

Policy

POLICY TITLE: AGRICULTURAL ACTS APPEAL PANEL

POLICY NO.: AG-63-11

RESOLUTION: 302-22

EFFECTIVE DATE: 2022-09-28

DEPARTMENT RESPONSIBLE: Community Services

NEXT REVIEW DATE: 2025-09-28

POLICY STATEMENT:

The *Weed Control Act*, the *Agricultural Pests Act*, and their corresponding Regulations is provincial legislation that is delegated to local authorities to administer, direct, and enforce within their jurisdiction. Under these Acts and Regulations, there is provision for an appeal process that can be initiated by a person who considers *themselves aggrieved by a Notice issued upon their land, personal property or livestock*.

The Agricultural Appeal Panel must be independent of the Municipal District of Lesser Slave River No. 124 (Municipal District) Council and the Agricultural Service Board.

The Agricultural Appeal Panel will hear and determine appeals in accordance with the *Weed Control Act*, *Agricultural Pests Act*, their corresponding Regulations, and this Policy

PRINCIPLE:

1.0 OBJECTIVES

- 1.1 Establish an independent Agricultural Appeal Panel to hear and determine appeals made as per the provisions in the *Weed Control Act*, *Agricultural Pests Act*, and their corresponding Regulations.

2.0 APPEAL PANEL

- 2.1 Council will annually establish an independent Agricultural Appeal Panel to hear and determine a Notice of Appeal.

- 2.2 The Appeal Panel will consist of three members of the following five appointed members:

- 2.2.1 one member of Council (and one alternate) that does not stand on the Agricultural Service Board; and

- 2.2.2 four members of the agricultural community (must be residents within the Municipal District boundaries), acting as a pool of members.

- 2.3 Quorum of the Appeal Panel will be at minimum three members.

- 2.4 Chairperson of the Appeal Panel will be elected by vote of most of the members at each appeal hearing.
- 2.5 The Appeal Panel will hear and determine an appeal within five days of receipt of the notice of appeal by the Chief Administrative Officer or designate.

3.0 NOTICE OF APPEAL

- 3.1 A person who has been issued a Notice may appeal it to the Agricultural Appeal Panel.
- 3.2 The appellant will provide the Notice of the Appeal to the Chief Administrative officer of the Municipal District.
- 3.3 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.
- 3.4 The Notice of Appeal must be in writing and include:
 - 3.4.1 the name and address of the appellant;
 - 3.4.2 a copy of the Notice in respect of which the appeal is being taken;
 - 3.4.3 the legal description of the land affected;
 - 3.4.4 a description of the livestock affected and the legal description of the land on which the livestock were located (if applicable);
 - 3.4.5 the grounds for appeal, and
 - 3.4.6 an appeal fee in the amount as specified in the Act the Notice was issued under.
- 3.5 If the appellant is fully successful in an appeal, the appeal fee will be refunded to the appellant.

4.0 RESPONSIBILITIES

- 4.1 Chief Administrative Officer:
 - 4.1.1 will call a hearing within five days upon receipt of a notice of appeal;
 - 4.1.2 will appoint a Secretary to the Appeal Panel; and



- 4.1.3 will send a copy of the decision together with the written reasons if any to the appellant by certified or registered mail.
- 4.2 Appeal Panel Members:
 - 4.2.1 will hear and determine an appeal within five days from the day of receipt of the Notice of Appeal;
 - 4.2.2 will confirm, rescind or vary the Notice;
 - 4.2.3 will determine the amount of appeal fee refund (in whole or part) if the appellant is partially successful in the appeal or review; and
 - 4.2.4 will remain independent.
- 4.3 Appeal Panel Chairperson:
 - 4.3.1 will preside over the hearing and ensure it is conducted fairly and in a businesslike manner;
 - 4.3.2 will ensure the hearing takes place in the prescribed order of presentation; and
 - 4.3.3 will ensure that questions are relevant and irrelevant information is minimized.
- 4.4 Appeal Panel Secretary:
 - 4.4.1 compiles and provides agenda and meeting packages to members;
 - 4.4.2 makes and keeps a record of the Appeal Panel proceedings; and
 - 4.4.3 signs orders, decisions, notices, and other items given by the Appeal Panel on its behalf.
- 4.5 Inspector:
 - 4.5.1 will provide the information, documents, details, and answers to relevant questions that arise during the hearing; and
 - 4.5.2 will act in a professional and business-like manner during the hearing.
- 4.6 Appellant:
 - 4.6.1 will provide the information, documents, details and answers to relevant questions that arise during the hearing; and



4.6.2 will act in a professional and business-like manner during the hearing.

5.0 HEARING ORDER OF PRESENTATION

- 5.1 Call to Order
- 5.2 Election of Chair
- 5.3 Introductions
- 5.4 Call for Objections
- 5.5 Hearing Purpose and Procedure
- 5.6 Notice of Appeal Read into Minutes
- 5.7 Pest Inspector Report Read into Minutes
- 5.8 Appellant Statement and Presentation
- 5.9 Pest Inspector Statement and Presentation
- 5.10 Appellant Summary or Rebuttal
- 5.11 Inspector Summary or Rebuttal
- 5.12 Questions from the Appeal Panel
- 5.13 Chair Final Remarks and Hearing Summation
- 5.14 Deliberation of the Appeal Panel (Closed session)
- 5.15 Determination of Appeal
- 5.16 Adjournment

6.0 APPEAL PANEL REMUNERATION

- 6.1 Travel and subsistence will be covered as per Subsistence and Travel Expenses Policy K.20.
- 6.2 Remuneration to members at large will be based on rates prescribed in Policy A. 9 Council Appointed Board Member Honoraria.



RELATED DOCUMENTS: K.20 Subsistence and Travel Expense Policy
A.9 Council Appointed Board Member Honoraria

_____ "Original Signed" _____
Chief Administrative Officer

_____ September 28, 2022 _____
Date

_____ "Original Signed" _____
Reeve

SPECIAL NOTES/CROSS-REFERENCE: AG-63-11 – Previous Version J.18

AMENDMENT DATE: -

