



MUNICIPAL DISTRICT OF PEACE NO. 135

PREPARED BY: Nasar Iqbal

ADOPTED BY:

NUMBER: ASB – 12

REVISED BY: Nasar Iqbal

COUNCIL

SUPERSEDES: Page 1 of 3

TITLE: Pests Act Appeal Committee

DATE: April 28, 2014 Revised Feb.27, 2020

PURPOSE OF THIS POLICY:

To provide for an appeal process that can be initiated by a person who considers themselves aggrieved by an inspector's notice issued under the *Agricultural Pests Act* and Regulations.

POLICY STATEMENT:

1. Appeal Committee

- a. Council will annually establish an independent Appeal Committee to determine appeals of inspector's notices.
- b. The Appeal Committee will hear and determine the appeal within 5 days of receipt of the notice of appeal by the Chief Administrative Officer.
- c. The Appeal Committee may confirm, rescind or vary the inspector's notice.
- d. The Appeal Committee will consist of the following four appointed members:
 - i. Three members of the MD of Fairview No. 136 Council. OR
 - ii. Three members of the Clear Hills County Council.
 - iii. The MD of Peace ASB Chairman as a non-voting member.
- e. Chairperson of the Appeal Committee will be elected by the vote of the majority of the members at each appeal hearing.
- f. A quorum of the Appeal Committee will be a minimum of two voting members.

2. Appeals

- a. A person who is given an inspector's notice may, in accordance with the Act, appeal it to the Appeal Committee.
- b. The appellant will provide notice of the appeal to the Chief Administrative Officer of the municipality in which the land subject to the notice is located.
- c. The notice of appeal must be delivered personally or sent by certified or registered mail within the time specified in the notice for doing the task required by the notice or 10 days, whichever is less.



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- d. The notice of appeal must be in writing and include:
- i. the name and address of the appellant,
 - ii. a copy of the notice in respect of which the appeal is being taken,
 - iii. the legal description of the land affected, or a description of the livestock affected and the legal description of the land on which the livestock was located,
 - iv. the grounds for appeal, and
 - v. a \$100 appeal fee
- e. If the appellant is fully successful in an appeal or review, the \$100 appeal fee will be refunded to the appellant.

3. Secretary to the Appeal Committee

- a. The Secretary to the Appeal Committee will be appointed by resolution of Council.
- b. The Chief Administrative Officer can designate a Secretary to the Appeal Committee in the event of an absence by the Council appointed Secretary.

4. Responsibilities

- a. Chief Administrative Officer:
 - i. will call a hearing within five days upon receipt of a notice of appeal, and
 - ii. will send a copy of the decision together with the written reasons, if any, to the appellant by certified or registered mail.
- b. Appeal Committee Members:
 - i. will hear and determine an appeal within five days from the day of receipt of the notice of appeal,
 - ii. will confirm, rescind or vary the notice, and
 - iii. will remain independent.
- c. Appeal Committee Chairperson:
 - i. will preside over the hearing and ensure it is conducted fairly and in a business-like manner,
 - ii. will ensure the hearing takes place in the prescribed order of presentation, and
 - iii. will ensure that questions are relevant and irrelevant information is minimized.



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- d. Appeal Committee Secretary:
 - i. compiles and provides agenda and meeting packages to members,
 - ii. makes and keeps a record of the Appeal Committee proceedings, and
 - iii. signs orders, decisions, notice and other items given by the Appeal Committee on its behalf.
- e. Inspector:
 - i. will provide the information, documents, details, and answers to relevant questions that arise during the hearings, and
 - ii. will act in a professional and business-like manner during the hearing.
- f. Appellant:
 - i. will provide the information, documents, details, and answers to relevant questions that arise during the hearing, and
 - ii. will act in a professional and business-like manner during the hearing.

5. Hearing Order of Presentation

- a. Call to Order
- b. Election of Chair
- c. Introductions
- d. Call for Objections
- e. Hearing Purpose and Procedure
- f. Notice of Appeal
- g. Pest Inspector Report
- h. Appellant Statement and Presentation
- i. Pest Inspector Final Comments
- j. Appellant's Summary or Rebuttal
- k. Questions from the Appeal Committee
- l. Chair Final Remarks and Hearing Summation
- m. Deliberation of the Appeal Committee (In-Camera)
- n. Appeal Committee Decision
- o. Adjournment