or given at a pre-hearing conference will be recorded in a memorandum prepared under the direction of the Panel and circulated in draft to the parties or their representatives for corrections, if any, and then signed by the Panel.

(3) Orders, agreements and undertakings made at the pre-hearing conference govern the conduct of the proceeding and are binding upon the parties to the proceeding, unless otherwise ordered by

a pre-hearing Panel, and will be available to the Panel hearing the matter on the merits.

Hearings

Part 8 – Failure to Participate at the Hearing and Withdrawal

(See also subsection 9(15) of the Act.)

8.1 Failure to Participate

8.1 If a Notice of Hearing has been served on a party and the party does not attend the hearing, the Panel may proceed in the party's absence and that party is not entitled to any further notice in the proceeding.

8.2 Withdrawal

8.2(1) A person or company that has filed an application under Part 2 or a request for leave to intervene under section 1.7 may withdraw the application at any time before a final determination of the application by a Panel.

(2) The person or company referred to in subsection (1) will serve a notice of withdrawal on each party and on each intervenor and file the notice.

(3) In the case of a withdrawal of a Statement of Allegations or of an application under Part 2, the Statement of Allegations or the application will be removed from the Website and the notice of withdrawal will be posted on the Website.

8.3 Discontinuance of Intervention

8.3(1) An intervenor may discontinue the intervention at any time before a final determination of the application by the Panel on any terms that the Panel deems appropriate.

(2) The intervenor referred to in subsection (1) will serve a notice of discontinuance on each party and on each intervenor and file the notice.

Part 9 – Public Access to Hearings

(See also subsection 9(13) of the Act.)

9.1 Open to the Public Except under Certain Conditions

9.1 Subject to section 9.2, a hearing will be open to the public, except when having regard to the circumstances, the Panel is of the opinion that it would be in the public interest to order otherwise.

Generally, in order for the Panel to find that it would be in the public interest to order the proceedings not be open to the public, the party seeking in camera proceedings would need to demonstrate with clear, cogent evidence that:

(a) such an order is necessary in order to prevent a serious risk to an important interest because reasonably alternative measures will not prevent the risk; and

(b) the public interest in restricting access to the proceedings outweighs the public interest in open and accessible proceedings.

9.2 In Camera Hearing

9.2 If a party wishes to have a hearing held in camera, the party will make a request to the Panel before the hearing begins. The Panel will make a decision on whether or not to hold the hearing or a portion of the hearing in camera, based on the facts and circumstances of each case.

9.3 Request to Make a Visual or Audio Recording

9.3(1) Any request to make a visual or audio recording of a hearing will be made in writing to the Registrar at least five days before the day of the hearing on which the audio or visual recording is to be made.

(2) Media personnel or any person permitted to make a visual or audio recording under subsection (1) will be subject to the direction of the chair of the Panel.

(3) Media personnel will not engage in any activity at the hearing that may disrupt the hearing. Disruptive activities include:

- (a) interviewing persons in the hearing room at any time or in the vicinity of the hearing room;
- (b) using television lights, cables and other equipment which could distract the persons in the hearing room;
- (c) using electronic flash for still photography;
- (d) moving persons or equipment while the hearing is in session; and
- (e) any other behaviour that disrupts or detracts from the process of the hearing.

Part 10 – Adjournments

10.1 How and When to Request an Adjournment

10.1(1) As soon as a party decides to request an adjournment, the party will advise the other parties and the Registrar.

(2) If the other parties consent to the adjournment and the requesting party files a written request certifying that it is made on consent, the Panel may:

- (a) refuse the request;
- (b) reschedule the hearing without a hearing on the request; or
- (c) require a hearing on the request.

(3) If the parties do not consent to a request for adjournment, the requesting party will serve and file a notice of motion on the other parties as soon as possible. The notice of motion will set out:

- (a) the reasons for the adjournment;
- (b) the length of time requested for the adjournment; and
- (c) the earliest available dates for that party to make submissions on the motion.

(4) If the parties do not consent, the requesting party or the party's representative will appear before the Panel to request the adjournment orally and should be prepared to proceed if and the adjournment is denied and the hearing is scheduled for that day.

(5) After considering the submissions of the parties, the Panel may grant or deny the adjournment on any terms that it considers appropriate.

10.2 Factors Considered

10.2 In deciding whether to grant an adjournment, the Panel will consider all relevant factors, including the following:

- (a) whether an adjournment would be in the public interest;
- (b) whether all parties consent to the request;
- (c) whether granting or denying the adjournment would prejudice any party;
- (d) the amount of notice of the hearing date that the requesting party received;
- (e) any prior adjournment requests made and by whom and the reasons for those prior requests;
- (f) the reasons provided to support the adjournment request;
- (g) the cost to the Authority and to the other parties for rescheduling the hearing;
- (h) evidence that the party made reasonable efforts to avoid the need for the adjournment; and
- (i) whether the adjournment is necessary to provide an opportunity for a fair hearing.

Part 11 – Conduct of Oral Hearings

11.1 Electronic Hearings

11.1 A hearing may be conducted all or in part by way of an electronic hearing, unless a party

objects.

11.2 Video-Conferencing

11.2 A hearing may be conducted all or in part by video-conferencing or by other similar means approved by the Panel.

11.3 Interpreters

11.3 If a party requires an interpreter for a language other than English, the party will notify the Registrar at least 30 days before the hearing, and the Registrar will arrange for an interpreter at the requesting party's expense.

11.4 Special Needs of Parties or Witnesses

11.4 Parties will notify the Registrar at least 30 days before the hearing, of any special needs of parties or their witnesses for the hearing.

11.5 Order of Proceedings

11.5 The order of proceedings at a hearing is generally as follows:

- (a) opening remarks by the Panel;
- (b) opening statements by the applicant, respondents and intervenors, if any;
- (c) the applicant presents their case:
 - (i) witness called;
 - (ii) examination-in-chief by the applicant;
 - (iii) cross-examination by respondent;
 - (iv) questions from the Panel;
 - (v) questions from respondent arising from Panel's questions;
 - (vi) re-examination by applicant relating to cross-examination or panel questions;
 - (vii) repeat with other witnesses for the applicant;
- (d) respondent presents their case:
 - (i) witness called;
 - (ii) examination-in-chief by respondent;
 - (iii) cross-examination by applicant;

- (iv) questions from the Panel;
- (v) questions by applicant arising from Panel's questions;
- (vi) re-examination by respondent relating to cross-examination or panel questions;
- (vii) repeat with other witnesses for the respondent;
- (e) final argument first by the applicant and then by the respondent;
- (f) closing remarks by the Panel.

11.6 Affirmation of a Witness

11.6 Oral examination of witnesses will be conducted under affirmation or oath that their evidence will be true.

11.7 Transcripts of Proceedings

11.7 Official transcripts of proceedings are prepared by a court reporting services agency retained by the Authority. Parties who wish to obtain a copy of the transcripts may do so directly from the court reporting services agency at their own expense.

11.8 Final Arguments and Submissions

11.8(1) Except in the case of a written hearing where parties will file final written submissions pursuant to section 12.6, a party may file and serve on every other party a statement of the facts and law relied upon by the party.

(2) Final submissions should include:

- (a) facts or quotations from the oral evidence, referenced to the transcript volume and page number if a transcript is available; or
- (b) facts or quotations from documentation filed as exhibits, referenced to the exhibit and page number; and
- (c) a concise summary of the law.

(3) Final arguments and submissions will not be made public until the Panel begins to hear the submissions.

(4) A party referring to any court decision, legal article or authority will provide a copy for each member of the Panel and each party.

(5) Parties may include in their argument the details of the specific order that they request.

(6) A party may file a draft order within the time permitted by the Panel, but will do so only if

they serve a copy on all other parties.

Part 12– Written Hearings

12.1 Application

12.1(1) Nothing in this Part precludes a Panel from directing that further submissions be filed in respect of a matter arising in a hearing. If the Panel so directs, the parties may also be given an opportunity to make oral submissions on a matter, which may be time-limited by the Panel.

12.2 Filing

12.2 Where this Part requires that documentation be filed with the Registrar, five copies will be filed.

12.3 Definition of an Applicant

12.3 In this Part, “applicant” means the party who instituted the proceeding or the person who is bringing a motion.

12.4 When to Hold a Written Hearing

12.4(1) A Panel may conduct any proceeding or part of a proceeding, including motions, by means of a written hearing.

(2) Subject to a party’s objection, written hearings may be held in the following circumstances:

- (a) motions relating to procedural issues;
- (b) hearings on agreed facts; and
- (c) any other motions or applications that the Panel considers are appropriate for a written hearing.

12.5 Converting From or to a Written Hearing

12.5(1) A Panel may:

- (a) continue a written hearing as an oral hearing;
- (b) continue a written hearing as an electronic hearing; or
- (c) continue an oral hearing or an electronic hearing as a written hearing.

(2) If a Panel decides to continue a written hearing as an oral or electronic hearing or an oral or electronic hearing as a written hearing, it will notify the parties of its decision and may provide directions as to the holding of that hearing. Any procedures set down in this Policy for such a hearing will apply.

12.6 Submissions and Supporting Documents

12.6(1) Within 10 days after receiving notice that a hearing will be in writing, the applicant will serve on all other parties and file written submissions setting out:

- (a) the grounds on which the request for the remedy or order is made;
- (b) a statement of the facts and evidence relied on in support of the remedy or order requested; and
- (c) any law relied on in support of the remedy or order requested.

(2) A Panel may require the applicant to provide further information, which the applicant will serve on every other party.

12.7 Objection to a Written Hearing

12.7(1) A party who objects to a hearing being held as a written hearing will file and serve a notice of objection setting out the reasons for the objection, within five days after receiving notice of the written hearing.

(2) A notice of objection will set out the reasons for the objection in the submissions relating to the matter and be accompanied by a statement of the facts, any evidence and any law relied on in support of the objection.

12.8 Response to an Objection

12.8(1) If a party wishes to respond, the party will do so by serving the written response on every other party and filing it within seven days after the notice of objection has been served on the party.

(2) The response will set out the party's submissions and be accompanied by a statement of the facts, any evidence and any law relied on in support of the response.

12.9 Decision

12.9 Upon consideration of the written record, the Panel will render a decision as to whether the matter will be heard at an oral or a written hearing.

Part 13 - Financial Compensation Orders

13.1 Procedure Where Request for Orders under Section 135.6

13.1 The procedures set out in this Part apply when a Statement of Allegations by Staff on an application pursuant to section 134 of the Act includes a request for financial compensation orders pursuant to section 135.6 of the Act.

13.2 Hearing on the Statement of Allegations

13.2(1) The Panel will conduct a hearing on the Statement of Allegations by the Staff against

the respondents.

(2) Where the Panel issues a decision that includes a finding that a respondent has contravened Saskatchewan securities laws, the Panel will set a date in the decision by which the Director must apply for orders pursuant to section 135.6 of the Act.

13.3 Request by Director for Financial Compensation Orders

13.3(1) Before the date set by the Panel in subsection 13.2(2), Staff will file a Request by the Director that the Panel make orders pursuant to section 135.6 of the Act that a respondent pay financial compensation to claimants for the financial loss caused by the respondent's contravention of Saskatchewan securities laws

(2) The Request by the Director will include:

- (a) the names of each claimant;
- (b) the amounts of each claimants financial loss with documents to show that loss; and
- (c) a submission on how the claimant's financial loss was caused by the respondent's contravention of Saskatchewan securities laws.

13.4 Notice of Hearing on the Request

13.4 When a Request by the Director has been filed by Staff, the Registrar will issue a Notice of Hearing on the Request forthwith.

13.5 Service of the Notice of Hearing

13.5 Staff will promptly serve the Request by the Director and the Notice of Hearing on the parties.

Part 14 – Settlement Agreements

14.1 Application to Panel for Approval of Settlement

14.1(1) If the parties to a proceeding governed by this Policy propose to enter into a settlement agreement to resolve the matters at issue they will apply to the Panel for approval of the settlement agreement.

(2) An application pursuant to subsection (1) will be filed jointly by the parties to the settlement no later than two days before the hearing.

(3) The application will be accompanied by:

- (a) the settlement agreement signed by the settling parties;

- (b) a draft order;
- (c) the respondent's consent to the order; and
- (d) a memorandum of argument as to why it is in the public interest to approve the settlement agreement;

14.2 Notice of Settlement Hearing

14.2 The Registrar will issue a Notice of Hearing of an application referred to in subsection 14.1(1) after all of the documents referred to in subsection 14.1(3) have been filed.

14.3 Public Settlement Hearing

14.3(1) The hearing of an application for approval of a settlement agreement is open to the public.

(2) The Panel may issue oral or written reasons if it deems it appropriate to do so.

14.4 Publication of Approved Settlement Agreement

14.4 The order approving the settlement agreement, the settlement agreement, and the Panel's reasons, if any, will be posted on the Website, unless otherwise ordered by the Panel.

Part 15 – Simultaneous Hearing with Other Securities Administrators

(See also subsection 22 of *The Financial and Consumer Affairs Authority of Saskatchewan Act*.)

15.1 Request for Simultaneous Hearing

15.1(1) At the request of a party to a proceeding or on the Authority's own initiative, the Authority may hold a hearing in or outside Saskatchewan in conjunction with any other body empowered by statute to administer or regulate trading in securities or exchange contracts.

(2) A request for a simultaneous hearing will be made in writing and state the reasons for the request.

(3) When deciding whether to hold a simultaneous hearing, the Authority may take into account any circumstances it considers relevant, including whether:

- (a) the issues raised through the application and the evidence and arguments to be presented are likely to be substantially the same, notwithstanding any apparent difference in the form of the several applications or the specific legislation in each jurisdiction;
- (b) there is an urgent business reason for holding one simultaneous hearing rather than multiple hearings; or
- (c) the matter in issue is a novel one and it is in the public interest that securities administrators should achieve consistency in their decision-making on the matter.

(4) When deciding where to hold a simultaneous hearing, the Authority may take into account any circumstances it considers relevant, which may include:

(a) the preponderance of convenience to the majority of interested parties, taking into account where the majority of the parties reside or have their principal places of business and where witnesses reside; and

(b) where it can be determined that it is in the public interest to do so.

15.2 Payment of Expenses

15.2(1) If a party requests that a simultaneous hearing be held outside Saskatchewan, the Authority may, as a condition of granting the request, require that party to undertake to pay the additional costs incurred by the Authority.

(2) The costs referred to in subsection (1) include travel and related expenses incurred by the Panel, Staff, witness fees and expenses.

15.3. Electronic Hearing

15.3 A hearing under this Part may be an electronic hearing.

Part 16 – Review of a Decision of the Chair, Director, or Recognized Entity

(See also sections 10 and 21.7 of the Act.)

16.1 Application

16.1 In this Part, “decision” means any direction, decision, order, ruling or other requirement made by the Chair, the Director, or a recognized entity.

16.2 Application for a Hearing and Review

16.2(1) An application for a hearing and review of a decision pursuant to section 10 or section 21.7 of the Act will:

(a) identify the decision in respect of which the hearing and review is being sought;

(b) state the interest in the decision of the party filing the request;

(c) state in summary form the alleged errors in the decision and the reasons for requesting the hearing and review; and

(d) state the desired outcome.

16.3 Record

16.3(1) The party requesting a hearing and review of a decision will obtain from the Director, recognized entity, a record of the subject proceeding and file it.

(2) The record of the proceeding will include:

- (a) the application or other document by which the proceeding was commenced;
- (b) the Notice of Hearing;
- (c) any interim orders made in the proceeding along with any documents filed in relation to the application for those orders;
- (d) any documentary evidence filed in the proceeding;
- (e) a copy of any other documents relevant in the proceeding that are referred to in the party's statement of fact and law;
- (f) any transcript of the oral evidence given at the hearing; and
- (g) the decision that is the subject of the request for a hearing and review and the reasons therefore, if reasons were given.

(3) Despite subsection (1), any of the documents may be omitted from the record if all parties consent and the Panel agrees.

(4) If no record is available, the parties will advise the Panel.

16.4 Service and Filing

16.4(1) An application for a hearing and review of a decision will be served by the applicant on every other party to the original proceeding and filed.

(2) The party requesting a hearing and review will provide a copy of the record of the proceeding to any other party that requests a copy of the record.

(3) The party requesting a hearing and review will perfect the application by complying with section 16.3 and subsections (1) and (2):

- (a) if no transcript of evidence is required for the review, within 30 days after filing the request; or
- (b) if a transcript of evidence is required for the review, within 60 days after receiving notice that the evidence has been transcribed.

(4) If the party requesting a hearing and review has not complied with subsection (3), the Registrar may serve a notice on the requester that the request may be dismissed for delay unless it is perfected within 10 days after service of the notice.

(5) If the party requesting a hearing and review does not cure the default within 10 days after the service of the notice under subsection (4), or within a longer period allowed by a Panel, a Panel

may make an order dismissing the request and serve the order on the requester.

(6) A party served with an application for a hearing and review and record may serve a record in response on the person making the application and on each other party at least 15 days before the day on which the application is to be heard.

(7) A party served with a record in response to an application for hearing and review may serve on the person making the response and on each other party an affidavit in reply, at least five days before the day on which the application is to be heard.

16.5 New Evidence

16.5 If a party proposes to introduce new evidence at the hearing and review, that party will at least 10 days before the hearing and review:

- (a) advise every other party as to the substance of the new evidence; and
- (b) will deliver to every other party copies of all new documents that the party will rely on at the hearing and review.

16.6 Order Dispensing with Transcripts

16.6 The Panel may direct that a transcript of the oral evidence be dispensed with, if the Panel is of the opinion that a transcript of the oral evidence taken at the original hearing is not required to deal effectively with the hearing and review or for any reason the Panel considers appropriate.

16.7 Setting Down for a Hearing

16.7 When the record of the proceeding is perfected in accordance with section 16.4, the Registrar will give notice of the time and place for the hearing and review.

16.8 Statement of Fact and Law in an Oral Hearing

16.8(1) When an oral hearing is to be held, the party requesting a hearing and review will, at least 30 days before the date of the hearing and review, serve the memorandum of fact and law being relied upon on every other party and file it.

(2) Each other party to the hearing and review will, at least 15 days before the date of the hearing and review:

- (a) serve on every other party a statement of the points to be argued and the memorandum of fact and law being relied upon by it; and
- (b) file the documents.

Part 17 – Further Decision pursuant to subsection 11(7) of the Act or Revocation or Variation of a Decision pursuant to subsection 158(3) of the Act

17.1 Application

17.1(1) An application for a further decision pursuant to subsection 11(7) of the Act or an application pursuant to subsection 158(3) of the Act for a revocation or a variation of a decision made by a Panel will:

- (a) identify the decision in respect of which the request is being made;
- (b) state the interest in the decision of the party filing the request;
- (c) state the factual and legal grounds for the request; and
- (d) state the desired outcome.

(2) An application for a further decision or an application for a revocation or variation of a decision will be served by the applicant on every other party to the original proceeding and filed.

(3) A party who has been served with an application pursuant to subsection (2) may, within 10 days of being served, serve the applicant and each other party with a memorandum of fact and law and affidavits and file them with the Registrar.

17.2 New Evidence

17.2 If a party proposes to introduce new evidence at the hearing of the application pursuant to section 17.1, the party will, at least 10 days before the hearing:

- (a) advise every other party as to the substance of the new evidence; and
- (b) deliver to every other party copies of all new documents that the party will rely on at the hearing.

17.3 Whether or Not to Hold an Oral Hearing

17.3 Upon reviewing the application and any material filed by another party, a Panel may, on the basis of the written record:

- (a) decide to grant the application;
- (b) refuse to grant the application; or
- (c) decide to hold an oral hearing to consider the application.

17.4 Statement of Fact and Law in an Oral Hearing

17.4(1) If the Panel decides to hold an oral hearing, the party that has made the application pursuant to section 17.1 will at least 10 days before the date of the hearing:

(a) serve on every other party and file a statement of the points to be argued and the memorandum of fact and law being relied upon by it; and

(b) file those documents.

(2) If an oral hearing is to be held, each other party to a hearing will, at least five days before the date of the hearing:

(a) serve on every other party and file a statement of the points to be argued and the memorandum of fact and law being relied upon by it; and

(b) file those documents.

17.5 Written Hearing

17.5 If the parties consent to a further decision, revocation or variation of a decision made by a Panel, the matter may be heard in writing.

Part 18 – Application pursuant to Section 101 of the Act

18.1 Application

18.1(1) An application made pursuant to section 101 of the Act in connection with a take-over bid or an issuer bid by an interested person will be made by serving it on every other party and the Director, and filing it.

(2) An application will be accompanied by a memorandum of fact and law and any affidavits that set out the facts to be relied upon.

18.2 Setting Down for a Hearing

18.2 Once all the documents for the application have been filed in accordance with section 18.1, the Registrar will establish the schedule for the filing of a response and a reply and give notice of the time and place for the hearing of the application.

18.3 Response

18.3 A party served with an application may serve the applicant and each other party with a memorandum of fact and law and affidavits and file them in accordance with the schedule established by the Registrar.

18.4 Reply

18.4 A party served with a memorandum of fact and law and affidavits in response to an application may serve on the person making the response and on each other party a memorandum of fact and law and any affidavit in reply, and file them in accordance with the schedule established by the Registrar.

Decisions

Part 19 – Decisions

(See also subsection 9(11) of the Act.)

19.1 Issuance of Decisions

19.1(1) A Panel may reserve its decision or may give its decision orally at the end of the hearing.

(2) A Panel will issue a written decision usually within 90 days of the end of the hearing.

(3) If there is a discrepancy between an oral decision rendered at the hearing and the written decision, the written decision will prevail.

19.2 Service of Decisions and Reasons

19.2(1) The Registrar will send a copy of the Panel's written decision to all parties.

(2) A decision will be published on the Website, unless a Panel orders that it will remain confidential.

19.3 Sanctions Hearing

19.3(1) Unless the parties to a proceeding agree otherwise, a separate hearing will be held to determine the matter of sanctions and costs.

(2) Following the issuance of the reasons for the decision on the merits, the Registrar will set a date for the sanctions hearing if such a hearing is necessary.

(3) Staff will file submissions regarding the matter of sanctions and costs at least 10 days before the sanctions hearing, unless the Panel directs otherwise.

(4) A respondent will file submissions regarding the matter of sanctions and costs at least five days before the sanctions hearing, unless the Panel provides otherwise.

(5) Staff will file any reply submissions regarding the matter of sanctions and costs at least two days before the sanctions hearing, unless the Panel provides otherwise.

Part 20 – Costs

20.1 Request for an Award of Costs

20.1 A Panel may award costs against a respondent pursuant to section 161 of the Act at the request of Staff after having considered any submissions from the parties.

20.2 Factors Considered When Awarding Costs

20.2 In exercising its discretion under section 161 of the Act to award costs against a person, a Panel may consider the following factors:

- (a) whether the respondent failed to comply with a procedural order or direction of the Panel;
- (b) the complexity of the proceeding;
- (c) the importance of the issues;
- (d) the conduct of Staff during the investigation and during the proceeding, and how Staff's conduct contributed to the costs of the investigation and the proceeding;
- (e) whether the respondent contributed to a shorter, more efficient, and more effective hearing, or whether the conduct of the respondent unnecessarily lengthened the duration of the proceeding;
- (f) whether any step in the proceeding was taken in an improper, vexatious, unreasonable, or negligent fashion or in error;
- (g) whether the respondent participated in the proceeding in a way that helped the Authority understand the issues before it;
- (h) whether the respondent participated in a responsible, informed and well-prepared manner;
- (i) whether the respondent co-operated with Staff and disclosed all relevant information;
- (j) whether the respondent denied or refused to admit anything that will have been admitted;
or
- (k) any other factors the Panel considers relevant.

Approved by the Commission on March 8, 2012

Amended by the Authority on January 9, 2014



Dave Wild, Chairperson

Appendix A – Form for submitting for Motions

**In the Matter of
*The Securities Act, 1988***

and

**In the Matter of
[Name]**

Notice of Motion

To: [Name]

TAKE NOTICE that a Panel of Financial and Consumers Affairs Authority of Saskatchewan (the Panel) will hear an Application filed by Staff of the Authority via teleconference on [Date] at [Time] (CST).

The teleconference number is: 1-866-296-5646

Pass code: 551736

Application:

[Name] will ask the Panel to [Relief].

Grounds:

[Nam] brings the application for [Relief] on the following grounds:

1. [Grounds]

FURTHER TAKE NOTICE that you are entitled to be represented by legal counsel on the return date;

FURTHER TAKE NOTICE that you may call witnesses and submit such evidence relevant to the Application;

FURTHER TAKE NOTICE that the following documents are attached to this Notice of Application:

1. [Documents]
2. ...

AND FURTHER TAKE NOTICE that if you do not attend at the time and place as aforesaid, the hearing of the Applications will proceed in your absence and the Panel may make or give any decision or order as though you were present.

DATED at [City, Province] on [Date].

[Name]
[Title]

Note: Saskatchewan Policy Statement 12-602 *Procedure on Hearings and Reviews* (SP 12-602) sets out information on the procedures for this hearing. SP 12-602 can be found on the Authority's website at www.fcaa.gov.sk.ca.

Appendix B – Pre-Hearing Conference Form

IN THE MATTER OF *THE SECURITIES ACT, 1988*

and

IN THE MATTER OF
[INSERT STYLE OF CAUSE]

DATE OF PRE-HEARING:

PRE-HEARING CONFERENCE SUBMISSIONS OF:

(insert name of Party)

REPRESENTATIVE:

I. INTRODUCTORY MATTERS

A. Procedural History

1. Notice of Hearing and Statement of Allegations - Date of Issue:

2. Date(s) of Alleged Conduct:

3. Date of Hearing:

4. Interim Orders:

(a) Temporary Cease Trade Order: (Date of Order)

Provide Details:

(b) Freeze Order: (Date of Order)

Provide Details:

B. Settlement Discussions

1. Have the parties discussed settlement?

Provide Details:

2. Is there a reasonable prospect of this matter settling?

Provide Details:

C. Disclosure (Rule 4)

1. Has Staff made disclosure to the Respondent?

Provide Details:

2. Has the Respondent made disclosure to Staff?

Provide Details:

3. Is further disclosure requested?

Provide Details:

4. Are there any issues in respect of a third party and disclosure?

Provide Details:

II. PRE-HEARING MATTERS

A. Severance

1. Do you expect to bring a motion to sever the hearing of certain Respondents?

Provide Details:

B. Disclosure

1. Do you expect to bring a motion respecting disclosure?

Provide Details:

C. Other

1. Do you expect to bring any other motions?

Provide Details:

III. THE HEARING

A. Procedure on Hearing

1. Will you be requesting that the hearing, or any part of the hearing, be conducted electronically? (Rule 10.2)

Provide Details:

2. Will you be requesting that the hearing, or any part of the hearing, be conducted in writing? (Rule 11)

Provide Details:

B. Hearing Brief re: Documents

1. Have you prepared or will you be preparing a Hearing Brief?

Provide Details:

The Hearing Brief has been delivered to the other parties:

Provide Details:

OR

The Hearing Brief will be delivered by:

Provide Details:

IV. EVIDENTIARY MATTERS

A. Expert Evidence

1. Will you be tendering the opinion evidence of a duly qualified expert for admission?

By Staff:

By the Respondent:

2. Upon what issue(s) will you be tendering such evidence?

Provide Details:

3. Will you be challenging the qualification of the expert?

Provide Details:

4. Will you be filing an expert's report? When?

Provide Details:

5. Will you be challenging the admissibility of the report?

Provide Details:

B. Privilege

1. Will you be asserting any claim of privilege in respect of any evidence proposed for introduction:

Provide Details:

C. Procedural Issues

1. Will you be asking the Commission to rule on any procedural matters?

Provide Details:

2. Are you making any admissions?

Provide Details:

D. Documents

1. Has Staff prepared a brief of documents?

Provide Details:

2. Does the Respondent object to the admissibility of any of the documents?

Provide Details:

3. Has the Respondent prepared a brief of documents?

Provide Details:

4. Does Staff object to the admissibility of any of the documents?

Provide Details:

V. LENGTH AND SCHEDULING OF PROCEEDINGS

1. Length of Hearing and Scheduling of Proceeding

Has the hearing been scheduled? If so, when?

If not, what is the anticipated length of time needed to deal with pre-hearing matters?

For Staff:

For the Respondent:

2. Witnesses

Please list the witnesses you will be calling:

Witness Name	Estimated Time for Examination –in-Chief	Estimated Time for Cross-Examination (to be completed at pre-hearing)

Dated: