

INQUIRY COMMITTEE GUIDELINES FOR HEARINGS

1. GENERAL INFORMATION

- 1.1 These guidelines are provided to assist you in your Inquiry Committee hearing.
- 1.2 All hearings before the Inquiry Committee Panel are recorded and all persons appearing are expected to conduct themselves in a respectful manner.

2. ACCESS TO HEARINGS AND DOCUMENTS

- 2.1 All hearings are open to the public unless the Panel finds reasons under their governing legislation to hold the hearing in private.
- 2.2 Before the day of the hearing, you are entitled to an opportunity to examine all documents that will be produced at the hearing, including any reports.
- 2.3 A member who does not reside in Winnipeg, and may have difficulty attending a hearing in Winnipeg, may request a teleconference hearing.

3. REPRESENTATIVES

- 3.1 You have a right to appear at the hearing before the Panel.
- 3.2 You may represent yourself at the hearing or you may be represented by a lawyer.
- 3.3 If you (or your witness) require an interpreter, you should notify the Panel as early as possible, or at the time they are ready to proceed to hearing, and if necessary, the Panel will arrange for an interpreter at its expense.

4. EVIDENCE

- 4.1 The Panel considers each case on its own merits, based on the evidence presented. Evidence consists of the documents and reports produced to the Panel before the hearing as well as oral testimony given by yourself or anyone else having knowledge of your case at the hearing.
- 4.2 If you wish to rely on any documents or reports, you must provide them to the Panel before the day of the hearing.
- 4.3 You have the right, and will be given the opportunity, to challenge any evidence brought forward by the CMLTM. You can challenge that evidence by:
 - producing witnesses of your own which you feel support your case;
 - cross-examining CMLTM's witnesses, that is to say: asking CMLTM's witnesses relevant questions in order to determine if their evidence will hold up under careful scrutiny;
 - drawing the Panel's attention to any relevant evidence produced by the CMLTM which seems to be self-contradictory or to be in conflict with some other part of the CMLTM's position.

Remember that the CMLTM has the same rights that you do and, in particular, the right to challenge your evidence.

5. WITNESSES

- 5.1 If you intend to have witnesses appear at the hearing, confirm their attendance when you are notified of the hearing date. If you have any doubt about the willingness of a witness to attend, ask the Registrar for a form of Notice to attend and produce records which the Registrar will issue to compel them to attend.
- 5.2 Oral examinations of witnesses are conducted under oath or affirmation that their evidence will be true.

- 5.3 If you intend to call an expert as a witness at the hearing, either the report of the expert, or in the absence of a report, a summary of the expert's intended evidence, including his or her findings, opinions and conclusions must be provided to the Panel before the day of the hearing.
- 5.4 Any person who has knowledge of the complaint or matter being heard is a compellable witness in any proceeding before the Panel but the investigated member cannot be compelled to give evidence.

6. NOTICES TO WITNESSES

- 6.1 The Panel has the power to issue Notices, which have the force of law requiring the person(s) named in them to appear at the hearing to give relevant evidence and, if necessary, to bring documents and other physical evidence with them.
- 6.2 A Notice may be issued by the Registrar and given to you to serve personally on your witness. If you choose to send the Notice through the mail it should be sent to your witness by registered mail (ensure that you obtain a receipt or proof of delivery). You will also have to pay them witness fees in accordance with the court tariff. Please contact the Registrar for more information on witness fees or review the *Court of Queen's Bench Rules* of Manitoba.

7. AT THE HEARING

- 7.1 You will usually be asked to present your evidence first and tell the Panel what decision you feel the Panel should make. You will be asked to produce any witnesses you may have, and you may give evidence on your own behalf.
- 7.2 A representative of the CMLTM may question you or your witnesses about this evidence and about the material you've produced.
- 7.3 After the witnesses have answered CMLTM's questions, you may be allowed to ask further questions arising from CMLTM's cross-examination.
- 7.4 Once all your evidence has been presented, CMLTM will have an opportunity to respond with evidence of its own, in the same way, and you will be invited to ask CMLTM's witnesses any relevant questions that you have. Please note that all of the oral evidence at the hearing will be recorded.

- 7.5 When all available evidence has been heard, you will be given an opportunity to make a statement of your final position respecting your case. CMLTM will then present its position and you will be given a chance to respond to CMLTM's argument.
- 7.6 If you do not appear at the hearing, and if no one else is there to speak on your behalf, the Panel may proceed with the hearing in your absence.

8. AFTER THE HEARING

- 8.1 Once the Panel has reached a decision, the Panel will provide both parties with a written decision by mail. The Panel will make the decision within 90 days after the hearing.
- 8.2 If a finding or order is made against you by the Panel, you may appeal the decision of the Panel to The Manitoba Court of Appeal within 30 days after receiving the decision. You must also serve the notice of appeal upon the Registrar within the same time frame.
- 8.3 You can also request from the Registrar a copy of the transcript of the hearing before the Panel upon paying the cost for it.

9. ACTS AND REGULATIONS

- 9.1 If you wish to examine *The Medical Laboratory Technologists Act* and/or its Regulations, you may do so at CMLTM's office, on their web site www.cmltm.ca/, at the Legislative Library (200 Vaughan Street) or in the Reading Room in the Legislative Building. Alternatively, you may purchase the Act from Statutory Publications (200 Vaughan Street).

These guidelines are subject to change. Please check with the Registrar to ensure that they are current. The guidelines are also available on the CMLTM web site: www.cmltm.ca/.