



AGRICULTURAL PEST ACT **APPEAL COMMITTEE**

OBJECTIVE

Under the Agricultural Pests Act & Weed Control Act there is a provision for an appeal process that can be initiated by a person who considers themselves aggrieved by an inspector's notice.

PURPOSE

The Agricultural Pests Act and Regulations are provincial legislation that is delegated to local authorities to administer, direct and enforce within their jurisdiction. Under the Act and Regulation, there is provision for an appeal process that can be initiated by a person who has been given an inspector's notice, local authority's notice or debt recovery notice. An appeal will be heard and determined by an independent Appeal Panel in accordance with the Agricultural Pest Act, Regulation and this policy.

1. APPEAL PANEL

1.1. Council will annually establish an independent Appeal Panel to determine appeals of inspector's notices, the local authority's notices, and debt recovery notices.

1.2. The Appeal Panel shall be 3 members at large and the Agricultural Service Board Chairman.

1.3. Quorum of the Appeal Panel will be a minimum of three members.

1.4. The Appeal Panel shall hear and determine the appeal within 5 days of the receipt of the notice of appeal by the Chief Administrative Officer.

1.5. The Appeal Panel may confirm, rescind or vary the inspector's notice, the local authority's notice or debt recover notice.

2. APPEAL TO LOCAL AUTHORITY

Section 14 of the Act states:

2.1. A person who has an interest in land as an owner or occupant, and

2.1.2. has an interest in livestock as an owner or person in control of livestock and feels personally aggrieved by a notice issued by an inspector under the Agricultural Pests Act may appeal to the local authority of the municipality with which the land or livestock is located by filing a notice of appeal under this section.

2.2. A notice of appeal shall be in writing and shall set out

2.2.1. the name and address of the appellant,

2.2.2. a copy of the notice in respect of which the appeal is being taken,

2.2.3. 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 were located.

2.2.4. the grounds for appeal.

2.3. The notice of appeal shall be served on the Chief Administrative Officer (CAO) of the municipality by any of the methods set out in section 12(3) of the Agricultural Pests Act.

2.4. A notice of appeal shall be accompanied by a deposit, in accordance with section 16 of the Pest and Nuisance Control Regulation, Alberta Regulation 184/2001 under the Agricultural Pests Act.

2.5. The deposit made under section 14.4 shall be refunded if the appellant is successful in their appeal.

3. SECRETARY TO THE APPEAL PANEL

3.1. The Secretary of the Appeal Panel shall be the Chief Administrative Officer or his designate.

4. RESPONSIBILITIES

4.1. The Chief Administrative Officer

4.1.1. shall call a hearing within five days upon receipt of a notice of appeal in accordance with section 14(6) of the Agricultural Pests Act, and

4.1.2. shall send a copy of the decision together with the written reasons if any to the appellant by certified or registered mail.

4.2. The Appeal Panel Members

4.2.1. shall hear and determine an appeal within five days from the day of receipt of the notice of appeal, in accordance with section 14(6) of the Agricultural Pests Act.

4.2.2. shall confirm, rescind, or vary the notice,

4.2.3. shall remain independent.

4.3. The Appeal Panel Chairperson

4.3.1. shall preside over the hearing and ensure it is conducted fairly and in a business-like manner,

4.3.2. shall ensure the hearing takes place in the prescribed order of presentation, and,

4.3.3. shall ensure that questions are relevant and irrelevant information is minimized.

4.4. The Appeal Panel Secretary

4.4.1. compiles and provides agenda and meeting packages to members,

4.4.2. makes and keeps a record of Appeal Panel proceedings, and

4.4.3. signs orders, decisions, notices, and other items given by the Appeal Panel on its behalf.

4.5. The Inspector

4.5.1. shall provide the information, documents, details and answers to relevant questions that arise during the hearing, and

4.5.2. shall act in a professional and business-like manner during the hearing.

4.6. The Appellant

4.6.1. will provide the information, documents, details and answers to relevant questions that arise during the hearing, and

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

5. HEARING ORDER OF PRESENTATION

- 5.1.** Call to order
- 5.2.** Introductions
- 5.3.** Call for objections
- 5.4.** Hearing purpose and procedure
- 5.5.** Notice of appeal
- 5.6.** Weed Inspector report
- 5.7.** Appellant's statement and presentation
- 5.8.** Weed Inspector's final comments
- 5.9.** Appellant's summary or rebuttal
- 5.10.** Questions from the Appeal Panel
- 5.11.** Chair's final remarks and Hearing summation
- 5.12.** Deliberation of the Appeal Panel (in-camera)
- 5.13.** Appeal Panel decision
- 5.14.** Adjournment