

Hearing Process

General

An appeal hearing under the *Natural Products Marketing (BC) Act* is not intended to be as formal as a court proceeding. However, the panel will follow certain practices and procedures to ensure a fair and well-organized hearing. While it is always up to the panel to decide precisely what procedures to follow, the following outlines the order in which it is anticipated the appeal hearing will proceed.

Opening statements

An opening statement is a brief outline of a party's case – it is not an opportunity to provide evidence. The purpose is to give the panel a flavor of the appeal by providing a brief statement of why BCFIRB should or should not interfere with the decision under appeal, a short explanation of the evidence the party intends to rely upon to support their case, and the remedy sought.

Opening statements will be made at the beginning of the hearing in the following order:

- Appellant
- Respondent
- Intervener

Presentation of Evidence

Each of the parties and the Intervener will be given an opportunity to put in evidence. This may include testifying themselves, presenting documents upon which they intend to rely, or calling other persons as witnesses. The party "calling" a witness asks questions of the witness, the answers to which form part of the evidence that the panel will consider.

The purpose of this phase of the hearing is to get the evidence before the panel. It is not to argue about how the evidence may or may not support a party's case. Argument is done at the next phase after all parties' have put in their evidence.

The parties will put in their evidence in the following order:

1. The Appellant will present their case (i.e. put in evidence) first:

- The Appellant will call their witnesses, each in turn, and after each witness has given their evidence cross examination will follow.
- The Respondent will cross-examine first,
- Followed by the Intervener.
- Panel questions, if any, will follow.
- Parties will then have the opportunity to ask questions of the witness arising from cross-examination or panel questions (order will be Respondent, Intervener, then the Appellant).

2. The Respondent will then present its case:

- The Respondent will call its witnesses, each in turn, and after each witness has given their evidence cross-examination will follow.
- The Intervener will begin cross-examination.
- Followed by the Appellant.
- Panel questions, if any, will follow.
- Parties will then have the opportunity to ask questions of the witness arising from cross-examination or panel questions (order will be Appellant, Intervener, then the Respondent).

3. The Intervener will present their case:

- Intervener will call their witnesses, and after each witness has given their evidence cross-examination will follow.
- Respondent will cross examine first,
- Followed by the Appellant.
- Panel questions, if any, will follow.
- Parties will then have the opportunity to ask any questions arising out of the cross-examination or from panel questions (order will be Appellant, Respondent, then the Intervener).

Closing Arguments

Each party and the Intervener will be given an opportunity to put in their closing arguments (i.e. make submissions) with respect to the issue(s) arising from the decision under appeal. When making these arguments, the parties should clearly specify what remedy they are seeking.

If it appears there will be insufficient time to complete oral argument in the time scheduled, the panel may direct that closing arguments be made by way of written submissions following the evidentiary portion of the hearing. In that case, a schedule for receipt of written submissions will be determined at the conclusion of the oral portion of the hearing.

Closing arguments will proceed orally in the following order, time permitting:

- The Appellant
- The Intervener
- The Respondent
- Reply, if any, of Appellant to new matters raised in the Respondent's or Intervener's closing arguments not already addressed by the Appellant.

End of Hearing

The panel will reserve its decision and the hearing will close. A written decision will be issued.