

# **PUBLIC HEALTH APPEAL BOARD**

## **Mandate Document**

### **1. Agency Scope**

The Public Health Appeal Board is a quasi-judicial body created by the *Public Health Act*. It has regulatory and adjudicative jurisdiction to hear applications and appeals under the *Public Health Act* and Regulations.

The following is a brief description of the Public Health Appeal Board responsibilities. For ease of understanding, the various functions are classified as regulatory and/or adjudicative in nature.

#### ***Mission***

The mission of the Public Health Appeal Board is to hear appeals from individuals who have been directly affected by a decision of a regional health authority. Those decisions are related to orders made pursuant to section 62 of the *Public Health Act*, and other decisions in respect of which an appeal to the Board is permitted under regulations.

#### ***Adjudicative Matters***

The Public Health Appeal Board hears appeals from individuals who have been directly affected by a decision of a regional health authority and feel themselves aggrieved by the decision. The “decision of a regional health authority” means an order issued under section 62 and a decision to issue or to cancel, suspend or refuse to issue a license, 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.

### **Ministry Scope**

The Minister of Alberta Health and Wellness through the Surveillance and Environmental Health Branch of the department is accountable to the Legislature for the operation of the Public Health Appeal Board.

The Ministry of Alberta Health and Wellness is responsible for supporting the Public Health Appeal Board in the following areas:

- Provide clerical and secretarial services for the Board
- Tabling a copy of the Annual Report before the Legislative Assembly

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## 2. Recruitment and Appointment of the Public Health Appeal Board

Individuals are recruited and appointed by the Government of Alberta and collectively constitute the Public Health Appeal Board. Individuals appointed to the Public Health Appeal Board will be subject to the Code of Conduct and act in the best interest of the agency. Appointment is for a fixed term of up to 3 years, with the potential of re-appointment, based on satisfactory performance, to an additional 2 terms. An individual's appointment is limited to a maximum of nine (9) years of continuous service.

### *Public member*

When a vacancy for a public member occurs, the Surveillance and Environmental Health Branch will recommend a set of desired competencies to the Minister to form the basis for the recruitment of a new individual. The Surveillance and Environmental Health Branch will determine these competencies following the policies contained in the provincial Public Agencies Governance Framework and related legislation.

The recruitment and selection process will be managed by the Coordinator, Board and Committee Organization and Boundaries. The position may be publicly advertised and all identified candidates will be screened against these requirements. A member or members of the Public Health Appeal Board may be included in the selection process. A recommendation of a list of names may be provided to the Minister for consideration.

### *Remuneration*

The remuneration of individuals appointed to the Public Health Appeal Board will be set according to the rates prescribed by the Lieutenant Governor in Council. Currently the members receive remuneration at Schedule 1, Part A of the Committee Remuneration Order. Remuneration rates and payments will be disclosed to the public on an annual basis.

## 3. Agency Duties and Responsibilities

### *Agency Strategy*

The Surveillance and Environmental Health Branch is responsible for reviewing and approving the operational/business plan, operating/capital budget and financial goals of the Public Health Appeal Board, as well as longer term strategic plans, and monitoring throughout the year the progress made against these goals. Through these processes, and in consultation with the Minister, the Surveillance and Environmental Health Branch will adopt an operational plan for the coming financial year and monitor senior management's relative progress through a regular reporting and review process. The Surveillance and Environmental Health Branch will regularly review the extent to which the Public Health Appeal Board has met the current year's operational plan.

### *Meetings*

Meetings of the Public Health Appeal Board will be held as required.

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## *Fiscal Management and Reporting*

The Surveillance and Environmental Health Branch monitors the financial performance of the Public Health Appeal Board.

## *Legal Compliance/Statutory Requirements*

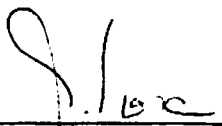
The Surveillance and Environmental Health Branch is responsible for overseeing compliance with all relevant policies and procedures by which the Public Health Appeal Board operates and ensuring that the Public Health Appeal Board operates at all times in compliance with all applicable laws and regulations, and to the highest ethical standards.

## *Committee Evaluation*


The Committee, through a process led by the Chair, conducts an annual evaluation and review of the performance of the Committee, sub-committees and the members of the Committee. The Committee reviews the results of such evaluation and discusses potential ways to improve Committee effectiveness. The Committee also discusses the results of the evaluation and adopts agreed upon improvements.

## **4. Mandate Document Review Process**

This document will be reviewed annually and reaffirmed or revised.

  
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Board Chair/Representative  
Public Health Appeal Board

October 10, 2008  
Date

  
\_\_\_\_\_  
Minister's Representative  
Health and Wellness

Oct 15/08  
Date