

Glossary

Act	See statute .
Adjournment	Delaying a hearing to a later time or date. Frequently will be a preliminary application .
Adjudication	See decision .
Adjudicator	See decision-maker .
Administrative notice	The ability of an administrative tribunal or other administrative decision-maker to make findings of fact on well-known and generally uncontroversial matters without having evidence of that matter put before the decision-maker. Also known as judicial notice .
Administrative tribunal	Boards, commissions, appeal committees and other administrative bodies created by government to assist in carrying out the various decision-making responsibilities of government.
Adversarial hearing model	A hearing model in which the parties in opposition present the evidence and argument to the decision-maker in an effort to convince the decision-maker that the party's position is correct. In an adversarial hearing the decision-maker determines the facts of the case from evidence presented by the parties. Contrasted with the inquiry-based hearing model .
Affidavit	A written statement of evidence , made voluntarily and under oath or affirmation by the person making the declaration before a person having the authority to administer oaths or affirmations.
Affirmation	A solemn and formal declaration given by a person promising to tell the truth when giving testimony as a witness or making an affidavit . An affirmation has no religious basis and is substituted for and contrasted with an oath .
Agent	A person who acts on behalf of another; used to signify a representative who is not counsel .
Appeal	Having a superior court or administrative tribunal review a decision of an inferior court or administrative decision-maker . Appeals are only allowed where expressly provided by statute . Contrasted with judicial review and reconsideration .
Applicant	The party who initiated the proceedings. Applicants usually call their evidence first in an adversarial hearing model . Contrasted with the respondent .

Application	Request made by a party to an administrative tribunal , court or other decision-maker asking them to order something. Also known as a motion .
Appropriate Dispute Resolution	Using means other than a hearing to resolve disputes, including negotiation, conciliation, and mediation. Also known as Alternative Dispute Resolution or ADR.
Argument	Oral or written points presented to the decision-maker intended to convince the decision-maker to decide the case a certain way. Contrasted with evidence . Argument is usually made after the evidence has been presented. New evidence is not generally permitted to be introduced during argument. Also known as a submission .
Authority	See precedent .
Bias	A lack of neutrality.
Burden of proof	See onus of proof .
Canadian Constitution	Statute that is the highest law in Canada, governing all other law. Includes the <i>Constitution Act, 1867</i> , formerly known as the <i>British North America</i> or <i>BNA Act</i> and the <i>Constitution Act, 1992</i> , the first section of which is the <i>Canadian Charter of Rights and Freedoms</i> .
Closed hearing	See in camera hearing .
Common law	The law that arises from cases decided by judges in the court system over time. Consists of precedent .
Counsel	A person with legal training who represents a party . Another term for a lawyer.
Cross-examination / cross-examine	Questioning of a witness in a hearing by a party who did not call the witness. Cross-examination is done for the purpose of testing the truth, credibility, accuracy and reliability of the testimony given in examination-in-chief and to obtain additional information. Leading questions are permitted during cross-examination..
Court	An official body that has the authority to hear legal cases, resolve disputes and decide on other matters in accordance with the law. In Saskatchewan there are three levels of court: the Provincial Court of Saskatchewan, the Saskatchewan Court of Queen's Bench and the Saskatchewan Court of Appeal.
Decision	A determination arrived at by a court or an administrative decision-maker after consideration of the facts and law. Can also be called an order .
Decision-maker	The court , administrative tribunal or other individual or individuals who are responsible for making a decision in a dispute between people. Also known as an adjudicator .

Direct questioning	See examination-in-chief .
Disclosure	Obligation of parties in a legal or administrative matter to reveal relevant documents and information to the other parties so they can respond or prepare for a hearing .
Discretion	Freedom or authority given to a decision-maker to decide how to resolve a dispute.
Dissent	When a decision-maker does not agree with the majority decision , that person may provide an alternate opinion or reasons known as a dissent.
Document evidence	Written or printed evidence submitted to prove a fact. Also known as an exhibit .
Duty of fairness	A legal concept describing a set of requirements that must be observed when a decision-maker is making certain statutory decisions . At a minimum, the duty of fairness requirements include notice of the case, an opportunity to reply, and a decision from an unbiased decision-maker. These are the basic requirements of natural justice . Also known as procedural fairness .
Electronic hearing	Hearing held by a telephone conference call or a video conference. Contrasted with an oral hearing or written hearing .
Evidence	Information or things presented to a decision-maker to prove a fact. Evidence can include such things as videotape or documents, affidavits , visual demonstrations, witness and expert testimony .
Examination-in-chief	Initial questioning of a witness by the party who called the witness to put the knowledge he or she has of the facts and matters in dispute before the decision-maker . Leading questions are not generally permitted during examination-in-chief. Also known as direct examination .
Exhibit	See document evidence .
Expert evidence	Evidence given by an individual who can demonstrate he or she has comprehensive knowledge of a particular area or matter due to education, training, skill or experience. Expert witnesses can give opinion and evidence, and use hearsay to reach an opinion, although this is often not permitted for other witnesses . Expert evidence can be given through testimony or a written report.
Fairness	Provides for rights to specific procedures in administrative decision-making (opportunity to be heard and respond, unbiased decision-maker , etc.). Related to procedural fairness and the duty of fairness .
Final argument	Argument made by parties to a decision-maker at a hearing after the parties have presented their evidence . During the final argument, parties explain how the law and the evidence show that they have established their case.

Governing statute	The statute that creates an administrative tribunal . It generally outlines aspects of the tribunal's powers, jurisdiction, procedures and remedies. The governing statute will often include not only the statute, but also the regulations . Also known as an "enabling statute."
Hearing	Proceedings conducted by a decision-maker to formally hear or go over the parties' evidence and argument. Hearings can be open to the public or closed. There are oral hearings , written hearings and electronic hearings .
Hearing panel	See panel .
Hearsay	A second-hand account of events. If a witness provides information about something that he or she was told by a third party or read about rather than experiencing it directly, this information is hearsay evidence . Contrasted with direct evidence.
Host ministry	Most administrative tribunals are "hosted" within a ministry of government and have an assigned cabinet minister who is responsible for reporting back to the legislative assembly about the tribunal.
Hybrid hearing model	Any hearing model that blends the adversarial hearing model and the inquiry-based hearing model .
In camera hearing	A hearing held in private. Also known as a closed hearing .
Inquiry-based hearing process	A hearing model in which the decision-maker investigates the matter and through that investigation determines the facts and decides the outcome. Contrasted with the adversarial hearing model as the parties do not lead the presentation of evidence and argument . Instead, the parties answer the decision-maker's questions as the decision-maker seeks out the evidence. Also known as the inquisitorial hearing model .
Inquisitorial hearing process	See inquiry-based hearing model
Intervenor	Person or group of persons who, although not party to a proceeding, have a significant interest in the subject matter or outcome of a dispute and who may be given standing to protect their interests or provide information to the decision-maker .
Judicial notice	See Administrative notice .
Judicial review	When a court reviews a decision made by an administrative tribunal . Judicial review is often a much more limited type of review than an appeal and will typically involve ensuring that the tribunal did not exceed its jurisdiction or make an error in interpreting the law. Contrasted with an appeal or reconsideration .

Jurisdiction	Limits within which decision-making power may be exercised. A decision-maker's jurisdiction is the area in which a decision-maker is entitled to make decisions .
Leading question	Question which invites a particular response or puts words into the mouth of a witness . Contrasted with an open question .
Legislation	See statute .
Motion	See application .
Natural justice	See duty of fairness .
Oath	A solemn and formal religious declaration given by a person promising to tell the truth when giving testimony as a witness or when signing an affidavit . An oath is normally sworn on a Bible or other religious text. See affirmation for comparison.
Onus of proof	The obligation on one of the parties to establish a particular fact or present a particular kind of evidence . In an adversarial hearing model , one party generally has the onus of proof to establish the case. Also known as the burden of proof .
Open question	A question directed to a witness that does not suggest or contain the answer to the question. Contrasted with a leading question .
Opening statement	An introduction that parties give at the beginning of a hearing , before giving their evidence , to explain the issues in dispute and the evidence that they will present.
Oral evidence	See testimony .
Oral hearing	When the parties , their counsel or agent , and witnesses go to a hearing in person to present their evidence and argument in a formal face-to-face meeting. Contrasted with a written hearing or electronic hearing .
Order	See decision .
Panel	The members of the administrative tribunal who hear and decide a particular matter. Also known as a hearing panel .
Party/parties	Person or organization, company or government agency with a significant interest in the outcome of a dispute that will be decided by an administrative tribunal or court . Witnesses , counsel and agents are not parties.
Party status	People or organizations who are entitled to fully participate in a decision-making process or hearing , due to the fact that they are a party .
Policy	A set or code of guidelines for reference by a decision-maker when trying to determine the appropriate procedure, course or method of action from among alternatives.

Precedent	A decision establishing the legal principles and appropriate outcome for a certain set of facts to be followed from that point forward when similar or identical facts are before a decision-maker . Also known as authority and related to the common law .
Pre-hearing conference	A meeting of the parties and the administrative tribunal, court or mediator before the formal hearing of the case to decide on the issues in dispute, to set dates for steps (like disclosure of evidence), to set the length of time for the hearing, and to try to reach a settlement on issues or facts.
Preliminary application	Matters that are dealt with either prior to the commencement of a hearing or at the very beginning of the hearing.
Procedural fairness	See duty of fairness .
Quasi-judicial	Describes a decision-maker or administrative tribunal with decision-making authority and processes similar to a court .
Quorum	The number of decision-makers who are required to make a decision on a particular matter.
Reconsideration	When administrative tribunals or decision-makers review their own decisions to check whether the decisions are correct. Contrasted with an appeal or judicial review .
Re-examination / re-examine	Questioning of a witness a second time by the party who initially called the witness and following cross-examination of that witness. Re-examination can generally only take place on matters raised during cross-examination that were not raised during examination-in-chief .
Regulations	Rules made to provide detail to statutes and passed by the executive branch of government. Most acts have accompanying regulations and some acts have several related regulations.
Rehearing	When a decision-maker (either the original decision-maker or on appeal) reviews a matter, hearing all of the evidence again and making determinations of fact and law.
Relevant evidence	Information or thing linked to an issue in dispute.
Remedy / remedies	A possible outcome that can be reached in a dispute before a court or an administrative tribunal . Examples of remedies include a fine or damages, an injunction, or an order requiring that some act be performed (such as the acceptance of a license or the granting of an application). A remedy can be ordered or reached through agreement of the parties .
Respondent	The party who is responding to an application or proceeding. In an adversarial hearing model , respondents will usually call their evidence after the applicant .
Rule of law	A principle that states that the law is the highest authority – no one is above the law and everyone is equal before the law.

Standard of proof	The level of proof or degree of certainty required to establish that a statement of fact is true. The civil standard of proof is generally “the balance of probabilities”, which means it is more likely to be true than not.
Standing	Legal right of an individual or organization to participate in a hearing as a party or intervenor .
Statute	An enactment of the government that is passed by the legislative branch and becomes law. Often the term statute includes both the legislative enactment and regulations . Also known as legislation or act .
Stay	To suspend or put off until later.
Submission	See argument .
Subpoena	Instrument used to notify individuals that they are required to appear at a hearing on a named day and answer questions and/or bring specified documents with them. There are different types of subpoenas. A subpoena <i>ad testificandum</i> requires the individual to provide testimony at a hearing. A subpoena <i>duces tecum</i> requires a witness to bring documents to court . May also be referred to as a summons or witness summons.
Testimony	Evidence given by word of mouth by a witness to prove a fact. Testimony is often given by a witness under oath or affirmation . Also known as oral evidence .
Witness	Person who has information about a proceeding or dispute and is called to a hearing to orally answer questions under oath or affirmation .
Written hearing	A type of hearing in which the decision-maker examines written evidence and argument of the parties to make a decision on their dispute. Contrasted with an oral hearing or electronic hearing .