



Interim Practice Directive 19:

Public and Media Access to Discipline Hearings

1. Purpose

This practice directive explains how the Health Professions Discipline Tribunal (Discipline Tribunal) manages public and media access to discipline hearings. It sets out:

- the default rule that discipline hearings are open to the public;
- when and how a discipline panel may limit access to all or part of a hearing;
- expectations for observers and media attending remotely; and
- how the Discipline Tribunal manages recording, broadcasting, and use of electronic devices at hearings.

2. Authority

The Discipline Tribunal operates under the Health Professions and Occupations Act (HPOA). When this practice directive mentions a section number, it refers to a section in the HPOA, unless it says otherwise.

The Discipline Tribunal also applies the Administrative Tribunals Act (ATA) to the extent it is incorporated by the HPOA or otherwise applies.

3. Scope and application

This practice directive applies to:

- discipline hearings; and
- any other hearing or application that a discipline panel opens to the public.

This practice directive does not apply to:

- resolution management conferences, mediation, or other settlement processes; or
- case management conferences and other pre-hearing processes that the Discipline Tribunal conducts in private.

This practice directive addresses attendance at hearings. Requests for access to Discipline Tribunal records, including recordings and transcripts are addressed in Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.



A discipline panel may vary the procedures in this practice directive to ensure a fair, timely, and orderly hearing.

4. Definitions

In this practice directive:

- **discipline hearing** means a hearing conducted by a discipline panel under Part 3, Division 16 of the HPOA.
- **observer** means a person who attends a discipline hearing and is not:
 - a party or a party representative;
 - a witness; or
 - Discipline Tribunal staff or contractors.
- **media representative** means an observer who attends a hearing to gather or report information for publication or broadcast, whether:
 - on behalf of a news organization; or
 - as an independent journalist or content publisher.
- **access order** means an order or direction that limits public or media access to all or part of a discipline hearing; for example, by excluding the public from information received at the hearing.

5. Open hearings

Discipline hearings are open to the public, subject to any identity protection order and any other order that may be made under the HPOA.

The Discipline Tribunal provides public access remotely, through a public gallery.

6. Hearing lists

The Discipline Tribunal maintains a public hearing list.

Subject to any identity protection order or other order, the public hearing list usually includes:

- the file number;
- the name of the regulatory college (College) and the respondent;
- the hearing type;



- the hearing dates and times; and
- the hearing format and any public access information the Discipline Tribunal decides to publish.

If an identity protection order applies, the Discipline Tribunal may:

- use initials, a pseudonym, or a general description; or
- omit identifying details from the public hearing list.

7. Public attendance arrangements

The Discipline Tribunal may require observers and media representatives to take steps to attend a hearing, including:

- advance registration for the public gallery;
- agreeing to public gallery terms of use; and
- meeting any identity-protection requirements that apply to the hearing.

If it is not practicable to hold a hearing in a manner that is fully open to the public, the discipline panel may limit or decline public access to the public gallery through an access order.

8. Access orders

A discipline panel may make an access order that includes one or more of the following:

- full exclusion: excluding the public (including media) from all information received at the hearing;
- partial exclusion: excluding the public (including media) from part of the hearing or specific information received at the hearing;
- conditions on attendance: allowing attendance subject to limits or conditions (for example, anonymizing identifying information, restricting republication of protected identities, or requiring observers to follow specific attendance directions); or
- limited attendance: permitting attendance only by specific persons or classes of persons.



9. Requesting an access order

9.1 How to request

A party who seeks an access order must make the request:

- in writing, filed with the Discipline Tribunal as early as practicable; or
- orally, at the earliest reasonable opportunity during the hearing.

File and serve any written request in accordance with Practice Directive 1: Filing and Service.

9.2 What the request must include

A request for an access order must:

- identify the order requested and the scope of the request (all of the hearing, part of the hearing, or specific information);
- set out the facts relied on, including the harm or risk the request addresses;
- explain why the order is necessary, having regard to the open hearing principle;
- identify any less restrictive measures considered and explain why they do not adequately address the harm or risk; and
- propose any limits or conditions that could address the harm or risk if the panel declines full exclusion.

9.3 What the panel considers

In deciding whether to make an access order, the discipline panel may consider:

- the ATA section 41 test, as applied by HPOA section 175, including whether limiting public access is justified because:
 - avoiding disclosure outweighs the open hearing principle; or
 - holding the hearing fully open to the public is not practicable;
- any applicable identity protection order or protection order;
- whether the request targets only what is necessary to address the harm or risk;
- whether limits or conditions can reasonably address the harm or risk; and
- the impact of the order on hearing fairness and the orderly conduct of the hearing.



10. Conduct expected of observers and media representatives

An observer or media representative must:

- follow the discipline panel's directions;
- avoid disruption;
- not communicate with witnesses during their evidence; and
- not communicate with discipline panel members about the case.

The Discipline Tribunal may disable platform functions (including chat, reactions, or participant controls) for public gallery attendees.

A discipline panel may, for maintenance of order:

- disconnect a person from a remote public gallery;
- impose restrictions on continued attendance; or
- exclude a person from further attendance until the panel orders otherwise.

11. Support persons and animals

A person who intends to participate in a hearing or give evidence with a support person or animal must advise the Discipline Tribunal in advance. Use the contact information on the hearing notice or any other method the Discipline Tribunal makes available for the case. This lets the Discipline Tribunal make any needed arrangements.

A discipline panel may give directions respecting support persons or animals, including confidentiality or non-disclosure requirements.

12. Identifying as media and media access

A media representative who seeks to attend a hearing must:

- advise the Discipline Tribunal in advance, using the contact information on the hearing notice or any other method the Discipline Tribunal makes available for the case; and
- identify as media when registering for, or joining, the public gallery.

If the Discipline Tribunal limits public gallery capacity, it may:

- reserve some capacity for media representatives; and
- set pooling arrangements.



Media representatives must comply with all orders and legal restrictions, including identity protection and protection orders.

13. Recording, broadcasting, and electronic devices

13.1 Official recording by the Discipline Tribunal

The Discipline Tribunal may record a discipline hearing. That recording becomes part of the record of the proceeding.

Access to official recordings and transcripts are addressed in Practice Directive 4: Privacy, Confidentiality and Disclosure of Records.

13.2 Recording by Colleges and respondents

A College or respondent may, with the prior approval of the discipline panel and at their own expense, record a discipline hearing (HPOA section 177(2) to (4)).

The discipline panel must grant approval unless the panel concludes compelling circumstances exist that cannot reasonably be remedied by imposing limits or conditions.

A request for approval to record must:

- be made as early as practicable;
- identify the type of recording proposed; and
- address any limits or conditions that would protect hearing fairness, privacy, and orderly process.

13.3 Recording by observers and media representatives

An observer or media representative must not:

- photograph, audio-record, video-record, or screen-capture any part of a hearing; or

This restriction applies unless the discipline panel grants permission and sets any limits or conditions.

13.4 Broadcasting and live commentary

An observer or media representative must not broadcast, live-stream, or use the hearing audio or video feed for live commentary unless the discipline panel gives permission and sets any limits or conditions.