

## **Part 1 Public Health Appeal Board**

### **Board established**

**3(1)** There is hereby established a Public Health Appeal Board consisting of not more than 5 members who shall be appointed by the Lieutenant Governor in Council.

**(2)** The Lieutenant Governor in Council shall designate the chair and vice-chair of the Board.

**(3)** The vice-chair shall act as chair in the event of the absence or inability to act of the chair.

**(4)** The members of the Board shall elect from their number an alternate vice-chair, who shall act as chair in the event of the absence or inability to act of the chair and vice-chair.

**(5)** The vice-chair and alternate vice-chair when acting under subsection (3) or (4) have the authority and duties of the chair.

**(6)** The members of the Board shall be appointed for terms not exceeding 3 years and may be reappointed for not more than 2 consecutive additional terms, each not exceeding 3 years.

**(7)** A member of the Board continues to hold office after the expiry of the member's term until

- (a) the expiration of 30 days, or
- (b) the member's successor is appointed,

whichever occurs first.

**(8)** Three members constitute a quorum at a meeting of the Board.

**(9)** The Board shall meet at the call of the chair or on a resolution of the Board.

**(10)** The Board may make rules governing the calling of meetings, the procedure to be used at meetings and the conduct of the meetings.

**(11)** Members of the Board

(a) shall be paid remuneration at the rates prescribed by the Lieutenant Governor in Council, and

(b) shall be paid their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board, at the rates prescribed by the Lieutenant Governor in Council.

**(12)** The Minister may provide clerical and secretarial services for the Board.

**(13)** Repealed 2003 c2 s1(26).

RSA 2000 cP-37 s3; 2003 c2 s1(26)

## **Duties of Board**

**4(1)** The Board shall hear appeals pursuant to section 5.

**(2)** The Board may engage the services of persons having special technical, professional or other knowledge to assist it in the hearing of appeals.

1984 cP-27.1 s3; 1998 c38 s5

Appeal to Board

**5(1)** In this section, “decision of a regional health authority” means

(a) an order issued under section 62, and

(b) a decision to issue or to cancel, suspend or refuse to issue a licence, permit or other approval provided for in the regulations, and any other decision in respect of which an appeal to the Board is permitted under the regulations, whether any of those decisions is made by the regional health authority itself or one of its employees or agents.

**(2)** A person who

(a) is directly affected by a decision of a regional health authority, and

(b) feels himself or herself aggrieved by the decision

may appeal the decision to the Board.

**(3)** The person referred to in subsection (2) shall commence the appeal by serving a notice of appeal in the prescribed form on the Board and the regional health authority within 10 days after receiving notice of the decision complained of, and the notice of appeal is sufficiently served if it is left at an office of the Board or regional health authority.

**(4)** Subject to subsections (5) and (6), the Board shall, if it is satisfied that the requirements of subsection (2) have been met, hear the appeal within 30 days after receiving the notice of appeal.

**(5)** Where the Board is satisfied that the appellant and the regional health authority, or either of them, have not made a reasonable effort to resolve the matters in dispute between them, it may refer the matter to the regional health authority for further consideration and redetermination.

**(6)** Where the Board refers a matter to the regional health authority under subsection (5), the Board may prescribe a time period within which the regional health authority must deal with the matter and may give to the regional health authority any other directions it considers appropriate.

**(7)** The Board shall provide the appellant, the regional health authority and, in a case where the decision or order appealed from was made by an employee or agent of the regional health authority, that employee or agent, an opportunity to appear and make representations orally or in writing, or both orally and in writing.

**(8)** The appellant, the regional health authority and, where the decision or order appealed from was made by an employee or agent of the regional health authority, that employee or agent, may be represented by counsel.

**(9)** Notwithstanding subsections (3) and (4), the Board may, if it considers it appropriate to do so, extend the time within which an appeal may be taken under subsection (3) or within which the Board must act under subsection (4).

**(10)** For the purposes of conducting an appeal under this section, the Board has all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act*.

**(11)** The Board may confirm, reverse or vary the decision of the regional health authority and shall give written notice of its decision to the appellant and the regional health authority.

1984 cP-27.1 s4; 1996 c31 s24

## **Stay pending appeal**

**6** An appeal taken pursuant to section 5 does not operate as a stay of the decision appealed from except so far as the chair or vice-chair of the Board so directs.

1984 cP-27.1 s5

## **Annual report**

**7(1)** The Board shall make a report in each year to the Minister summarizing generally its activities and affairs in the preceding year.

**(2)** On receiving the report under subsection (1), the Minister shall lay a copy of it before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

1984 cP-27.1 s6; 1998 c38 s6