



Commission of Inquiry Respecting the Muskrat Falls Project

MEDIA PROTOCOL

1. General Information

In his opening statement at the April 6, 2018 Standing Hearing, The Honourable Justice Richard LeBlanc, Commissioner for the Commission of Inquiry Respecting the Muskrat Falls Project (“Commission”) outlined transparency and openness as among the guiding principles for the conduct of the Commission. The Commission recognizes the important role that the media plays in the process of fulfilling the need for transparency and openness.

The Commission will make every reasonable effort to accommodate the media in its work. In this regard, the Commission has established a Media Room adjacent to the main Hearing Room in St. John's on the 3rd Floor of the Beothuck Building. This Media Room will be equipped with a monitor providing a live display of the hearings. In addition a high definition video and audio output of the webcast, as well as an analog audio output, will be available via a media distribution box. In the Media Room, the media distribution box will accommodate HD-SDI and XLR connections. While the Commission will be unable to provide a media room for the hearings to be held in Happy Valley-Goose Bay, we will work with the media to support their efforts there.

Media inquiries regarding administrative matters, should be made through the Commission’s Chief Administrative Officer (“CAO”), Gerry Beresford. His contact information is:

Telephone: 709-729-6259

Cell/Text: 709-725-5693

Email: gerryberesford@muskratfallsinquiry.ca

2. Media Request for Information (Non-administrative)

Should the media require any information regarding witnesses, exhibits or other general information regarding the Commission of Inquiry, requests can be made to either of the Commission co-counsel, Kate O’Brien and Barry Learmonth, Q.C. Their contact information is kateobrien@muskratfallsinquiry.ca and barrylearmonth@muskratfallsinquiry.ca, respectively. The Commissioner will not be communicating directly with the media during the conduct of the Inquiry.

3. Media Interviews, Recordings and Photography

In St. John's, the media may conduct interviews in a designated media interview space located in the Media Room. In Happy Valley-Goose Bay, the media may conduct interviews in a designated media interview space located in the lobby of the Lawrence O'Brien Arts Centre. If further accommodation is needed for interviews, the media is asked to contact the Commission's CAO or designate.

In general, interviews will not be conducted in the Hearing Room. If the media wishes to conduct interviews in the Hearing Room, arrangements should be made with the Commission's CAO. In assessing the request, the Commission must ensure that such activity does not interfere with the hearing schedule.

The media is asked to not conduct interviews or operate recording devices in the main entrance or hallways of the Beothuck Building, or in any other place where the Commission is conducting hearings, as this may disrupt the public's use of these areas.

While the Hearing Room will be open during breaks, the media should not approach the Commissioner's desk, the Commission Co-Counsel desk, the standing counsel desks, the witness stand or the hearing clerk's desk.

Subject to the prohibitions with respect to Confidential Matters outlined below, the media will be allowed to audio record in the Hearing Room during hearings, as long as such activity does not disrupt proceedings. Video recording is prohibited. If the Commissioner requests that recording be stopped because of disruption, or for any other reason, it must stop immediately. As well, photographs cannot be taken during the hearings.

4. Public Exhibits

Each morning, the media will be provided with a book of public exhibits anticipated to be entered into evidence that day. The media may not broadcast or publish the public exhibits until after they have been entered into evidence during the hearings.

5. Confidential Matters

Commission Co-Counsel, other counsel or a witness may make a request that could result in either an *in-camera* hearing or a ban on broadcast and publication. Whenever possible, notice of such a request will be provided to the media (along with other individuals in the Hearing Room) on the morning of the hearing in question. The notice will provide details of the request being made, as well as of the procedures to be followed with respect to that request.

In-Camera Hearings

The media will not be allowed to report or publish any information (evidence, name of witness, etc.) given *in-camera*.

There will be no photographs or sketching allowed before, during or after an *in-camera* hearing.

Because the broadcast audio and video will be turned off during *in-camera* sessions, the media will be permitted to sit in the audience section of the Hearing Room and will be prohibited from using any recording devices or cellphones. Cellphones must be muted or put on silent mode. Where the Commissioner decides to exclude members of the public from the hearing room, the media will also be excluded.

The transcript available to the media for viewing will be the public version, and will not include the *in-camera* portion of the hearings.

All exhibits entered during *in-camera* portions of the hearing will be categorized as Confidential Exhibits as described in the following section.

Confidential Exhibits

Commission Co-Counsel, other counsel or a witness may request that an exhibit be entered as a confidential exhibit, regardless of whether or not the exhibit is entered in an *in-camera* portion of the hearing.

The media will not be allowed to report on or publish any confidential exhibit.

There will be no photographs or sketching allowed of any confidential exhibit.

Confidential exhibits will be those of a privileged, commercially sensitive or confidential nature.

Confidential exhibits will be marked as 'C' exhibits and will not be published on the website nor made available to the media.

Non-publication of a Name and/or Testimony

In circumstances where a ruling is made that the name and/or testimony of an individual is not to be published, the media is prohibited from publishing or broadcasting same.

Until such time as the Commissioner issues his ruling on the status of "Confidentiality", photographing or sketching of the witness will be prohibited.

If the broadcast audio and video is turned off, the media will be permitted to sit in the audience section of the Hearing Room and will be prohibited from using all recording devices or cellphones. Cellphones must be muted or put on silent mode.

6. Wi-Fi Access

The media will be provided Wi-Fi access and should contact the CAO to register for Wi-Fi access.

7. Hearing Hours and Schedule

The hearings will generally be conducted on weekdays and will start at 9:30 a.m. On Mondays through Thursdays, the hearings are tentatively scheduled to conclude by 4:30 p.m. On Fridays, the hearings are tentatively scheduled to conclude at 1:00 p.m.

On Mondays through Thursdays, lunch breaks will generally be scheduled from 12:30 to 1:30 p.m.

The hearing and witness schedule will be tentative and may change due to witness availability, duration of hearing, etc. Media is advised to check the Commission website, www.muskratfallsinquiry.ca for changes to the hearing and witness schedule.

8. Commission Website

The Commission website will be updated daily with the video and exhibits entered into evidence. Transcripts, when available, will be uploaded to the Commission's website.

9. Further Information

Please see the Commission's Rules of Procedure for further information. These Rules of Procedure have been uploaded to the Commission's website.