

**Simcoe Muskoka District Health Unit
Board of Health Bylaws**

Bylaw	To Appoint and Provide for the Duties of the Legal Advisor to the Board of Health	Bylaw No.	2005-06
Revision History	2005-04-01: Amended From SCDHU Bylaw 04-01 Reviewed November 2014 Revised April 20, 2016		

- 1) Pursuant to Section 56 (2) of the Health Protection and Promotion Act, the Board of Health may pass a bylaw on any other matter necessary or advisable for the management of the affairs of the Board of Health.
- 2) In this bylaw:
 - a) "Act" means the Health Protection and Promotion Act; R.S.O. 1990;
 - b) "Board" means the Board of Health for the Simcoe Muskoka District Health Unit;
 - c) "MOH" means Medical Officer of Health.
- 3) The Board of Health will appoint the Legal Advisor(s) who shall not be a member of the Board and shall be licensed under the Law Society of Upper Canada. Legal Advisor(s) are selected for appointment in accordance with the agency procurement policy utilizing a competitive procurement strategy where feasible and appropriate. Appointments will be reviewed by the Board of Health a minimum of once every four years.
- 4) The Simcoe Muskoka District Health Unit may use additional legal advisors as directed by the Medical Officer of Health and Chief Executive Officer. The additional appointment as a legal advisor will be presented for approval by Board motion at the next regular meeting of the Board of Health.
- 5) The Legal Advisor shall:
 - a) examine reports of the Board on request and report whenever any matter contained therein is beyond the power of the Board or otherwise illegal;
 - b) advise the Board and Committees as to the legality of all matters considered or proposed to be considered by the said bodies of which he or she shall have notice;
 - c) advise the Medical Officer of Health, Directors, Managers and staff regarding application and enforcement of public health legislation, including but not limited to, the following statutes with their respective regulations, or bylaws:
 - i) Health Protection and Promotion Act,
 - ii) Immunization of School Pupils Act,
 - iii) Tobacco Control Act,
 - iv) Municipal tobacco control bylaws;
 - d) advise the MOH, Directors, Managers and staff regarding orders made under the Health Protection and Promotion Act, including appeals made to the Health Services Appeal and Review Board.

By-law 2005-06 read a first, second and third time and finally passed this 20th day of April, 2016.

ORIGINAL SIGNED BY

Chair, Board of Health
Simcoe Muskoka District Health Unit

ORIGINAL SIGNED BY

Medical Officer of Health
Simcoe Muskoka District Health Unit