



## Notice of Motion

Submitted By: Senior Miners

AGM

Approved

Not Approved

### Existing Bylaw –14.10.7 APPEAL HEARING PROCESS

There shall be no Appeal panel appointed unless the Commissioner of the Appeals Committee so directs. The Commissioner of Appeals has the discretion to rule that an Appeal is without merit or that an Appeal panel will not be appointed or that some or all of the Appeal should proceed to a hearing. The Appeal Committee and Chairman will advise of the procedure to be followed at the Appeal hearing. It is solely within the discretion of the Appeal panel to allow the hearing of witnesses or further evidence at the Appeal hearing. It is solely within the discretion of the Appeal panel to consider only the evidence or record that was in front of the person or persons appealed from. It is solely within the discretion of the Appeal panel to determine the standard of review to be applied to the Appeal.

The appeal panel may:

- a) Dismiss the Appeal or allow the Appeal and quash the decision appealed from and impose in its place any decision that the authority appealed from could have imposed;
- b) Award costs to the appellant or respondent, if the committee is of the opinion that the conduct of either party was unreasonable or in bad faith, but no award of costs shall be made without first permitting the parties to be heard on the other issue of costs.

**Proposed Bylaw: Change to:**

### **14.10.7 APPEAL HEARING PROCESS AND POWERS**

***a) The Commissioner of Discipline and Appeals has the discretion, after giving the Appellant an opportunity to be heard, to rule that some or all of an Appeal is without merit and that it be dismissed without a hearing.***

***b) The committee appointed to hear the appeal will advise of the procedure to be followed at the appeal hearing. It is solely within the discretion of that committee to allow the hearing of witnesses or further evidence at the appeal hearing. It is solely within the discretion of that committee to consider only the evidence or record that was in front of the person or persons appealed from. It is solely within the discretion of that committee to determine the standard of review to be applied to the appeal.***

***c) The appeal panel may:***

***a) Dismiss the appeal or allow the appeal and quash the decision appealed from and impose in its place any decision that the authority appealed from could have imposed;***

***b) Award costs to the appellant or respondent, if the committee is of the opinion that the conduct of***



*either party was unreasonable or in bad faith, but no award of costs shall be made without first permitting the parties to be heard on the other issue of costs.*

**Rationale:**

