

This practice direction provides guidance about the application of rule 6(3) of the Tribunal's *Rules of Practice and Procedure* regarding public access to a complaint file. Rule 6(3) provides:

If a complaint has not settled three months before the dates scheduled for hearing, the following parts of the complaint file, except participants' addresses, phone numbers and fax numbers, will be available to the public:

- (a) the Complaint Form (Form 1) and the Representative Complaint Form (Form 2);
- (b) the Response to Complaint Form (Form 3);
- (c) the Time Limit Response Form (Form 4) and Time Limit Reply Form (Form 5);
- (d) tribunal notices regarding the hearing of the complaint; and
- (e) any preliminary decision regarding the complaint.

The purpose of rule 6(3) is to ensure that members of the public who are interested in the Tribunal's proceedings, including those persons or groups who may want to intervene in a proceeding, can obtain certain documents in the complaint file.

Access to a complaint file is not permitted until three months before a hearing to protect participants' privacy interests and to encourage settlement of complaints.

If a complaint is settled, withdrawn, or dismissed in the three month period before a hearing or after the hearing begins, the public interest in access to the complaint file is diminished. Accordingly, after a complaint is settled, withdrawn or dismissed and no hearing will take place or continue if it has begun, public access to the complaint file will not be permitted.

Where the Tribunal restricts access to a complaint file, documents may be obtained by a successful application under the *Freedom of Information and Protection of Privacy Act*.

Rule 6(6) permits participants actively engaged in settlement discussions to ask the Registrar in writing to defer the application of rule 6(3).

Bernd Walter
Acting Chair
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