

## Discipline Committee: Policy on Oaths and Affirmations

2023-01-30

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| NAME OF POLICY   | Policy on Oaths and Affirmations       |             |             |
| APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE | CPATA Act ss. 51-62                    |             |             |
| RESPONSIBILITY   | Manager of Professional Responsibility |             |             |
| APPROVED BY  | EFFECTIVE                              | REVIEWED    | REVISED     |
| Discipline Committee   | 2023-01-30                             | Insert Date | Insert Date |

### 1. Purpose

The purpose of this policy is to provide guidance and clarity to the Discipline Committee/Panel, based on its authority under the Act (s. 55) , and the Canada Evidence Act (s. 13 et seq.) regarding the process for administering oaths and affirmations to witnesses providing evidence to the Panel and to provide the text of the usual affirmations that will be used..

In the event of a conflict between this policy and the Act, the Act prevails.

### 2. Administering oaths and affirmations

The Discipline Panel shall require that anyone giving testimony do so under oath or affirmation.

### 3. Usual form of affirmations

The Discipline Panel shall normally use the following form of affirmations depending on the status of the person being affirmed. At all times, the Discipline Committee may decide to allow any other form of oath or affirmation normally recognized in a tribunal or court of

Canada. The Discipline Panel may delegate the process of the affirmation to a court reporter or a clerk of the Panel.

3.1 *Affirmation for a Witness*

Mr./Ms. ...., you are about to give evidence in this hearing.

This hearing is dependent on your telling us the truth and the law requires you to do so. Failing to tell the truth is an offence under the law. Therefore, before you testify, I must ask you this:

Do you solemnly affirm that the evidence you shall give at this hearing will be the truth, the whole truth and nothing but the truth? (allow witness to answer)

Thank you. Please be seated.

3.2 *Affirmation for an Interpreter*

Do you solemnly affirm that you understand the ..... language and the English/French language?

Do you promise that you shall well and truly interpret the affirmations to the witnesses and all questions put to the witnesses and their answers thereto, and all such matters and things as shall be required, to the best of your skill and ability?