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THE COLLEGE OF  
VETERINARIANS  
OF ONTARIO

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# SUMMARY REPORT ON LEGISLATIVE REFORM CONSULTATION FEEDBACK

## **Background on the Consultations**

The College Council has been engaged in strategic discussions regarding the need to consider reform to the *Veterinarians Act* since 2013. To progress this work, it commissioned an oversight advisory group, three working groups, in-depth research, and broad-based consultations. Included in the approach to consultation have been specific opportunities for the public to respond to key areas of debate. Comments and opinions received for each public consultation have been fed back into the College's analysis and discussion process to help shape Council's final recommendations.

This report provides a brief summary of the perspectives raised by those who participated in each separate consultation.

Consultations included the following topics:

1. Single Screening Process for Investigations
2. Expanded Public Register
3. Mandatory Quality Assurance Program
4. Interim Suspensions
5. Mandatory Reporting of Dismissal or Resignation Related to Incompetence or Incapacity of a Member
6. Publicizing a Notice of Hearing
7. Objects of the College

It should be noted that, while all consultations garnered veterinarian perspective, consultations (4), (5), and (6) received significant attention from the general public.

# CONSULTATION FEEDBACK: PUBLICIZING NOTICES OF HEARING

**Consultation Period:** November 3, 2016 - December 5, 2016.

**Submissions:** 94 submissions

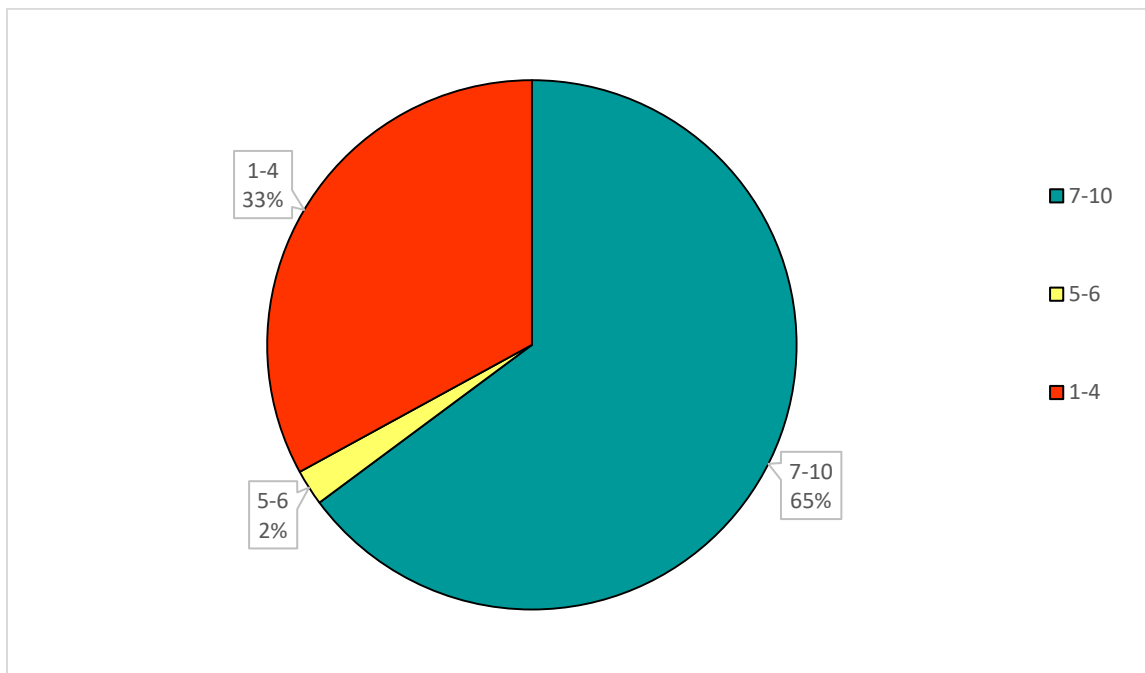
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## Overview of the Feedback:

Respondents who took the survey (rather than simply providing comments) were divided as follows based on the responses received to the question asking respondents to rank their support of the concept on a scale of 1 to 10:

- 1 - 4: critical of the concept
- 5 - 6: neither in favour of the concept nor critical of it
- 7 - 10: in favour of the concept

The following chart illustrates the breakdown of the responses received:



## **Additional Comments:**

- *Until the hearing is decided it should not be made publicized. If a person is found not guilty however they have had a hearing publicized it can seriously tarnish the reputation of that person*
- *There is no reason not to make hearings public. It is the accountable and responsible thing to do.*
- *Absolutely I support publicizing notice of hearings to the public. Transparency must be at the forefront. The public needs to know and should have a right to know if there are performance or capacity issues with a veterinarian. Your role must be to ensure that the public is aware of any issues with your members and you cannot sacrifice this for the protection of your members. It must be mandated that they must advise their clients.*
- *This will potentially tarnish the name of a vet who is innocent. I think adhering to "innocent until proven otherwise" should be adhered to and names should not be published until after fault is found.*
- *"...lack of transparency... is not in keeping with more modern legislation nor with Ontario's court system...does not allow interested parties to be aware of, nor attend, hearings which may concern them. ... the appearance of bias and secrecy on the part of the regulator." I agree with all of the above. I trust that the process would be fair and great thought would go into the safety of the member in question, and all of the other matters listed in the 'exclusion of public' section.*

Following its review, Council directed that the College move forward on including this concept in its final proposal to the Ministry.

## **Appendix: Consultation Backgrounder**

### [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.