Publicizing a Notice of Hearing

What is the concept?

Transparency is one of the Legislative Reform Key Principles that the Council is using as a guide in its legislative review process. It is clear that the public requires and expects appropriate information from regulators to trust that self-regulation works effectively to ensure public protection.

Under the current provisions of the *Veterinarians Act*, the College is not permitted to publish members’ names until there is a discipline finding. As a result, the College cannot publicize the notice of hearing, nor a member’s name prior to a hearing.

It is proposed that the section of the *Veterinarians Act* prohibiting publication of a notice of hearing be deleted in its entirety and a new revised proposed concept grant the College the authority to publish members’ names prior to a hearing, including the fact of a referral to discipline. This authority would be in keeping with the practice of most regulated professions. It should be noted that the College usually proves its case against members, as cases go through a thorough screening process and only the most serious matters are referred for a discipline hearing.

Why is the College Considering Changes to this Concept?

The lack of transparency related to the current provisions in the Act is not in keeping with more modern legislation nor with Ontario’s court system. Further, it does not allow interested parties to be aware of, nor attend, hearings which may concern them. Not allowing for public hearings may lead to the appearance of bias and secrecy on the part of the regulator.

The new proposed provisions relating to hearings would modernize the Act, ensure that it is in line with other professions, and allow for increased transparency.

What is Proposed?

It is proposed that hearings of the Discipline Committee and the Accreditation Committee, which are already open to the public, will be clearly made known prior to a hearing.

Provisions will state that the Registrar shall ensure that information concerning a hearing by a panel of the Discipline Committee or the Accreditation Committee respecting relevant allegations related to a member are publicly available at least 30 days before the intended date
of the hearing. The information shall include the name of the member against whom allegations have been made, the intended date, time and place of the hearing and a summary of the allegations against the member.

Exclusion of public

The panel may make an order that the public be excluded from a hearing or any part of it if the panel is satisfied that,

- matters involving public security may be disclosed;
- financial or personal or other matters may be disclosed at the hearing of such a nature that the harm created by disclosure would outweigh the desirability of adhering to the principle that hearings be open to the public;
- a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- the safety of a person may be jeopardized.

Orders preventing public disclosure

In situations in which the panel makes an order excluding the public from a hearing, the panel may make orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters.

Next steps:

All perspectives shared during the legislative reform consultations will be compiled into a report and shared with the College Council. The report will also be available online.

*Please note: This is not a final consultation. Legislative reform discussions are in the early stages. The College and Council welcome your feedback on the initial concepts.*