

Position Profile

Environmental Appeals Board

Profile Overview

Competition #: 441

Role(s) Required: Board Member

Agency Website:

[Environmental Appeals Board](#)

Responsible Ministry: Environment and Parks

Opening Date: 07/19/2017

Closing Date: 08/09/2017

Role(s) Required

Board Member of the Environmental Appeals Board, multiple vacancies are to be filled.

Role Description

The purpose of the Board is to provide advice to the Minister of Environment and Parks on the resolution of appeals that are filed in response to certain decisions made by Alberta Environment and Parks. Under the direction of the Chair, Board Members will participate on hearing panels, review the file provided by Alberta Environment and Parks (these files can range from under a hundred pages or correspondence to thousands of pages of technical and scientific information), review evidence and submissions, and make recommendations to the Minister to address the appeals. Senior Board Members chair hearing panels.

Board Members also make extensive use of mediation skills to resolve appeals. Mediation is the Board's preferred way of resolving appeals, and the majority of the appeals that come before the Board are resolved through mediation. All Board Members are provided with mediation training. The Board provides sound, practical advice in its reports and recommendations to the Minister who, in most cases, makes the final decision on an appeal. The Board's advice to the Minister must reflect the policy and programs of Alberta Environment and Parks.

The Board and its Members are bound by the legislation, principles of natural justice, and procedural fairness; however, there is latitude to exercise discretion and judgment within this context. The Board provides sound practical advice to the Minister through a Report and Recommendations, who in most cases, makes the final decision on an appeal. The Board's advice to the Minister must reflect the policy and programs of Alberta Environment and Parks. The Minister's decisions and the Board's Report and Recommendations are subject to court challenge.

Board Members are responsible for upholding the accountability of the Board to the Minister; upholding the transparency and accountability of the Board to the Government of Alberta; and acting honestly and in good faith with the view of the best interests of the Board within its legal, statutory, and regulatory framework.

MAJOR RESPONSIBILITIES

- Providing sound, practical advice to the Minister in response to appeals that come before the Board;
- Conducting multi-party mediations, within a regulatory context;
- Participating as a member of a hearing panel, assigned to specific appeals;
- Preparing for mediations and hearings by reviewing and analyzing documents;
- Participating in the decision-making process by listening, analyzing and weighing evidence, establishing findings of fact, interpreting and applying legislation and policy, and giving consideration to the submissions of the parties; and
- Exercising the care, diligence, and skills of a reasonable and prudent Board Member.

About the Agency

MISSION

The Environmental Appeals Board will advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

OVERVIEW

The Board is a quasi-judicial tribunal established under the *Environmental Protection and Enhancement Act*, and it hears appeals under that Act as well as the *Water Act*, the *Climate Change and Emissions Management Act*, and Schedule 5 of the *Government Organization Act*. The Board makes extensive use of mediation, which is the preferred approach to resolving appeals.

Where an appeal cannot be resolved through mediation, the Board uses a hearing process to resolve the appeal. When the hearing process is used, in most cases the Board prepares a Report and Recommendations for the Minister of Environment and Parks, who makes the final decision on the appeal. The Board makes the final decision on procedural matters and in certain types of appeals.

To ensure the Board provides the best possible advice to the Minister, Board Members will:

- Understand the respective roles and responsibilities of the Minister and the Board;
- Understand the role and operation of administrative tribunals;
- Understand the environmental regulatory system in Alberta;
- Understand environmental law and policy in Alberta;
- Possess relevant technical, scientific, and/or public policy experience;
- Have a general understanding of the *Environmental Protection and Enhancement Act*, the *Water Act*, the *Climate Change and Emissions Management Act*, and the *Administrative Procedures and Jurisdiction Act*; and
- Having a general understanding of the *Public Lands Act* and the Public Lands Administration Regulation would be an asset.

Board Members report to the Chair of the Board and must act in compliance with the Code of Conduct and Ethics established by the Board. The Chair reports to the Minister.

Additionally, the Environmental Appeals Board provides Board members and support to the Public Lands Appeals Board (PLAB). The mission of the PLAB is to provide a timely, independent, quasi-judicial process for all parties in the areas of appeals, disputes and recommendations that yields fairness and equity consistent with the authority of the *Public Lands Act* and the Public Lands Administration Regulation. The PLAB is a quasi-judicial tribunal established under the *Public Lands Act* and the Public Lands Administration Regulation, and it hears appeals under that Act and Regulation.

ORGANIZATION

The Environmental Appeals Board is separate and apart from Alberta Environment and Parks. The Chair is the CEO of the Board and is responsible for the governance and day-to-day operations of the Board. The appointment of Board Members is based on the recommendation of the Minister of Environment and Parks and made by an Order in Council approved and ordered by the Lieutenant Governor in Council. The per diem rate and expenses are set in accordance with the Government of Alberta Remuneration Order for attending to Board matters. Located in Edmonton, the Board is supported by a staff of nine and a current budget of approximately \$1.9 million. Board members need not reside in Edmonton and will travel throughout Alberta as required.

LEGISLATIVE REQUIREMENTS

The Environmental Appeals Board requires a minimum of 7 members (the Chair and 6 Board Members) to function. The Board has traditionally had 10 to 12 Board Members, including the Chair, all of whom are part-time, to deal with the Board's workload. Given the additional workload from the Public Lands Appeal Board, the Board expects that it will continue to need 10 to 12 Board Members for the near future. Additional Board Members may be required if the workload increases, or if the Board is assigned additional jurisdiction. The number of Board Members does not drive

the Board's overall costs as Board Members are only paid for work done.

Agency Classification

The Environmental Appeals Board is under the authority of *Alberta Public Agencies Governance Act* and is considered to be a regulatory/adjudicative body.

Skills and Experience

CORE COMPETENCIES

Commitment to serving the people of Alberta:

- Interest in serving the people of Alberta;
- Interest in working to advance the protection, enhancement, and wise use of Alberta's environment;
- Skills and abilities to respond to contentious, controversial issues within highly political environments;
- Understand the respective roles and responsibilities of the Minister and the Board; and
- Exercising the care, diligence, and skills of a reasonable and prudent Board Member.

Integrity, impartiality and free from bias:

- Demonstrated high standards of integrity and the ability to be impartial, free from bias, and free from conflicts of interest; and
- Providing sound, practical advice to the Minister in response to appeals that come before the Board;

Demonstrated interpersonal skills:

- Strong interpersonal, collaborative, and decision-making skills, and well-developed verbal and written communication skills;
- Strong analytical skills and the ability to take complex information and diverse points of view into consideration in making sound decisions; and
- Participating in the decision-making process by listening, analyzing and weighing evidence, establishing findings of fact, interpreting and applying legislation and policy, and giving consideration to the submissions of the parties.

Knowledge of how administrative tribunals operate:

- Demonstrated decision-making ability;
- Understand the role and operation of administrative tribunals;
- Good working knowledge of administrative law, the function of administrative boards, and the hearing process;
- Experience with administrative agencies, administrative law, and administrative decision-making, as well as knowledge of the principles of natural justice and procedural fairness; and
- The ability to participate in complex and challenging administrative hearings.

Strong technical, scientific, or public policy background dealing with environmental issues. A related university degree is generally required and an advanced degree is preferred (equivalency will be considered):

- Possess relevant technical, scientific, or public policy experience. A university degree in a related field is generally required, and an advanced degree is preferred. Equivalencies will be considered; and
- Demonstrated technical and scientific expertise and substantial practical experience in the area of environmental protection.

Understanding of environmental legislation and policy:

- Understand environmental law and policy in Alberta;
- Understand the environmental regulatory system in Alberta;
- Have a general understanding of the *Environmental Protection and Enhancement Act*, the *Water Act*, the *Climate Change and Emissions Management Act*, and the *Administrative Procedures and Jurisdiction Act*; and
- Having a general understanding of the *Public Lands Act* and the Public Lands Administrative Regulation would be an asset.

Understanding of mediation:

- Mediation experience and strong mediation skills;
- Preparing for mediations by reviewing and analyzing documents; and
- Conducting multi-party mediations, within a regulatory context.

Specialized Knowledge and Expertise

Board Members will demonstrate a good working knowledge of administrative law, the function of administrative boards, and the hearing process. An understanding of environmental law, resource management, and Alberta's regulatory systems would be an asset. **The Board is seeking candidates with expertise in civil engineering, environmental engineering, water management, human health, public lands management, risk assessment and management, wildlife biology, aquatic biology, terrestrial biology, or environmental law.** An ideal candidate would also have mediation training.

The selection of Board Members is based on the expertise that the Board requires to address the appeals that come before it. Excellent communication and interpersonal skills, as well as a demonstrated decision-making ability, are required and are key to success in this role. It is important that Board Members have a high standard of integrity and are impartial and free from bias. Board Members will need to consider any potential conflicts of interest with participants that appear before the Board.

Remuneration, Time Commitment and Meeting Location

This is a part-time position. Board Members are paid a per diem rate and expenses for attending to Board matters. The per diem rate and expenses are set in accordance with the [Government of Alberta Committee Remuneration Order \(OC466/2007\)](#) for attending to Board matters.

Board Members, other than the Chair, are paid based on the Committee Remuneration Order, which provides:

A member of a committee, other than the chair shall be paid:

- (a) \$164 for up to and including four hours in any day, or
- (b) \$290 for over four hours and up to and including eight hours in any day, or
- (c) \$427 for over eight hours in any day, spent on the business of the committee.

The estimated annual compensation for a Board Member is \$12,000 and the estimated annual expenses associated for a Board Member is \$3,000. The total annual remuneration (compensation and expenses) per Board Member is approximately \$15,000. These amounts are derived from an average of the last 4 years.

Board Members, other than the Chair, are requested to be available on average 5 days per month for hearings, preliminary motions hearings, mediations, preparation work and panel meetings (generally, panel meetings are held by conference call). The Board holds one annual Board meeting for members and staff. Depending on the need, the Board meeting will be held for 2-3 days.

Training courses in a number of relevant areas (including mediation) are offered based on the member's needs. The cost of the courses are borne by the Board and the member is compensated for attending training. The Board does not hold sub-committee meetings.

Additional Notes

Additional information on the Board can be found on its website at [Environmental Appeals Board](#).

Applications received through the ePAAS online system will be forwarded to Boyden.

Comprehensive background checks will be required for finalist candidates. It is recommended that applicants who have obtained educational credentials from outside of Canada and have not had them previously assessed, obtain an evaluation of their credentials from [the International Qualifications Assessment Service \(IQAS\)](#).

It is recommended that applicants include the assessment certificate from IQAS or any other educational assessment service as part of their application.

FINAL SELECTION

- The selection of Board Members is based on the expertise that the Board requires to address the appeals that come before it.
- The final decision on appointments is made by the Provincial Cabinet based on the recommendation of the Minister of Environment and Parks.

It is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Multiculturalism describes the diverse racial and cultural composition of Alberta society and it is important that this diversity is recognized in the board members of Alberta's public agencies.

Contact Information

Interested parties are requested to contact Boyden's Calgary office at 403-410-6700 or forward your resume and related materials in complete confidence to the posting on the [Alberta Government Public Agency opportunities portal](#).

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