

**Ministry**

Environment and Protected Areas/Forestry and Parks

**Basic Job Details****Position**

Position Name: Chair and Appeals Coordinator

Current Class: SM II

Job Focus: Corporate Service

Supervisory Level: 01- Yes

**Organizational Structure**

**Ministry:** Environment and Protected Areas/Forestry and Parks

**Division:** Strategy and Governance

**Branch/Unit:** Public Lands Appeal Board

**Reports to:** Minister

**Levels to D.M.:** 0

Supervisor's Position Name: General Counsel

Supervisor's Current Class: Non-Justice General Counsel

**Design: Identify Job Duties and Value****Job Purpose and Organizational Context**

The Public Lands Appeal Board's mandate is to resolve disputes before it and decide the matter or provide recommendations to the Minister of Forestry and Parks. The Public Lands Appeal Board is an independent board that gives Albertans an opportunity to appeal certain decisions made by Alberta Forestry and Parks under the Public Lands Act, and the Public Lands Administration Regulation. The decisions that may be appealed include deemed rejection of an application, dispositions, approvals, licences, administrative penalties, enforcement orders, and road use disputes.

The position is responsible for the provision of legal and related strategic advice to the Minister of Forestry and Parks. This is accomplished by providing recommendations, regarding representations made before the Public Lands Appeal Board to the Minister in the case of General Appeals and Complex Appeals and making decisions in regard to Summary Appeals before the Board. Further, to support decisions made by the position and recommendations made to the Minister the position is required to review legal submissions, evidence, case law and legislation, conduct legal research. The position is required to write decisions, memos, reports and briefing notes and letters reviewing and commenting on matters before the board, based upon a thorough understanding of relevant legislation (Acts and Regulations), policies, and procedures.

### **Position Summary**

The position is responsible to the Public Lands Appeal Board (PLAB), which reports to the Minister of Forestry and Parks. The position provides the analytical support and administrative systems to support the Board in carrying out its prescribed duties related to appealable matters under the Public Lands Act and the Public Lands Administration Regulation in Alberta. This includes management of three public hearing processes, mediations, receiving, analyzing, and directing applications from parties to the Board, analysis of appeal submissions, records, evidence, and case law, setting submission issues and schedules and hearing requirements for parties appearing before the Board, and communications with the parties, stakeholders, and the public. The position decides preliminary matters and some appeals such as Summary appeals. In the case of General and Complex appeals, the position makes recommendations to the Minister.

### **Responsibilities**

#### **1. Analytical Review of Submissions, Records, Evidence, Case Law and making Decisions and Recommendations for Decision:**

##### **Activities:**

- Interpreting case law and legal precedent as it applies to the Board and matters before the Board;
- Deciding preliminary motions in cases before the Board;
- Deciding matters in relation to Summary appeals before the Board;
- Identifying and setting relevant legal issues;
- Ascertaining all relevant facts, including questioning parties to an appeal, and reviewing all submissions and extensive documentary material;
- Researching, reviewing, and synthesizing the relevant case law, legislation and policies;
- Drafting thorough and clear advice for the Minister, and providing conclusions and recommendations;
- Chair board meetings and hearings, and provide support to assist Public Lands Appeal Board members in their decision-making;
- Prepare Board decisions, brief the Minister on matters before the Board, draft Rules of Procedure, hear and decide preliminary matters, hear, and decide summary appeals;
- Preparation of reports and correspondence for the Minister of Forestry and Parks.

## **2. Support to the Public Lands Appeal Board:**

### **Activities:**

- Preparation of appeal report and recommendations and briefing notes and memos for the Minister;
- Collection and analysis of documentary and other evidence;
- Examination of witnesses, records of the department, evidence, and submissions in hearings;
- Chairing proceedings before the Board;
- Preparation of risk assessments for the Board;
- Preparation of documents related to the legal proceedings;
- Set agendas for hearings and meetings and define briefing material to be provided;
- Direct staff in the preparation of briefing material;
- Carry out any other matters required to support the activities of the Board.

## **3. Management of communications, including public communications and hearings:**

### **Activities:**

- Drafting and review of legal documents. The documents could be in any number of forms which could include:
  - Contracts;
  - Memorandums of Understanding;
  - Orders in Council;
  - Delegations of authority;
  - Hearing decisions.
- Determine the process for hearings, issues to be heard, the information to be provided, the types of presentations that can be made, timing, and other organizational considerations.
- Direct staff and contracted resources in the preparation of information and the organization of hearings.
- Manage the hearing process and documentation of presentations.
- Disseminate information to the parties and stakeholders through the website and other communication vehicles regarding PLAB decisions.
- Establish and administer formal communications and processes with the parties and stakeholders.
- Conducting legal research and preparation of memos. These memos could be either sent to the Minister directly or could be used internally for the further preparation of such items Board briefs or analysis, or client education sessions. These activities include:
  - Conducting comprehensive and current legal research;
  - Synthesizing relevant case law, legislation and policies;
  - Providing an accurate written summary of the law, with conclusions.

**4. Review and comment on Legislation. Proposed or existing legislation is reviewed to ensure the legislation meets the ongoing legal and policy requirements for the Government.**

**Activities:**

- Providing comments on proposed changes to Acts and Regulations;
- Identifying legislation that requires amendment;
- Identification of legal issues requiring a legislative or policy response.

**5. Supervision of staff and carrying out administrative requirements of the Board:**

**Activities:**

- Coordinating staff, the allocation of work and overseeing the productivity, effectiveness, and timeliness of the Board's staff in providing analytical work and other tasks.
- Provide guidance to staff and liaison with the ministry regarding human resource issues, budgeting and other financial matters, accommodations, information technology, public communications, and other administrative issues. Act as the expenditure officer for the Board.
- Liaise with the Ministry and the Minister of as needed, to establish effective vehicles for sharing of information, ensuring compliance with PLAB decisions, and evaluating future policy directions.

**6. Support Dispute Resolution:**

**Activities:**

- Provide support to Board members in the establishment of Alternative Dispute Resolution processes and procedures.
- Support the Alternative Dispute Resolution functions by directing the performance of research, providing correspondence, written and verbal, with the parties, mediator, and the department as necessary, arranging meetings, conferences, and training opportunities as appropriate and ensuring appropriate skill development of Board members to conduct mediations.

**Knowledge/Experience**

- Master's degree in a related field such as Public Administration or Law.
- Minimum 7-10 years related experience, including senior management experience in a significantly complex organization or government department, preferably in lands or forests.
- Experience working with and an understanding of government legislation and approval processes is required.
- Strong understanding of the Public Lands Act and the Public Lands Administration Regulation, in particular Part 7, sections 119 to 126 of the Public Lands Act and Division 2 of the Public Lands

Administration Regulation (AR 187/2011), sections 214 to 236 establish the responsibilities of the Public Lands Appeal Board.

- Experience working in a senior position with a board is desirable.
- A professional designation as an Arbitrator, Mediator, Adjudicator would be considered an asset.
- Analytical and Problem-Solving Skills: sound judgment, thorough, ability to identify issues, present different options and solutions.
- Communication Skills: excellent written, verbal, listening, negotiation, advocacy, and media management skills.
- Productivity: handles appropriate quantity of work in a timely manner, works independently and takes initiative.
- Teamwork: good working relationship with peers, support staff, management and clients, an ability to work on group projects and files, shares knowledge and research, contributes to consensus, shares credit for accomplishments.
- Client Focus: legal advice focuses on client needs, provides practical advice, has good working relationship with clients, keeping clients informed. Practices preventative law.
- Knowledge: thorough understanding of relevant legislation (Acts and Regulations – provincial, federal, and international), policies, and procedures and is able to apply them to issues. Often required to have very specialized legal knowledge in a particular area. Legal research skills required.
- Flexibility: ability to handle a variety of legal files, ability to deal with a variety of clients.
- Organizational Commitment: supports and promotes the organizational goals and activities, internal and external to Justice.
- Professional Characteristics: possesses integrity, presents self with professionalism in all circumstances, maintains a positive and productive attitude, and assumes responsibility for work undertaken. Representative of the Minister of Forestry and Parks.
- Strategic Thinking: understands organizational goals, accurately assesses legal impacts of files, and develops plans to provide direction on files.
- Leadership: models desirable behaviour to both internal and external contacts and demonstrates the vision of Alberta Forestry and Parks.

### **Leadership and Business Know-How**

The position makes decisions regarding summary appeals and preliminary matters in all appeals and makes recommendations to the Minister for decision respecting decisions for General and Complex appeals. The position also provides direction on the public hearing process and other communications. The position will need to rely on the analytical and strategic work of the secretariat in making decisions on these matters.

### **Problem Solving**

The position requires analytical skills to assess complex financial data, significant volumes of records, legal arguments, and points of law provided by parties, along with significant knowledge of land management practice. The position requires excellent written and verbal communication skills, the ability to think strategically, and skills in managing conflict.

## Relationships/Contacts

<b>Clients</b>	<b>Frequency</b>	<b>Nature &amp; Purpose of Contact</b>
<b>Internal to government</b>		
Board Members	Several times each week, as required	Resolve issues, review, and recommend policy changes, information exchange, advice, support, planning, goal achievement, problem solving, coordinating, and introducing programs.
Finance Operations	Three times per month	Information exchange, procedural and operational questions, resolving issues, planning, reviews and implement policy changes.
Communications	As required	Information sharing, respond to broad public issues
Deputy Ministers' Offices	As required	Information exchange, procedural questions, resolving issues, planning, reviews and implement policy changes.
Assistant Deputy Minister' Offices	Several times per month/ as required	Sensitive issues, sharing of information, support, planning, goal achievement, problem solving, coordinating, and introducing programs.
Ministers' Offices	Several times per month	Sensitive issues, sharing of information, problem solving
Environmental Law Section, Alberta Justice	Weekly	Information exchange, service delivery, questions of law and procedural issues.
Governance Secretariat	As required	Resolve issues, review, and recommend policy changes, information exchange, advice, support, planning, goal achievement, problem solving, coordinating, and introducing programs.
Board staff	Daily	Information sharing, teamwork, advice, judicial direction and interpretation, service delivery.
<b>External</b>		
Prospective appellants	Several times a week	Information exchange

Appellants	Several times a week	Information exchange, service delivery, coordination of board activities.
Affected third parties	As required	Information exchange, service delivery, coordination of board activities.
General enquiries	Several times a week	Information exchange
Industry enquiries	Several times a week	Information exchange
Elected officials	Once per month	Information exchange
Appellants' counsel	Several times a week	Resolve issues.
Boards external legal counsel	Several times a week as required	Information exchange, service delivery, questions of law and procedural issues
Legal Education Society	As required	Dealing with legal documentation issues, reviewing orders, court procedures, related concerns.
ADR Institute of Alberta	Monthly	Information exchange, service delivery
ADR Institute of Canada	Monthly	Information exchange, service delivery
<i>Council of Canadian Administrative Tribunals</i>	Monthly	Information exchange, service delivery
<i>Foundation of Administrative Justice</i>	Monthly	Information exchange, service delivery
Environmental groups	As required	Information exchange, service delivery
<i>Media</i>	As required	Information exchange, respond to broad public issues
<i>Justices</i>	As required	Information exchange, service delivery, coordination of court activities, enhancement of system and procedures, judicial direction.
<i>Other Boards and Agencies EUB, NRCB, AER, etc.</i>	As required	Information exchange, service delivery, coordination of board activities.

## Impact and Magnitude of Job (Scope)

### Scope

The position provides legal and related strategic advice to the Minister of Forestry and Parks. The position assists the Government of Alberta, to meet the specific mandates as set out by the Government. The advice has a significant impact on the Ministries' program development, direction, and operations.

This position is accountable for the operations of the Public Lands Appeal Board. The position is both a complex and creative position since the position is responsible to understand and identify legal issues, provide practical options to prevent or mitigate legal risk, enable the advancement of the objectives of the Government, and ensure the Government is properly represented and legislation is correctly applied. The role often requires the interaction with a very wide range of contacts.

The position provides significant expertise and guidance to staff in relation to emerging issues of a contentious and precedent-setting nature. This position defines priorities and objectives for the office and directs associated operations and resources to achieve established outcomes. As a key member of the management team, the Public Lands Appeal Board Chair contributes significantly to defining and achieving the Board's goals and developing and enhancing the Board's legislative framework and associated policies, guidelines, and standards at the provincial level.

This position has a direct impact on the organization, operation and service delivery to all clients and stakeholders of the Board. The position is accountable for achieving Ministry and Board goals within its scope. Typical examples include the development and implementation of software and technology, workforce development and balancing fiscal and service delivery aspects.