



IDENTIFICATION

Department	Position Title	
Environment and Climate Change	Manager, Legislation and Legal Affairs	
Position Number	Community	Division/Region
23-14319	Yellowknife	Policy, Legislation, Evaluation and Communications

PURPOSE OF THE POSITION

The Manager, Legislation and Legal Affairs (Manager) provides senior level expert advice on and implements strategies for the review of departmental legislation and other assigned special projects and ensures that appropriate information and briefings are provided to the Assistant Deputy Minister, Deputy Minister, Minister, Executive Council, the Financial Management Board (FMB), Standing Committees and stakeholder groups. The Manager also provides expert advice in the areas of legislation analysis, coordination and implementation as well as legislative processes including legislative drafting, the Legislative Assembly process and Executive Council reviews and approval in order to ensure the development of new statutes and regulations administered by the Department of Environment and Climate Change (ECC) are consistent with Executive Council direction, land claims and self-government agreements and federal legislation.

The Manager directs all the work required within the Department to ensure legislative, legal initiatives and Crown Consultation requirements are managed effectively. The position oversees and leads a team to provide expert advice or implement strategies for the legislative review of Departmental legislation and, where appropriate, other assigned special projects. The position is responsible for oversight, expert insight and management of supervisory and financial matters related to all legislative and legal affairs matters including Indigenous consultation and coordinating the amendment of legislation and the development of new legislation, including legislation required to implement devolution of lands and resources to the Government of the Northwest Territories (GNWT).

SCOPE

Located in Yellowknife and reporting to the Director, Policy, Legislation and Communications (Director), the Manager, Legislation and Legal Affairs has five (5) direct reports and assigns projects and ensures a work plan is in order for the unit.

The Policy, Legislation, Evaluation and Communications Division (Division) is responsible for providing expert advice relating to legislation and legal affairs relating to the mandate of the Department, in addition to coordinating the development of new policy and legislative initiatives. The Department is responsible for 17 Acts and over 40 associated regulations that cover a broad spectrum of subject areas related to sustainable resources and environmental management. Legislative, legal and consultation advice directly supports the Department, boards and agencies, senior Government of the Northwest Territories (GNWT) officials and the Minister of Environment and Climate Change (ECC) and covers land, water, wildlife, forests, and environmental stewardship areas.

Considerable and continuous modernization of these pieces of legislation is required in an integrated manner to accommodate the complex and evolving northern, national and Indigenous governance regimes. The incumbent's familiarity with case law, federal and territorial policy and legislation, as well as legislative innovations on environmental matters are called upon to ensure Northwest Territories (NWT) legislation is effective and timely. The incumbent also provides implementation oversight towards ensuring effective legislative compliance in the NWT.

The GNWT senior officials and departmental teams rely upon the incumbent's expertise and effective management of legislative and legal affairs to implement departmental mandate effectively. The incumbent does not provide legal opinions; however, the incumbent's actions and recommendations have a significant impact on the ability of the Department to achieve its mandate in a fiscally and publicly accountable manner avoiding risk and costly lawsuits.

The Manager works closely with the divisions responsible for implementation of the legislation and program delivery, as well as legislative drafters and legal counsel from the Department of Justice, and contract legal counsel where necessary.

The Manager also leads Departmental input into initiatives undertaken by other Departments, including central or external agencies. Activities undertaken by the incumbent impact the operations of the Department, the Minister's office, central government agencies, public agencies and the general public.

Amendment of existing legislation and regulations and development of new legislation and policies must be undertaken in the context of devolution management authority for land, water and resources from the federal government to the GNWT, as well as settled and unsettled land claims agreements, which will require integration with departmental legislation and policies. In addition, program delivery is affected by case law, federal and territorial legislation, and by the policies of the GNWT and the Department. The incumbent will play the role of GNWT's regulatory policy expert on the NWT legal framework for land, water and resource management, and will play a coordinating role in the review and development of a wide range of legislation and policies, as well as administration of existing legislation, policies and

programs. This role will be key to advancing GNWT's overall interests and maintaining coherence and interoperability in all parts of the legislative framework for management of land, water and resources.

The Manager is called upon to provide advice and coordinate responses regarding the varied legal issues that arise related to legislation and departmental activities in general, and to recommend courses of action to mitigate risks, including recommending positions on litigation. The actions recommended can have a significant impact on the way the Department delivers programs. Recommendations also have potentially significant financial implications through provision of advice that may result in the Department avoiding costly lawsuits. Recommended actions often deal with issues that have a high public profile as well.

The Manager works closely with the divisions responsible for the implementation of the legislation and program delivery as well as legislative drafters and legal counsels from the Department of Justice, and contract legal counsel where necessary. The incumbent may be required to work under tight deadlines with information of a confidential nature.

RESPONSIBILITIES

1. Manages the human and financial resources of the Legislation Unit in order to meet divisional and departmental objectives.

- Manages the Legislation Unit as well as contract and casual support staff, consultants associated with legislation, policy and program development and evaluation;
- Supports the development of unit staff by identifying training requirements and opportunities for staff, and creates an engaging and productive work environment;
- Informs staff of governmental, departmental and divisional priorities;
- Develops and implements annual work plans that establish short- and long-term objectives for the unit;
- With the Director, forecasts and manages the unit's budget;
- Ensures unit staff have access to necessary resources, supplies, equipment and information;
- Completes human resource functions within the division including staffing, performance reviews, recognition and discipline; and
- Prepares terms of reference and statements of work to direct contractors.

2. Provides expert advice in the areas of legislation and legal implications to departmental policies, including negotiation of complex agreements.

- Provides leadership, expertise and advice on Departmental legal affairs including the development, implementation and evaluation of legislative and regulatory projects;
- Reviews and makes recommendations on Departmental legislation, including legislation required to implement devolution of lands, water and resources to the GNWT;
- Represents the Department's legislative interests with other departments and other governments;

- Reviews Departmental and economic development policies to identify specific legal concerns;
- Reviews the Departments programs, activities and negotiations for compliance with legislation;
- Analyzes the impact of both federal and territorial legislative changes on issues in the area of economic development and reports to Senior Management;
- Provides strategic advice and technical role in negotiations and implementation of complex, multi-dimensional, multilateral agreements related to the mandate of the department including environment, forests, land and water and wildlife;
- Leads teams to identify and analyze issues providing legislative insight into solutions;
- Leads or participates in teams to evaluate and recommend GNWT positions on matters related to ECC legislative and implementation matters;
- Recommends negotiating mandates and approaches to achieve ECC and GNWT mandate, goals and objectives, drawing from current national or international practices; and
- Working with ECC, GNWT and inter-jurisdictional personnel, leads or participates in ECC's or GNWT's development of effective strategic communications or protocols that facilitate inter-jurisdictional or interagency engagement and consultation related to ECC mandate.

3. Coordinates the development of new legislation.

- Identifies and clarifies legal issues related to legislation or policy proposals and provide advice on the best means of addressing these issues;
- Reviews departmental actions or proposals to determine whether they are consistent with legal obligations under legislation or agreements;
- Develops briefing materials to assist in decision-making related to legislative items and legal issues;
- Advises on the substance of new and amended legislation and developing recommendations for the consideration of Cabinet and Legislative Assembly;
- Participates on departmental project teams created to coordinate departmental and public input into legislation development or amendments;
- Interprets legislation and provides advice about the legislative development process;
- Provides expert advice about the appropriate instrument (statutes, regulations; policy, etc.) to govern the achievement of Departmental obligations;
- Revises and prepares documents used in the legislative process, including draft legislation, drafting instructions, legislative proposals, and public consultation documents, for conformity with standards and policy direction, and recommend revisions as required;
- Provides advice on effective public consultation processes that are consistent with settled land claims and self-government agreements, case law and other legal obligations;
- Prepares drafting instructions for Department of Justice and meeting with legal and legislative counsel to ensure draft legislation accurately reflects the intent of the

- proposed legislation and policy goals of the Department;
 - Coordinates departmental committees and participates on interdepartmental committees dealing with issues related to departmental legislation, as appropriate and assigned;
 - Advises on other departmental and GNWT initiatives as requested in order to coordinate with and obtain information on other related departmental and GNWT projects;
 - Conducts research to assist in development of legislation and analyze methods of addressing legislative issues; and
 - Analyzes results of public consultation in relation to new legislation or amendments to legislation being developed.
- 4. Evaluates Departmental policies and programs to determine their effectiveness in meeting legislative requirements.**
- Reviews policy proposals for consistency with applicable legislation;
 - Provides expert advice on the legal implications of various policy initiatives that fall within the Department's mandate; and
 - Recommends and provides support and advice to the development of policy approaches that would remain consistent with existing legislation or advising on legislative changes required to allow for specific policy approaches.
- 5. Ensures the effective administration of responses on Departmental legal issues.**
- Reviews Departmental requests for legal opinions and provide support and advice to Divisions;
 - Reviews and develop legal instruments documents including contracts, memoranda of understanding and proposed policies, and referring for legal opinions where necessary;
 - Proposes approaches to dealing with legal issues that have been identified;
 - Participates in the preparation of strategies and supporting documents such as briefing notes, Ministerial statements and information items and decision papers for Cabinet and information for Standing Committees as required, regarding legislative initiatives and legal affairs of the department such as land claims negotiations and interim measures agreements to provide advice on issues where there may be legislative implications;
 - Engages with Indigenous governments, land claims organizations, and stakeholders on issues related to new or amended legislation; and
 - Attends public meetings as required as part of the legislative consultation process.
- 6. Oversees the coordination of behalf of the GNWT input into the Government of Canada's regulatory improvement initiative and amendments to the Mackenzie Valley Resource Management Act (MVRMA).**
- Leads and coordinates GNWT input into MVRMA amendments and regulation development; and
 - Supports the operational implementation of new regulations for GNWT, including informing new decision-making functions and confirming additional delegations.

7. Leads and oversees legislative, legal and Crown Consultation requirements.

- Identifies policy and/or legislative requirements in relation to the ECC's Indigenous consultation obligations;
- Provides strategic advice to stakeholders regarding legislative, legal and Crown Consultation requirements with respect to specific issues affecting the delivery of ECC's mandate;
- Liaises, as appropriate, with other departments and governments to ensure consistent interpretation, approach and advice relating to Indigenous Consultation;
- Provides support to the departmental corporate business planning and results reporting processes;
- Develops and implements annual work plans which establish short and long term strategic legislative objectives for the department. Analyzes plans and implements strategic issues and options within ECC;
- Provides timely, strategic advice to the Department's Senior Management Committee on major legislative, legal and consultation issues affecting ECC and liaise with key representatives from other departments to resolve these issues;
- Minimizes and manages any exposure or risk for ECC/GNWT and coordinates the GNWT input into MVRMA amendments and regulation development; and
- Supports the operational implementation of new regulations for GNWT, including informing new decision-making functions and confirming additional delegations.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual demands.

Sensory Demands

No unusual demands.

Mental Demands

Mental demands include multi-tasking and working to tight deadlines in a setting where there are frequently changing priorities, conflicting interests and differing perspectives.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of legal and legislative principles and practice;
- Knowledge of administrative law, constitutional law, Indigenous law, environmental and resource development law, relevant case law and the interpretation of legal statutes;

- Knowledge of Federal Acts and regulations, agreements, frameworks, strategies and policies as they relate to the Director's areas of responsibility
- Knowledge of federal acts and regulations, agreements, frameworks, strategies and policies as they relate to the Director's areas of responsibility.
- Knowledge of the GNWT's structure and operations, priorities, business strategies, departmental mandates and organizational design.
- Knowledge of the processes and procedures to develop or amend legislation, acts, agreements, frameworks, strategies and policies.
- Knowledge of land, resources and self-government agreements and treaty land entitlement agreements and negotiations throughout the NWT.;
- Knowledge of the principles of land claims;
- Knowledge of management practices and tools;
- Strong human relations and negotiation skills;
- Political sensitivity, self-confidence, tact and diplomacy are critical;
- Ability to identify key issues from complex documents, and explain these issues in plain language;
- Ability to lead and work effectively in teams;
- Strong ability to organize, prioritize and work under pressure and with deadlines;
- Excellent project management skills;
- Excellent written and verbal communication skills; and
- Ability to make effective oral presentations.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.

Typically, the above qualifications would be attained by:

This level of knowledge is most commonly acquired through an undergraduate degree in Political Science, Canadian Studies or Public Administration, as well as a minimum of five (5) years' experience working with (reviewing and evaluating) legislation, experience in writing and researching documents such as Decision Papers, Legislative Proposals and Ministerial briefing notes, and three years management experience.

Preference may be given to those with a law degree (LLB/JD).

Equivalent combinations of education and experience will be considered.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- ☐ No criminal records check required
- ☒ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- ☐ French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

- ☐ French preferred

Indigenous language: Select language

- ☐ Required
☐ Preferred