

Environmental Appeals Board

Recruitment Process for New Board Members (October 23, 2015)

Background

The Environmental Appeals Board's (the Board) main function is to make recommendations to the Minister of Environment and Parks to resolve appeals brought before it, using its mediation program and hearing process. Board Members work 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 the Board.

The Board is recognized for the demonstrated technical and scientific expertise of its Board Members and for the skill of its Board Members in conducting mediations. The recruitment of new Board Members must recognize the need for this expertise and skill and provide for the openness, accountability, and transparency required by the principles of natural justice.

Recruitment Procedure

1. The Board will identify a need for a new member, usually because of the retirement of a current Board Member or because of additional scientific, technical, or policy expertise being required on the Board. Additional workload may also be factor.
2. The Board will place an advertisement in major newspapers in Fort McMurray, Grande Prairie, Edmonton, Red Deer, Calgary, Medicine Hat, and Lethbridge. The advertisement will also be placed on the Board's website, and on the Government website, inviting applications from qualified individuals. A copy of the advertisement will also be provided to the Minister, for distribution at her discretion, and to the Deputy Minister. Draft advertisements are attached.
3. The Board may include applications that have previously been received by the Board in its considerations, subject to the consent of the applicant.
4. Board Staff will conduct an initial screening of the applications with respect to administrative completeness and general compliance with the requirements of the position.
5. Applicants will then be reviewed by a review panel representing the four main stakeholder groups that deal with the Board. The panel consists of representatives from Industry, Appellants, Alberta Environment and Parks, and the Board. Additional representatives, such as a representative of the technical and scientific community, may be added to the review panel by the Board's Chair. This process will require the review panel to provide written comments after a review of the application documents and background of the applicants. In some circumstances, an initial interview of some of the applicants may be conducted.

6. The review panel will review the applications based on the attributes, experience, expertise, knowledge, and skills detailed in the Environmental Appeals Board Competency Grid for Board Members, which is attached.
7. The review panel will provide a short list of applicants to the Chair. The Chair will review the list and the applications. The Chair will make the final decision as to which applicants to interview from the short list, and may include such other applicants that the Chair deems appropriate.
8. The interview panel will consist of an MLA appointed by the Minister to chair the interview panel, the Chair, an individual appointed from the Minister's Office, an Industry representative, and an Appellant Representative. The interview panel will be assisted by Board Counsel.
9. Based on the interviews, the Chair will then provide a list of recommended candidates to the Minister for her consideration and referral to the Lieutenant Governor-in-Council in her discretion. A copy of the list of recommended candidates will also be provided to the Deputy Minister. The Minister is free to review the recommended candidates with the Deputy Minister and any other individuals in her discretion.
10. Upon receiving direction from the Minister, the Board will prepare the required documentation for an Order in Council. The Order in Council will also be forwarded to the Environmental Law Section, Alberta Justice and Solicitor General, for Approval as to Form only. Upon receiving Approval as to Form from the Environmental Law Section, the Board will provide the documentation to the Deputy Minister's Office. The Deputy Minister's Office will then forward the documentation to the Minister's Office. The Minister's Office will then forward the documentation to the Lieutenant Governor in Council for their consideration. Initial appointments to the Board will generally be for no greater than 2 years.
11. The recruitment process is consistent with the Public Agencies Governance Framework (February 2008); and in particular with Part 6 Recruitment and Appointment Processes, Part 7 Term Lengths, and Part 8 Government Representation on Boards, which are attached. The process is also consistent with the *Alberta Public Agencies Governance Act*, S.A. 2009, c. A-31.5.

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.

Approach to Recruitment

The Board is intended to be composed of experts from a variety of environmental disciplines. This includes individuals with legal and mediation backgrounds. The use of experts as Board Members provides some protection from judicial review of the Board's Decisions and Reports and Recommendations and the Minister's Orders because of the deference granted by the Court. Further, as experts, Board Members are able to more easily deal with the technical nature of

appeals, and assist individuals who come before the Board by “picking up where the individual left off in submissions or questions dealing with technical matters.” When the Board undertakes recruitment, it usually targets potential members with specific types of backgrounds to ensure the right technical expertise is available. For example, the Board may target individuals with backgrounds in water management, terrestrial biology, and human health or risk assessment during one round of recruitment, and individuals with backgrounds in administrative and environmental law and mediation in another round of recruitment.

When the Board undertakes recruitment, there are six main methods of engaging applicants:

1. **Government Advertising:** Board Member positions are advertised on the Government of Alberta’s Jobs website and the Board’s website.
2. **Direct Advertising:** Subject to cost, the Board generally places two advertisements (1 week apart in the career section) in 7 main daily newspapers in Alberta: Calgary Herald, Edmonton Journal, Fort McMurray Today, Grand Prairie Daily Herald Tribune, Lethbridge Herald, Medicine Hat News, and the Red Deer Advocate. The Board does not advertise in the Edmonton Sun or Calgary Sun, as these papers are duplicative of the Edmonton Journal and Calgary Herald. In the past, the Board has been directed to advertise in smaller weekly newspapers throughout Alberta. However, the Board has not found advertising in these smaller weekly newspapers to be cost effective. As a result, this practice has been discontinued. The Board also advertises in some specialized newspapers such as Alberta Native News and Windspeaker.
3. **Organizations:** The Board advertises with a number of other organizations related to the Board’s business that publish job notices. For example: ADR Institute of Alberta (ADRIA), ADR Institute of Canada (ADRIC), Environmental Service Association of Alberta (ESAA), Association of Professional Engineers and Geoscientists of Alberta (APEGA), Canadian Bar Association (CBA), Women in Scholarship, Engineering, Science & Technology (WISEST) at the University of Alberta, Alberta Environmental Network (AEN), Canadian Environmental Law Association (CELA), and Alberta Innovate – Technology Futures.
4. **Educational Institutions:** The Board contacts and advertises with educational institutions such as: University of Alberta, University of Calgary, Athabasca University, Bow Valley College, Canadian University College, Concordia University College of Alberta, Grande Prairie Regional College, Keyano College, King’s University College, Lakeland College, Lethbridge College, MacEwan University, Medicine Hat College, Mount Royal University, Northern Alberta Institute of Technology, Northern Lakes College, Olds College, Red Deer College, Southern Alberta Institute of Technology, and University of Lethbridge. The Board’s target audience is the academic staff of these institutions.
5. **Notice to MLAs:** The Minister’s Office traditionally circulates the advertisement to MLAs. This is the Minister’s prerogative and the Board does not circulate the advertisement to MLAs unless expressly requested to do so by the Minister’s Office.
6. **Direct Recruitment:** The Board canvases current and past Board Members, Departmental Staff, and other stakeholders who have regular contact with the Board, and asks for recommendations of individuals who may be interested in serving on the Board and who

may have a background that may be of use to the Board. The Board uses this method to target individuals with the particular technical background we are seeking. Further, the Board also uses this method to specifically try to recruit women (who have been traditionally underrepresented on the Board), and individuals from First Nations and other underrepresented groups.

Attachments

1. *Alberta Public Agencies Governance Act*, S.A. 2009, c. A-31.5, extract sections 13-16;
2. Public Agencies Governance Framework, February 2008:
 - Recruitment and Appointment Processes, pages 19-22,
 - Term Lengths, pages 23-24, and
 - Government Representation on Boards, pages 25-26;
3. Environmental Appeals Board Evaluation Criteria for Board Member Recruitment;
4. Board Member Position Profile;
5. Competency Grid for Board Members; and
6. Draft Advertisements.

Previous Procedure Approval Process

1. Review by Chair – Completed.
2. Consultation with Alberta Justice and Solicitor General – Completed.
3. Review by Deputy Minister – Approved January 29, 2007.
4. Review by Minister – Approved April 4, 2007.
5. Review by Executive Council – Approved April 10, 2007.
6. Reviewed by Personnel Administration Office – August 1, 2006.

Revised April 1, 2008, June 1, 2013, Oct 1, 2013, July 2, 2015, July 23, 2015, and October 23, 2015.

Final instructions and approval of the Minister of Environment and Parks received on July 26, 2015.

Tentative Timeline for October 2015 Recruitment (Subject to change.)

1. Advertisements released October 23, 2015 and published on websites.
2. Advertisement published in newspapers on October 30 and 31, 2015.
3. Application deadline is December 18, 2015.
4. Initial screening during December 21 and 23, 2015.
5. Review panel to meet during January 4 to 15, 2016.
6. Interviews to be scheduled during January 18 to 29, 2016.
7. Interviews to be held during January 25 to February 12, 2016.
8. Advice to the Minister provided February 19, 2016. Target date.
9. Await decision from the Minister.
10. Document preparation. Approximately one week.
11. Submit documents to the Deputy Minister. Documents then go from the Deputy Minister to the Minister. Documents then go from the Minister to Cabinet.
12. Await decision of Cabinet. Minimum “turn-around” time is one month. Anticipated appointment date is at the end of March 2016.

Board Members [INTERNAL ADVERTISEMENT – October 23, 2015]

ENVIRONMENTAL APPEALS BOARD

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.

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.

We thank all applicants for their interest; however, only those selected for an interview will be contacted. **Closing Date: December 18, 2015.** Job ID No. 1032529

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[REVISED External Advertisement – October 26, 2015]

**BOARD MEMBERS (PART-TIME)
ENVIRONMENTAL APPEALS BOARD**

The Environmental Appeals Board hears appeals of certain decisions made by Alberta Environment and Parks under its environmental and water legislation.

Opportunities are available for Board Members with relevant technical, scientific, or public policy backgrounds. Mediation experience is an asset. Candidates should have expertise in engineering (water management), human health, land management, risk assessment and management, or wildlife and terrestrial biology.

Candidates must have a strong commitment to serving the people of Alberta, excellent interpersonal skills, good judgment, and an understanding of administrative proceedings. The Board encourages applications from women and individuals from other groups that are underrepresented on Alberta's agencies. Job ID #1032529

Visit www.eab.gov.ab.ca for information about the Environmental Appeals Board. Visit www.jobs.alberta.ca to learn more about this opportunity and to apply online.

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WORD COUNT: 128 words.

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 27, 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:

Competency	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.)

This competency score is the main factor that the Board will use to recommend candidate to the Minister for possible appointment as a member of the Board.

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.

Final Decision

The final decision as to who will be appointed as a member of the Board is made by the Lieutenant Governor-in-Council (Cabinet) based on the recommendation of the Minister of Environment and Parks. Some of the factors that may be considered in making this final decision are: (1) whether the candidate meets the minimum requirements of the position; (2) whether the candidate is aware of the social, economic, environmental, legal, and political conditions in Alberta; (3) the level of experience of the candidate; (4) whether the appointment of the candidate will support diversity in the make-up of Alberta's agencies, boards, and commissions; (5) whether the appointment of the candidate will promote continuity; (6) whether the appointment of the candidate will support the objectives of the Government of Alberta; and (7) regional representation.

Attributes, Experience, Expertise, Knowledge, and Skills

Further, in making this final decision, some of the other matters that may be considered are: (1) knowledge of aboriginal issues; (2) knowledge of agricultural issues; (3) collaboration and mediation skills; (4) communication skills; (5) community service; (6) education; (7) entrepreneurship; (8) knowledge of environmental issues; (9) understanding of finance issues; (10) knowledge of the fossil fuel industry; (11) understanding of governance matters; (12) knowledge of government; (13) knowledge of public health issues; (14) knowledge about investment matters; (15) legal background; (16) leadership abilities; (17) life skills; (18) management experience; (19) not-for-profit experience; (20) medical background (nurse or physician); (21) public sector or political experience; (22) private sector experience; (23) knowledge of the quasi-judicial process; (24) research and analytical skills; (25) knowledge of risk management; (26) subject matter expertise; (27) experience as a teacher; (28) experience with a union; (29) working at or teaching at a university; and (30) volunteer experience.



Province of Alberta

ALBERTA PUBLIC AGENCIES GOVERNANCE ACT

Statutes of Alberta, 2009
Chapter A-31.5

Current as of June 17, 2013

Office Consolidation

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**ALBERTA PUBLIC AGENCIES
GOVERNANCE ACT**

Chapter A-31.5

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Preamble

WHEREAS Ministers of the Crown are accountable to the public for the activities and performance of public agencies in their ministries;

WHEREAS public agencies are responsible for their activities and for the fulfilment of their mandates, and are accountable to their responsible Minister respecting their activities, successes and failures;

WHEREAS public agencies require varying degrees of authority to fulfil their mandates; and

WHEREAS clear communication and transparency are desirable with respect to the governance, mandates and activities of public agencies;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

Definitions and application of Act

1(1) In this Act,

- (a) “adjudicative function”, in respect of a public agency, means
 - (i) a function assigned or authorized to be performed by the public agency under an enactment, the performance of which includes
 - (A) the making of binding decisions in respect of applications, if the enactment authorizes the public agency to hold hearings respecting the applications,
 - (B) the making of binding decisions in respect of disputes, other than disputes respecting applications, or
 - (C) the hearing of reviews or appeals and the making of binding decisions in respect of those reviews or appeals,
 - (ii) any alternative dispute resolution process that is ancillary to a function described in subclause (i), and
 - (iii) a function specified in the regulations;
- (b) “application” means an application made under an Act for a permit, licence, approval or other benefit;
- (c) “advisory agency” means a public agency that performs advisory functions only and that does not administer a budget;
- (d) “chief executive officer” means the highest-ranking executive of a public agency who has primary responsibility for overseeing the day-to-day operations of the public agency, but does not include the chair of an advisory agency or of a public agency that performs only adjudicative functions and any educational or administrative functions ancillary to them;
- (e) “department” means a department established under the *Government Organization Act*;
- (f) “establishing enactment”, in respect of a public agency, means the Act or regulation that establishes or continues the public agency, but does not include a regulation made by a Minister;

- (g) "Mandate and Roles Document" means a Mandate and Roles Document described in section 3;
- (h) "member" means
- (i) in respect of a public agency that is an unincorporated body, one of the members of the public agency, and
 - (ii) in respect of a public agency that is a corporation, one of the members of the public agency or its board, council or other governing body;
- (i) "public agency" means
- (i) a corporation, other than a corporation incorporated by or under a local or private Act, all or a majority of whose members or directors are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination of those methods,
 - (ii) a corporation all of whose issued voting shares of every class are owned by the Crown or held in trust for the Crown or are partly owned by the Crown and partly held in trust for the Crown,
 - (iii) an unincorporated board, commission, council or other body that is not a department or part of a department, all or a majority of whose members are appointed or designated, either by their personal names or by their names of office, by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination of those methods, and
 - (iv) a body that is specified in, or that meets the criteria set out in, the regulations;
- (j) "regulation" means a regulation as defined in section 1(1)(c) of the *Interpretation Act*, but does not include any instrument, whether of a legislative nature or not, that is made by a body other than the Lieutenant Governor in Council or a Minister;
- (k) "remuneration" means any consideration, compensation or benefit, regardless of its nature or form, that is given by the Government of Alberta or a public agency to a member or a

chief executive officer in respect of services provided to a public agency, and includes honorariums.

(2) In this Act, a reference to the responsible Minister in respect of a public agency or to the Minister who is responsible for a public agency is a reference to

- (a) the Minister to whom the public agency reports, or
- (b) the Minister determined under subsection (3).

(3) The Lieutenant Governor in Council may by order decide, in respect of any particular public agency,

- (a) any question that arises as to which Minister is the responsible Minister for the purposes of subsection (2)(a), and
- (b) which Minister is the responsible Minister, if the public agency is not required to report to a Minister.

(4) This Act does not apply to the following:

- (a) The Provincial Court of Alberta;
- (b) a body all of whose members are elected officials;
- (c) a body excluded by the regulations.

(5) Subject to the regulations, this Act does not apply to the following:

- (a) a subsidiary health corporation under the *Regional Health Authorities Act*;
- (b) an advisory agency whose members receive no remuneration other than payment of or reimbursement for travelling, living or other expenses incurred while away from their ordinary places of residence and in the course of their duties as members;
- (c) a body established or continued by or under an Act of Canada;
- (d) a body established or continued by an enactment or instrument under which the body will expire or be dissolved or disestablished within one year of its establishment or continuation;
- (e) a body

- (i) that is not empowered to perform any adjudicative functions,
- (ii) that is chaired by, or whose board, council or other governing body is chaired by, a Minister or an employee of the Government of Alberta, and
- (iii) all or a majority of whose members are Ministers or employees of the Government of Alberta.

2009 cA-31.5 s1;2013 cF-14.5 s20

Paramourncy

2(1) Except where this Act or the regulations provide otherwise, the provisions of this Act and the regulations under this Act prevail to the extent of any inconsistency or conflict with one or more provisions of any other enactment except the *Freedom of Information and Protection of Privacy Act* and the *Health Information Act*.

(2) The Lieutenant Governor in Council may make regulations expressly providing that another enactment, or a provision of it, prevails over this Act, a provision of it or the regulations, either generally or in respect of a specified public agency.

(3) A provision of an enactment that

- (a) imposes duties on a public agency or confers powers on a Minister who is responsible for a public agency that are additional to those imposed or conferred by this Act, or
- (b) imposes a maximum number of years of service for members of a public agency that is shorter than the applicable maximum number of years of service provided for in section 14(2)

is not inconsistent or in conflict with this Act for the purposes of subsection (1).

Members of Public Agencies

Recruitment of members

13(1) 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 assessment of the extent to which the person possesses the identified skills, knowledge, experience or attributes.

(2) The steps that are taken or intended to be taken in a recruitment process and any identified skills, knowledge, experience or attributes required of a member to be appointed must be made public either before or after the member is appointed.

Term of office

14(1) Every appointment must be for a fixed term.

(2) Subject to the regulations, no person shall be appointed as a member for a term that would result in the person serving as a member for more than

- (a) 12 consecutive years, in the case of a public agency that is empowered to perform an adjudicative function, or
- (b) 10 consecutive years, in any other case.

(3) Breaks in service of less than 2 years shall be disregarded in determining a number of consecutive years for the purposes of subsection (2).

(4) If in the opinion of the responsible Minister it is necessary to ensure the effective operation of a public agency, the responsible Minister may recommend to the Lieutenant Governor in Council that an order be made providing that subsection (2) does not apply in respect of a specified appointment to the public agency, and the Lieutenant Governor in Council may make an order to that effect.

Reappointment

15 An appointed member may be reappointed for an additional term only if, in the opinion of the responsible Minister, the member meets the requirements of the position.

Saving

16 Actions of a public agency or its governing body are valid notwithstanding any defect in compliance with section 13, 14 or 15 in the recruitment, appointment or reappointment of any member.