

RULES OF PROCEDURE FOR THE CONDUCT OF APPEALS



**NOVA SCOTIA LIBERAL PARTY
ISSUED OCTOBER 23, 2020**

RULES OF PROCEDURE FOR THE CONDUCT OF APPEALS

These Rules have been prepared and duly adopted by the Appeals Committee in accordance with section 109 of the Rules Governing the Nova Scotia Liberal Party Leadership Convention (“Leadership Rules”)

INTERPRETATION

1. The terms used in the Rules have the same meaning as those set out in the Leadership Rules.
2. These Rules shall be construed, and appeals shall be dealt with by the Appeals Committee to secure the just, least expensive and most expeditious determination of every appeal on its merits.
3. These Rules shall be construed, and appeals shall be dealt with:
 - a. recognizing that the Leadership Convention and leadership campaigns are managed by volunteers;
 - b. recognizing that persons who are not legally trained may bring appeals before the Appeals Committee;
 - c. in the manner which is fair and equitable to all participants in the appeal process; and
 - d. having regard to all of the circumstances and in the best interests of the NSLP.

POWERS

4. The Appeals Committee may, on any individual appeal, direct procedures not contemplated by these Rules, including without limiting the foregoing, the abridgement of time limits and the alteration of procedures.

5. In the event that the Appeals Committee directs procedures which are different from or are in addition to the procedures set out in these Rules, it shall give all parties at least twenty-four (24) hours written notice of the additional or different procedures before a hearing has been commenced, or oral notice at the hearing after a hearing has commenced.
6. The Appeals Committee shall decide the matter upon its merits and is not bound by strict precedent with respect to other decisions of the Appeals Committee.
7. The Appeals Committee has all of the powers necessary to give effect to its decisions.

MEMBERSHIP AND QUORUM

8. The Appeals Committee shall consist of a Chair and two additional members appointed by the Leadership Committee.
9. Three members of the Appeals Committee shall constitute a quorum.

JUSTICIABLE MATTERS

10. The Appeals Committee may hear any appeal commenced in accordance with these Rules from any decision made by the CEO pursuant to section 107 of the Leadership Rules.
11. A decision by the Appeals Committee is final.

STARTING AN APPEAL

12. A Candidate or former Candidate ("Appellant") wishing to appeal a decision made by the CEO must do so in writing within 48 hours of the decision having been communicated to the Appellant by filing a Notice of Appeal.
13. The delivery of a Notice of Appeal shall not cause any deadline or event set out in the Leadership Rules to be postponed or delayed unless specifically ordered by the Appeals Committee.

14. A Notice of Appeal must contain:
 - a. A summary of the material facts giving rise to the Appeal;
 - b. A list of issues to be decided on appeal;
 - c. A list of any Leadership Rules being relied on in support of the Appeal;
 - d. The position or argument advanced on appeal;
 - e. The outcome sought;
 - f. Any other matters relevant to the appeal.
15. A Notice of Appeal must attach any relevant documents in support of the appeal, including any documents that were before the CEO.
16. Any Notice of Appeal and any supporting documents shall be filed with the Appeals Committee in accordance with section 111 of the Leadership Rules.
17. No appeal shall be declared invalid by reason of the insufficiency of the Notice of Appeal, but the Appeals Committee may require any person commencing an appeal to submit a new Notice of Appeal and/or additional documents.
18. The Appeals Committee may extend the time for delivery of a Notice of Appeal beyond the 48 hours set out for starting an appeal where the person seeking to start the appeal gives a satisfactory reason why the Notice of Appeal was not brought within the time limit.
19. Under no circumstances shall a Notice of Appeal be brought more than seven days after the CEO's decision has been communicated to the Appellant.

NOTICE AND STANDING

20. The Appeals Committee shall give notice of each appeal to:
 - a. The Co-Chairs;
 - b. All other Candidates;
 - c. If applicable, the individual who made the initial request for an inquiry under section 105 of the Leadership Rules;
 - d. Such other persons who appear to the Appeals Committee to have a direct interest in the disposition of the appeal.
21. Unless the Appeals Committee's holds otherwise, all Candidates, in good standing, may participate in an appeal.

PROCEDURE ON APPEALS

22. The Appeals Committee, in its sole discretion, may:
 - a. Hear the appeal by way of written submissions (which may include email submissions), telephone conference, virtual meeting or other means or any combination of means;
 - b. Dismiss an appeal without a hearing that is, in the opinion of the Appeals Committee, clearly frivolous and without merit and doing so, may impose a fine against all or part of the Appellant's compliance deposit.
23. Subject to the right of the Appeals Committee to alter the rules of any individual appeal, the procedure at a hearing shall normally contain the following elements:
 - a. a statement by the Chair of the Appeals Committee setting out the procedure to be followed in the appeal and dealing with other matters as the Chair deems necessary;

- b. a determination of standing;
 - c. a statement from the Appellant, setting out a concise statement of the facts, issues and argument in the appeal;
 - d. a statement from any person to whom the Appeals Committee has granted standing;
 - e. response, if any, from the Appellant;
 - f. reasons for decision.
24. The Appeals Committee shall give written reasons of any decision dealing with the merits of an appeal, but any decision may be given orally first and shall be effective from the date of oral pronouncement.
25. The Appeals Committee shall give a written decision for any procedural decision made, except for procedural decisions at a hearing, which may be given orally.

GENERAL

26. Prior to the hearing of an appeal, each party granted standing shall undertake, in writing:
- a. To abide by an order or direction of the Appeals Committee;
 - b. Not to discuss the appeal or the results of the appeal with the public, including representatives of the media;
 - c. Not to publish, in any form or medium, the appeal, the results of the appeal, or the documents relevant to the appeal;
 - d. Not to record any part of the appeal hearing or discussion with any member of the Appeals Committee.

27. Any requests for information concerning an appeal made to a party to an appeal from the public, including representatives of the media, shall be directed to the Appeals Committee or such other person as the Appeals Committee might designate.
28. The Co-Chairs, in their sole discretion, shall determine whether any decision, or part thereof, from the Appeals Committee is published or communicated in any way.
29. The Appeals Committee may, on its own or at the request of the Co-Chairs, make directions which form part of these rules and any such directives shall be published and form part of these rules.

EFFECTIVE DATE AND TRANSITIONAL PROVISION

30. These Rules are effective as of September 22, 2020
31. Where any Appellant has expressed an intent to commence an appeal to the Appeals Committee, prior to the effective date of these Rules, Notice of Appeal shall be deemed to have been given in a timely manner, and in all other respects, these rules shall apply.