

Ministry

Environment and Protected Areas

## Describe: Basic Job Details

### Position

Position ID

Position Name (30 characters)

Registrar of Appeals

Current Class

Administration 2

Job Focus

Operations/Program

Supervisory Level

0 - Yes Supervisory

Agency (ministry) code

100023

Cost Centre

Program Code: (enter if required)

### Employee

Employee Name (or Vacant)

To Be Vacant - Current Employee is being promoted.

### Organizational Structure

Division, Branch/Unit

Strategy and Governance, EAB and PLAB

Supervisor's Position ID

Supervisor's Position Name (30 characters)

General Counsel

Supervisor's Current Class

Legal Counsel

## Design: Identify Job Duties and Value

### Changes Since Last Reviewed

Date yyyy-mm-dd

2024-06-21

Responsibilities Added:

The Environmental Appeals Board and the Public Lands Appeal Board in striving for greater efficiency and effectiveness under went an Administrative consolidation in 2016, bringing together the work of two tribunals. PLAB appeals have been added to the scope of work. The addition of the PLAB brought a new and varied body of legislation and law to be considered, along with three different types of appeal that have significant implications to stakeholders under the Alberta Public Lands Act and the Public lands Administration Regulation. The Alberta Public Lands Act and the Public lands Administration Regulation have overarching legislated time requirements for each appeal processes that creates their own unique challenges and requirements. The legislation, law, process and procedures for under which each board operates is distinct requiring staff to develop new knowledge, and skills to match their increased roles and responsibilities. Furthermore, the environment in which the boards' stakeholders operate has changed politically and economically resulting in more complex appeals. As a result there were many changes to the roles, responsibilities and knowledge required of staff. As such:

- Supervisory responsibilities have significantly increased.
- The complexity of the appeals has substantially increased.

- The levels of knowledge and skills have substantially increased.
- The number and complexity of challenges to the Boards' processes has significantly increased, as participants have become more adversarial.
- The position now manages the complex appeals and supervises the management of standard appeals. The complexity of the appeals has dramatically increased the complexities of file management.

Responsibilities Removed:

An Assistant Registrar position has been submitted to assist the Registrar position with the significant volume of appeals and correspondence the position oversees. Under the Registrar's supervision the Assistant Registrar will assist with minor appeal files and routine correspondence allowing the Registrar to focus upon more complex files.

## Job Purpose and Organizational Context

Why the job exists:

The position works within a matrix serving two Boards, the Environmental Appeals Board and the Public Lands Appeal Board, under their respective Ministries, the Ministry of Environment and Protected Areas and the Ministry of Forestry and Parks.

The Environmental Appeals Board is an independent board that gives Albertans an opportunity to appeal certain decisions made by Alberta Environment and Protected Areas under the Environmental Protection and Enhancement Act, the Water Act, the Emissions Management and Climate Resilience Act, and Schedule 5 of the Government Organization Act. These decisions may include approvals, water licences, preliminary certificates, remediation certificates, administrative penalties, enforcement orders, and environmental protection orders.

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. These decisions may include dispositions, approvals, licences, administrative penalties, enforcement orders, and road use.

This position is accountable for the operations of the Environmental Appeals Board and the Public Lands Appeal Board. This position has a direct impact on the organization, operation and service delivery to all clients and stakeholders of the boards. The position is accountable for achieving Ministry and Boards goals within its scope.

The Registrar of Appeals position is responsible for the case management functions associated with the appeal functions of two provincial tribunals, the Environmental Appeals Board and the Public Lands Appeal Board, involving complex land-use and environmental decisions including the Public Lands Act, Public Lands Administration Regulation, the Environmental Protection and Enhancement Act, the Water Act, the Climate Change and Emissions Management Act, and Schedule 5 of the Government Organization Act. The position is required to handle a significant caseload, to case manage and coordinate complex appeals, summary appeals and general appeals for the Public Lands Appeal Board and appeals to the Environmental Appeals Board, to finalize preliminary tribunal decisions and ensure the objectives of the tribunals are carried out. The position is expected to act independently in the majority of activities, to work as part of an interdisciplinary team of knowledge experts and board members. The Registrar of Appeals (Registrar) requires extensive knowledge of the Environmental Protection and Enhancement Act, the Water Act, the Public Lands Act, and the Public Lands Administration Regulation. Further, the position requires an extensive working knowledge of administrative law, natural justice, and procedural fairness.

## Responsibilities

**1. Conduct case management for Environmental Appeals Board and Public Lands Appeal Board. Develop and coordinate a process to facilitate the identification and refinement and resolution of issues prior to the appeal reaching the appeal board and following legislation outlined in the Public Lands Act, Public Lands Administration Regulation, the Environmental Protection and Enhancement Act, the Water Act, the Climate Change and Emissions Management Act, and Schedule 5 of the Government Organization Act. Failure to resolve the majority of appeals before hearing may result in a backlog of cases and an inability to meet legislated timelines to hear and resolve complaints . . Note: The law and rules of procedure for the EAB and PLAB are significantly different.**

- Responsibility to assess the appeal documentation for compliance with legislative requirements and timeframes and recommend acceptance or dismissal of the appeal.
- Independently interact with parties to the appeal to gain agreement on a process to guide the parties



through the process to the appeal hearing. This also involves the resolving of scheduling conflicts, coordinating exchange of information, facilitation of preliminary hearings, facilitation of hearing settings, and facilitating the communication of board decisions and board orders upon issuance of a decision.

- As part of case management, prepare briefing material for panel members on technical issues. As part of this process the case manager is responsible for translating complex issues/terminology into a language that is understood by the board members.
- The position must draft and complete board orders based on the preliminary decisions of the board chair for summary and general and complex hearing appeals. This requires a thorough understanding of the technical and legal issues faced by the board, and an ability to reflect the decision of the board without imposing personal reasoning or other extraneous views.

**2. Carries out assigned appeal cases within the assigned portfolio. This normally involves doing the following with a high level of independence.**

- **Consult with board staff (Chair, Legal Counsel, Board Secretary) when difficulties are encountered with respect to deficient submissions. For example the appeal application is incomplete or does not appear to meet the requirements of the Public Lands Act or the Public Lands Administration Regulation.**
- Planning and scheduling work to meet the requirements of internal and external stakeholders and of EAB and PLAB management.
- Liaise with parties to complaints to ensure that they understand the EAB and/or the PLAB disclosure and hearing processes.
- Encourage discussion between parties to facilitate understanding of substantive issues raised.
- Encourage settlement of complaints without recourse to hearing through mediated discussion. Based upon the nature of the appeal and participants involved, recommends an appropriate mediator. Oversees the preparation of mediation file, mediation documents, and mediation logistics and provides mediator briefing as to file information and insights to the file.
- Coordinating and conducting background research and analysis on appeal cases including obtaining stakeholder input to scheduling, issues under appeal, relevant similar board decisions, relevant court cases and legislative interpretations.
- Identifying sensitive issues and assisting tribunal members in facilitating the evaluation of alternative solutions.
- Preparing information bulletins, briefing materials, newsletter articles and presenting the same to Board members and/or outside stakeholders when assigned.
- Implement or coordinate approved procedures adopted by the independent quasi-judicial tribunal.
- Drafting of administrative/preliminary decisions that conform to the principles of administrative law and are founded appropriately on the legislation and evidence presented.
- On a regular basis travel throughout the province and coordinate the weekly activities of the (EAB, PLAB) appeal panels in the various locations.

**3. Coordinates assigned multidisciplinary resources (i.e. board members, legal professionals, expert witnesses, engineers etc.) on complex appeals.**

- Ensure the roles of all parties and procedures are understood and that the appeal process is carried out in a fair, equitable, correct, effective and efficient manner.
- Review submissions filed by the participants in the appeals for completeness, stay applications, other preliminary motions, and costs applications.
- Ensures the logistics and operation of EAB and PLAB
- Responsible for hearing logistics and administrative support e.g. hearing room set up, recording and transcription, clerk's notes, swearing-in or affirmation of witnesses, entering of evidence as a Commissioner of Oaths and management of participants.
- Assist the Board Secretary and PLAB Chair in implementing approved changes to policy and procedure.
- Mentors and supervises the Associate Registrar's work on general appeals.

**4. Conducts assessment of complex cases which, due to resource restrictions, do not meet the criteria for a complex case e.g. summary and general appeals.**

- Prepare issues paper for the appeal panel, thoroughly identifying the issue(s), history and background, 



relevant legislation, relevant board decisions and court decisions, possible questions to be posed by the appeal panel and ramifications of possible decisions.

- Information needs to be compiled and prepared for the Public Lands Appeal Board in a manner in which the summary, general and complex appeal issues have been broken down and identified in a concise and simplified manner.
- Ensures that proper documentation is prepared, all necessary preconditions to a hearing have been met, and any procedural decisions are made, that Board Members make a clear and reasoned decision based on the evidence before them, decisions are drafted and issued, and board orders are completed accurately and reflect panel decisions.

**5. Formulates policy, program and procedural recommendations to EAB and PLAB senior management.**

- These include recommendations to senior management on current issues, assigned issue management categories, research on other appeal jurisdictions and related department and government policies which may impact the decisions of the tribunals.
- Provide authoritative advice and input to board members and stakeholders.

**6. Provide general advice on the governance and operations of the Boards to the department, other departments, associations and other stakeholders.**

\* Provides support in the interpretation of legislation and policy to the Associate Registrar, the department, other departments, associations, Board Members and stakeholders.

**7. When required, represent the PLAB and EAB at ministerial activities, departmental functions, associations' functions or other stakeholder functions.**

## Problem Solving

Typical problems solved:

This position involves advising board members concerning technical and procedural matters that arise during appeals. Such matters often arise without notice, and require immediate resolution in a fair and open manner.

This position is integral to the proper function of the quasi-judicial process, it has significant legal, financial and political consequences for all parties involved including stakeholders, municipalities, and the Government of Alberta. Areas in which these parties may be affected directly include land use decisions, Water Act approvals enforcement orders and road-use agreements/ decisions.

This position involves facilitating and drafting clear administrative decisions to provide guidance to parties to a dispute, the board panels, and the general public concerning the interpretation and application of the Public Lands Act, Public Lands Administration Regulation, the Environmental Protection and Enhancement Act, the Water Act, the Climate Change and Emissions Management Act, and Schedule 5 of the Government Organization Act and subordinate legislation. These decisions may be reported by reporting services and may be scrutinized by the Courts for fairness and legal accuracy. As such this position has much broader reach than just those parties appearing before the EAB or PLAB.

This position is required to deal with important matters independent from EAB and PLAB senior management since administrative decision are required in most cases to meet the constraint of the legislated timeframes of the Public Lands Act and the Public Lands Administration Regulation. As well, situations will arise in the case management of appeals that require the development and adaptation of process in facilitating resolution of the dispute. This position is required to brief the EAB and PLAB chairs of decisions of a politically sensitive nature.

The annual volume of the case load is significant with numerous pieces of correspondence and submissions being received between the two tribunals.

It is essential that all participants trust and have confidence in the appeal process and the associated mediation and hearing processes, and for many participants the appeal process is new. The Registrar builds and sustains effective and trusted relationships with multiple participants, and educates participants at each step, which serves as a foundation for trust and confidence in mediation and hearing outcomes. The Registrar plays a key role in diffusing high levels of tension and high levels of emotion before a mediation or hearing by fostering a better understanding of the appeal process for the participants. This work draws on well-developed relationship-building and strong problem-solving skills, as well, a complete understanding of EAB and PLAB appeal processes. There can be multiple participants within an appeal, meaning multiple files to manage throughout the appeal. Each participant might require a different approach, as each participant could respond differently to the mediation or the hearing. The Registrar has latitude to determine the best approach to use. The Registrar is responsible for coaching and mentoring the Associate Registrar in

the development of these skills.

The Registrar's work is governed by the respective Rules of Practice of the EAB and PLAB, Environmental Appeal Board Regulation, Environmental Protection and Enhancement Act, Water Act, Water (Ministerial) Regulation, Government Organization Act, the Public Lands Act, the Public Lands Administration Regulation, and financial policies and procedures. Many decisions are founded upon standard operating procedures, while others require analysis and interpretation of legislation and the process to determine a path forward. Judgement is applied to determine the nature of the appeal and the appropriate response. Approximately 30% of appeals require some customization, and approximately 10% of appeals are unique cases that require a unique and reasoned response. The Board Secretary, PLAB Chair, and legal counsel are available to provide advice and assistance. An inherent sense of fairness and natural justice is required.

Multiple files in various stages for both EAB and PLAB must be managed at any one time. This position manages complex cases, and the Associate Registrar manages cases that are more straightforward. It is important to note that appeal processes are different between the two Boards.

Types of guidance available for problem solving:

The incumbent will exercise a degree of responsibility expected of professional staff and will be expected to provide a range of options with appropriate pros and cons, and other influencing considerations when seeking seek guidance.

In regards, to the Boards' administration the incumbent will have the ability to escalate an issue to the Boards' Secretary, then General Counsel and ultimately the Boards' Chairs.

Direct or indirect impacts of decisions:

The position is the first line of contact for parties seeking to appeal decisions of the PLAB and EAB. The Registrar will often provide critical information to parties seeking information or wishing to appeal decisions or make a road use application. Should a party make an appeal application the Registrar is the central point of contact with the Public Lands Appeal Board and the Environmental Appeal Board. Should a party have questions that the Registrar is unable to address, the Registrar will elevate the question to senior professional staff or arrange contact between senior professional staff and the party. Throughout the appeal process the Registrar is the conduit to the appeal process, coordinating correspondence, information exchanges, mediation, and hearing dates, and the sending out of records and decisions to the parties.

## Key Relationships

Major stakeholders and purpose of interactions:

- Associate Registrar and Administrative Support staff - supervises;
- PLAB Chair/Appeal-Coordinator- reports to and receives supervision from this position; receives direction on the implementation of appeal procedures; provide recommendations on appeals; provides updates and summaries; provide information as required.
- Board Secretary- reports to and receives supervision from this position; provides a recommendation on appeals; provides updates and summaries; provides improvement recommendations.
- Board Chairs and Board Members - provides logistical support; provides information as needed.
- Mediators - provides logistical support; provides information and insights as needed.
- Participants (typically members of the public) - provides guidance and explains process; provides information and correspondence; responds to queries from participants.
- Legal Counsel involved in appeals - provides guidance as needed; provides information.
- Board Legal Counsel - provides recommendations on appeals; provides information as required; receives legal advice and direction.
- Vendors - supervises coordination of mediation or hearing logistics; provides instruction as needed.



- General Public - provide information about the Boards and their processes.

**Required Education, Experience and Technical Competencies**

| Education Level            | Focus/Major | 2nd Major/Minor if applicable | Designation |
|----------------------------|-------------|-------------------------------|-------------|
| Bachelor's Degree (4 year) | Arts        | Law                           | LLB         |

If other, specify:  
**ARTS and 1GX training**

Job-specific experience, technical competencies, certification and/or training:

Several years related experience or a law degree.

Knowledge of principles of administrative law and procedural justice.

Knowledge of fairness and natural justice.

Knowledge and understanding of the Public Lands Act, Public Lands Administration Regulation, the Environmental Protection and Enhancement Act, the Water Act, the Climate Change and Emissions Management Act, and Schedule 5 of the Government Organization Act. As well, a thorough understanding of the applicable privacy legislation and policies for each type of appeal.

Knowledge of Environmental Appeals Board and Public Lands Appeal Board procedure, policy, and processes, including mediation and hearings.

Knowledge of technical or professional techniques, technical, scientific or program related processes, etc.

Knowledge of relevant case law and previous decisions of the two boards.

Strong facilitation, mediation, and consensus building skills. Strong knowledge of the approaches and methods for problem-solving and de-escalation of emotionally charged situations is essential.

Strong ability to identify concerns, issues, and potential solutions and recommendations

Superior writing skills, as well as knowledge and ability to prepare administrative legal orders and decisions.

Strong project management and organizational skills.

Strong coaching and mentoring skills to guide and develop the Associate Registrar and two Administrative Support Staff

Education and Experience:

Ability to be appointed as a Commissioner of Oaths.

- Demonstrated experience in similar environments.
- Significant experience or a degree or diploma in a related field is required.
- Demonstrated experience in similar environments.
  - Supervisory skills.
  - Knowledge of word processing, data base software.
  - Knowledge of FOIP, and records management regulations.
  - Commissioner for Oaths appointment.
  - Valid Class 5 Drivers License.

**Behavioral Competencies**

| Competency                       | Level                 |                                  |                                  |                       |                       | Level Definition  | Examples of how this level best represents the job   |
|----------------------------------|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|---|--|
|                                  | A                     | B                                | C                                | D                     | E                     |   |  |
| Develop Networks                 | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> | <p>Works on maintaining close relations with all stakeholders:</p> <ul style="list-style-type: none"> <li>• Identifies key stakeholder relationships</li> <li>• Has contact with range of interested parties</li> <li>• Actively incorporates needs of a broader group</li> <li>• Influences others through communication techniques</li> </ul>   | <p>The position works with a diverse team and laisses with multiple stakeholders including the public, the ministries, and legal representatives to ensure their needs and the needs of the Boards are met.</p>  |
| Build Collaborative Environments | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <p>Collaborates across functional areas and proactively addresses conflict:</p> <ul style="list-style-type: none"> <li>• Encourages broad thinking on projects, and works to eliminate barriers to progress</li> <li>• Facilitates communication and collaboration</li> <li>• Anticipates and reduces conflict at the outset</li> <li>• Credits others and gets talent recognized</li> <li>• Promotes collaboration and commitment</li> </ul> | <p>The position manages and coordinates operations of the Environmental Appeals Board and the Public Lands Appeal Board in a cost efficient manner.</p>  |
| Creative Problem Solving         | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <p>Engages the community and resources at hand to address issues:</p> <ul style="list-style-type: none"> <li>• Engages perspective to seek root causes</li> <li>• Finds ways to improve complex systems</li> <li>• Employs resources from other areas to solve problems</li> <li>• Engages others and encourages debate and idea generation to solve problems while addressing risks</li> </ul>   | <p>This position must resolve operational issues relating to the operation of the boards' appeal and mediation services managed and must seek to find solutions in response to ongoing changes in the physical accommodations, IT and fiscal environments. The diversity of the parameters of the board operations managed leads to path finding solutions in order to improve the board appeal and mediation processes.</p> |
| Creative Problem Solving         | <input type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <p>Engages the community and resources at hand to address issues:</p> <ul style="list-style-type: none"> <li>• Engages perspective to</li> </ul>  |  |

|                   |  |   |   |
|-------------------|--|---|---|
|                   |  | seek root causes <ul style="list-style-type: none"> <li>• Finds ways to improve complex systems</li> <li>• Employs resources from other areas to solve problems</li> <li>• Engages others and encourages debate and idea generation to solve problems while addressing risks</li> </ul>   |   |
| Drive for Results | <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> | Takes and delegates responsibility for outcomes: <ul style="list-style-type: none"> <li>• Uses variety of resources to monitor own performance standards</li> <li>• Acknowledges even indirect responsibility</li> <li>• Commits to what is good for Albertans even if not immediately accepted</li> <li>• Reaches goals consistent with APS direction</li> </ul> | This position requires extensive knowledge and ability to interpret rules governing the operations of Environmental Appeals Board and Public Lands Appeal Board, as well as technical and administrative procedures and directives. |

Employee Name

Date yyyy-mm-dd

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Employee Name

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Date yyyy-mm-dd

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Employee Signature

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Supervisor / Manager Name

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Date yyyy-mm-dd

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Supervisor / Manager Signature

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Director / Executive Director Name

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