



Job Description

Job Title: Board Member - Environmental Appeals Board
Job ID: 1032529
Location: Edmonton
Full/Part Time: Part-Time

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Closing Date

December 18, 2015

Role

The Environmental Appeals Board is currently accepting applications from qualified individuals to serve as part-time Board Members.

The Environmental Appeals Board hears appeals of regulatory decisions made by Alberta Environment and Parks under the Environmental Protection and Enhancement Act, the Water Act, and the Climate Change and Emissions Management Act. In hearing appeals, the Board's main function is to make recommendations to the Minister of Environment and Parks. You will participate on panels at hearings, complete extensive file preparation, review evidence and submissions, and make recommendations to the Minister of Environment and Parks to address the appeals. The Environmental Appeals Board makes extensive use of mediation to resolve appeals and Board Members are responsible for conducting the mediations.

The Environmental Appeals Board is composed of professionals from throughout Alberta with demonstrated technical, scientific, and public policy expertise and substantial practical experience with environmental issues. Members serve the people of Alberta by working to advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters that come before it. Members may also sit on the Public Lands Appeal Board as required.

Your background 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 environmental engineering (water management), human health, land management, risk assessment and management, wildlife biology, and terrestrial biology. 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 your success in this role. It is important that Board Members have a high standard of integrity and are impartial and free from bias. You will need to consider any potential conflicts of interest with participants that appear before the Board and identify any concerns in your application.

There is no salary for this position. Board Members receive an honorarium in accordance with the Government of Alberta Committee Remuneration Order. Travel throughout Alberta is required and travel expenses are paid for by the Board. The time commitment is as required, and is generally 5 days per month. Appointments are generally for one or two years. Final candidates will be required to undergo a security screening. Applications may

be used for future vacancies.

The Board strongly encourages applications from women and individuals from other groups that are underrepresented on Alberta's agencies, boards, and commissions.

How to Apply

If you are interested in this opportunity, please forward your letter of interest and a detailed resume by December 18, 2015 to: Gilbert Van Nes, General Counsel and Settlement Officer, Environmental Appeals Board, 306 Peace Hills Trust Tower, 10011-109 Street, Edmonton, AB, T5J 3S8. Fax: 780-427-4693. E-mail: gilbert.vannes@gov.ab.ca. If you require any additional information about the Board, visit the Board's website at www.eab.gov.ab.ca or contact Gilbert Van Nes at 780-427-6207. More detailed information regarding this position and the selection process is available on the Board's website.

Closing Statement

We thank all applicants for their interest; however, only those selected for an interview will be contacted.

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POSITION PROFILE

**BOARD MEMBER
ENVIRONMENTAL APPEALS BOARD**

**Reporting to the Chair of the
Environmental Appeals Board**

**The Chair of the Environmental Appeals Board
Reports to the Minister of
Environment and Parks**

OPEN COMPETITION

October 23, 2015

ENVIRONMENTAL APPEALS BOARD

BOARD MEMBER POSITION PROFILE

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. The vast majority of matters that come before the Board are resolved by mediation.

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, such as administrative penalties.

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

- 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, or public policy experience; and
- 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*.

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.

Additional information on the Board can be found on its website at www.eab.gov.ab.ca.

(A) POSITION SUMMARY

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, complete extensive file preparation, review evidence and submissions, and make recommendations to the Minister to address the appeals. Senior Board Members also 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.

This is a part-time position. There is no salary. Board Members are paid a per diem rate and expenses for attending to Board matters. Board Members should be able to commit to an average of five days per month to the Board, and travel throughout Alberta is required.

Board Members may also serve on the Public Lands Appeal Board as required.

(B) AUTHORITIES

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. The Minister, 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. Board Members are also responsible to the people of Alberta to ensure fair, impartial, and efficient resolution of all matters that come before the Board.

(C) CORE COMPETENCIES

(Attributes, Experience, Expertise, Knowledge, and Skills)

- Commitment to serving the people of Alberta.
- Integrity, impartiality, and free from bias.
- Demonstrated interpersonal skills.
- Knowledge of how administrative tribunals operate.
- Understanding of environmental legislation and policy.
- 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).
- Understanding of mediation.

(D) ORGANIZATION

The 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. Board Members are generally not involved in the governance 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 Committee Remuneration Order for attending to Board matters.

Located in Edmonton, the Board office is supported by a staff of six. Board members need not reside in Edmonton and will travel throughout Alberta as required.

(E) 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.
- Exercising the care, diligence, and skills of a reasonable and prudent Board Member.

(F) KNOWLEDGE AND EXPERIENCE REQUIREMENTS

- Strong interpersonal, collaborative, and decision-making skills, and well-developed verbal and written communication skills.
- Very high standard of integrity. Impartial and free of bias.
- Experience with administrative agencies, administrative law, and administrative decision-making, as well as knowledge of the principles of natural justice and procedural fairness.
- The ability to participate in complex and challenging administrative hearings.
- Strong analytical skills and the ability to take complex information and diverse points of view into consideration in making sound decisions.
- Skills and abilities to respond to contentious, controversial issues within highly political environments.
- A general understanding of Alberta's environmental laws, policies, and the environmental regulatory system.

- General knowledge of the *Environmental Protection and Enhancement Act, Water Act, Climate Change and Emissions Management Act, and Administrative Procedures and Jurisdiction Act.*
- Mediation experience.

A copy of the Board's Competency Grid for Board Members is attached to this document.

(G) 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 areas of expertise that are required are specified in the advertisements inviting applications to be submitted.
- The final decision on appointments is made by the Provincial Cabinet based on the recommendation of the Minister of Environment and Parks.
- Successful candidates will be required to undergo a security screening.

(H) DIVERSITY

The Board is committed to the diversity of its Board Members. The Board strongly encourages applications for Board Member positions from women and individuals from other groups that are underrepresented on Alberta's agencies, boards, and commissions.

Att. Competency Grid

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**ENVIRONMENTAL APPEALS BOARD
COMPETENCY GRID
FOR BOARD MEMBERS
October 23, 2015**

Section 13(1), *Alberta Public Agencies Governance Act*, S.A. 2009, c. A-31.5, states:

The process by which a member is recruited to a public agency must (a) identify any skills, knowledge, experience or attributes required of the member before recruitment begins, and (b) base the selection of a person for appointment as a member on an assessment of the extent to which the person possesses the identified skills, knowledge, experience or attributes.

Background

The Environmental Appeals Board hears appeals of regulatory decisions made by Alberta Environment and Parks under the *Environmental Protection and Enhancement Act*, the *Water Act*, and the *Climate Change and Emissions Management Act*. In hearing appeals, the Board’s main function is to make recommendations to the Minister of Environment and Parks. The Environmental Appeals Board makes extensive use of mediation to resolve appeals and Board Members are responsible for conducting the mediations.

The Environmental Appeals Board is composed of professionals from throughout Alberta with demonstrated technical, scientific, and public policy expertise and substantial practical experience with environmental issues.

Current Requirements (“Preferred background”)

The Board is seeking candidates with expertise in environmental engineering (water management), human health, land management, risk assessment and management, wildlife biology, and terrestrial biology. An ideal candidate would also have mediation training.

Assessment Criteria:

	Attributes, Experience, Expertise, Knowledge, and Skills	Weight
Commitment	Commitment to serving the people of Alberta.	5
Integrity	Impartial and free from bias.	5
Interpersonal Skills	Demonstrated interpersonal skills.	4
Administrative Law	Knowledge of how administrative tribunals operate.	2
Expertise	Strong technical, scientific, or public policy background dealing with environmental issues.	4
Environmental Background	Understanding of environmental legislation and policy.	3
Mediation Skills	Understanding of mediation.	2

Competencies:

I. ATTRIBUTES

1. Commitment to serving the people of Alberta.

- (5)
- 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.
 - Exercising the care, diligence, and skills of a reasonable and prudent Board Member.

2. Very high standard of integrity.

- (5)
- Impartial and free from bias.
 - Demonstrated high standards of integrity and the ability to be impartial, free from bias, and free from conflicts of interest.
 - Providing sound, practical advice to the Minister in response to appeals that come before the Board.

3. Demonstrated interpersonal skills.

- (4)
- 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.
 - Participating in the decision-making process by listening, analyzing and weighing evidence, establishing findings of fact, interpreting and applying legislation and policy, and considering the submissions of the parties.

II. EXPERIENCE

4. Knowledge of how administrative tribunals operate.

- (2)
- 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.
- The ability to participate in complex and challenging administrative hearings.

III. EXPERTISE

5. Strong technical, scientific, or public policy background dealing with environmental issues.

- (4)
- 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.
 - Demonstrated technical and scientific expertise and substantial practical experience in the area of environmental protection.

IV. KNOWLEDGE

6. Understanding of environmental legislation and policy.

- (3)
- 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*.

V. SKILLS

7. Understanding of mediation.

- (2)
- Mediation experience and strong mediation skills.
 - Preparing for mediations by reviewing and analyzing documents.
 - Ability to conduct multi-party mediations, within a regulatory context.

Each candidate will be assessed based on the seven competencies, with a rating on the scale of 0 to 4, as follows: **0 - unsuitable, 1 - poor, 2 - fair, 3 - good, and 4 - superior.**

Total possible score is 100. Competency = Score (0 to 4) x Weight (2 to 5) See Table on Page 1. (Maximum Scores: C1. 4 x 5 = 20; C2. 4 x 5 = 20; C3. 4 x 4 = 16; C4. 4 x 2 = 8; C5. 4 x 4 = 16; C6. 4 x 3 = 12; and C7. 4 x 2 = 8. Total: 20 + 20 + 16 + 8 + 16 + 12 + 8 = 100.)

Each candidate will also be assigned an overall grade based on the following scale:

Grade	Description
A	Preferred background <u>with</u> mediation training or experience.
B	Preferred background <u>without</u> mediation training or experience.
C	Related background (within the Board's jurisdiction), <u>with</u> mediation training or experience.
D	Related background (within the Board's jurisdiction), <u>without</u> mediation training or experience.
F	Unsuitable: i.e. Insufficient information, background is unrelated or is limited, unresolvable conflicts of interest, or other characteristic that makes the candidate unsuitable for an appointment to the Board.
*	Recently (in the last 2 years) worked for the Government of Alberta, in a related area. Possibly perceived as having a conflict of interest.

Diversity

The Board is committed to the diversity of its Board Members. The Board strongly encourages applications for Board Member positions from women and individuals from other groups that are underrepresented on Alberta's agencies, boards, and commissions.

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