

PUBLIC HEALTH ACT
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PUBLIC HEALTH ADMINISTRATIVE REGULATIONS

The Commissioner in Executive Council, on the recommendation of the Minister, under section 85 of the *Public Health Act*, S.Nu. 2016,c.13, and every enabling power, makes the annexed *Public Health Administrative Regulations*.

Advise prior to making an order

- 1.** (1) Before issuing an order under Part 8 of the Act, the person issuing the order shall, unless there are exigent circumstances,
- (a) advise the person to be subject to the order in writing of
 - (i) the health hazard, communicable disease or other matter that would lead to the issuance of the order,
 - (ii) the course of action, if any, that the person to be subject to the order can take to avoid the issuance of the order,
 - (iii) the deadline for taking the course of action under subparagraph (ii), if any,
 - (iv) the right to make representations verbally, in writing and by the submission of documentary evidence,
 - (v) the deadline for making representations, and
 - (vi) the methods for making representations, including the contact information of the person making the order; and
 - (b) provide the person to be subject to the order a copy of relevant inspection reports, if any.

Making representations

- (2) Before the deadline provided under subparagraph 1(1)(a)(v), a person to be subject to the order may make representations under section 60 of the Act by providing to the person making the order,
- (a) verbal or written submissions;
 - (b) documentary evidence;
 - (c) plans to address the health hazard, communicable disease or other matter.

Consideration of representations

- (3) A person issuing an order shall, unless there are exigent circumstances,
- (a) provide the person to be subject of the order a reasonable deadline for
 - (i) taking action to avoid the issuance of the order, and
 - (ii) making representations respecting the order;
 - (b) before issuing the order, consider any representations made by the person to be subject of the order, despite any technical rules of evidence;
 - (c) before issuing the order, answer any relevant questions that the person to be subject to the order has posed; and
 - (d) provide reasons for the order, including a discussion of the merits of the representations made by the person subject to the order.

Service of orders, etc.

- 2.** (1) This section applies to the service of
- (a) orders and variations of orders under section 61 of the Act;
 - (b) copies of filed certificates under section 64 of the Act;
 - (c) notices to the owners of seized things under section 73 of the Act; and
 - (d) written advice and copies of inspection reports under subsection 1(1).

Method of service

- (2) Service of a document may be effected as follows:

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- (a) personally;
- (b) by sending it to the last known address of the person, using a method that provides an acknowledgement of receipt by the person to be served;
- (c) by sending it by electronic mail to the last known electronic mail address of the person to be served;
- (d) with respect to an order or variation of an order in respect of a place, by posting it at a conspicuous place; or
- (e) with respect to an order or variation of an order in respect of a class of persons,
 - (i) by serving it on each person in the class through one or more of the methods set out in paragraphs (a), (b) or (c), or
 - (ii) if, in the opinion of the person issuing the order or variation, service on each person would be impractical in the circumstances or would likely cause a delay that could significantly increase the risk to the health of any person, by both
 - (A) delivering the notice by any communications media, and
 - (B) posting the order at the location where it is most likely to be brought to the attention of the members of the class.

Deemed receipt

(3) Where service is effected using a method that provides an acknowledgement of receipt by the person to be served under paragraph (2)(b), service shall be deemed to be effected no more than 15 days after the notice is sent.

Electronic mail

(4) With respect to service by electronic mail under paragraph (2)(c), service is not effected unless all of the following conditions are met:

- (a) the person being served confirms receipt of the document being served;
- (b) the confirmation of receipt is made
 - (i) both verbally and by electronic mail,
 - (ii) by fax, including the person's signature,
 - (iii) in writing, including the person's signature;
- (c) subject to subsection (5), the confirmation is received by the person who effecting service, or a person acting on their behalf, no later than 96 hours after the electronic mail was sent.

Exception

(5) Paragraph (4)(c) does not apply if the person being served confirms, in writing, including the person's signature, after the expiry of the 96 hour period that the document to be served

- (a) was received by the person; and
- (b) is effectively served.

Date of electronic service

(6) With respect to service by electronic mail under paragraph (2)(c), service is deemed to have been effected on the day that the confirmation under subsection (4) or (5) is made.

Request for review of certificate

3. (1) A person who was served a copy of the filed certificate issued under subsection 64(4) of the Act may request the Court to review the amount owing by filing an application for judicial review in accordance with the Rules of the Nunavut Court of Justice.

Scope of review

(2) A review of a certificate under section 64 is not a review of the reasonableness of the original order and is limited to

- (a) whether the work done was done in accordance with the Act; and
- (b) the reasonableness of the costs of the work done.

Coming into force

- 4. These regulations come into force on the same day as section 85 of the Act comes into force, or if it is already in force, on the day these regulations are registered by the Registrar of Regulations.**