



IDENTIFICATION

Department	Position Title	
Industry, Tourism and Investment	Manager, Legislation and Legal Affairs	
Department	Community	Division/Region
63-3502	Yellowknife	Policy, Planning, Communications and Analysis

PURPOSE OF THE POSITION

The Manager, Legislation and Legal Affairs provides expert advice on and implements strategies for the legislative review of Departmental legislation and other assigned special projects, and must ensure that appropriate information and briefings are provided to the Minister, Executive Council, the Financial Management Board (FMB), Standing Committees, and stakeholder groups. The incumbent also provides expert advice in the areas of legislation analysis, coordination and implementation to ensure the development of new statutes and regulations administered by Industry, Tourism and Investment are consistent with Executive Council direction, land claims and self-government agreements and federal legislation. The position coordinates the amendment of legislation and development of new legislation, including legislation required to implement devolution of lands and resources to the Government of the Northwest Territories (GNWT), and provides expert advice on legislation processes including drafting. This position also provides expert advice on legal issues in relation to departmental activities as they arise, including the review or conduct of hearings into orders, decisions or directions made under the Northwest Territories (NWT) Mining Regulations.

SCOPE

The Manager, Legislation and Legal Affairs reports to the Director, Policy, Planning, Communications and Analysis and has two direct reports: Legislative Advisor and Ministerial Review Specialist. The incumbent is responsible for assigning projects to each of these FTEs, and ensuring a work plan is in order for the unit.

The Policy, Planning, Communications and Analysis 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, as well as the legal activities of the Department.

The Department is responsible for the administration of about thirteen statutes and associated regulations, several of which need to be revised, updated, or replaced to be consistent with settlement of land claims and Federal legislation. The subject matter is varied, including: mines and minerals; oil and gas; energy; tourism; parks; diamond projects; traditional economy, agriculture and fisheries; economic diversification; business information and intelligence; and access to capital.

Amendment of existing legislation and regulations and development of new legislation and policies must be undertaken in the context of devolution management authority for lands 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 need to be familiar with this legal framework to 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.

The incumbent 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 incumbent 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 incumbent may be required to work under tight deadlines with information of a confidential nature.

RESPONSIBILITIES

1. Provides expert advice in the areas of legislation and departmental policies

- Provide leadership, expertise and advice on departmental legal affairs, including the development, implementation and evaluation of legislative and regulatory projects and the fulfillment of appeal obligations under Section 84 of the NWT Mining Regulations;
- Supervise the delivery of the Ministerial review process under Section 84 of the NWT Mining Regulations;
- Provide advice regarding the interpretation, evaluation and analysis of departmental legislation;
- Analyze and provide expert advice on the impact of federal, provincial and territorial legislative changes, judicial outcomes and theoretical developments on the administration of departmental activities;
- Review and make recommendations on departmental legislation, including legislation required to implement devolution of lands and resources to the GNWT;
- Represent the Department's legislative interests with other departments and other governments;

- Review departmental and economic development policies to identify specific legal concerns;
- Review the Department's programs and activities for compliance with legislation; and
- Analyze and report to Senior Management the impact of both federal and territorial legislative changes on issues in the area of economic development.

2. Coordinates the development of new legislation

- Identify and clarify legal issues related to legislation or policy proposals and providing advice on the best means of addressing these issues;
- Review departmental actions or proposals to determine whether they are consistent with legal obligations under Acts or agreements;
- Develop briefing materials to assist in decision-making related to legislative items and legal issues;
- Advise on the substance of new and amended legislation and develop recommendations for the consideration of Executive Council and the Legislative Assembly that would meet the GNWT and departmental goals, objectives and priorities, including devolution of lands and resources to the GNWT;
- Lead task teams assigned to develop options and recommendations for legislative action;
- Coordinate development of, or amendments to, legislation with divisions and regions;
- Manage departmental project teams created to coordinate departmental and public input into legislation development or amendments;
- Interpret legislation and provide advice about the legislative development process.
- Provide expert advice about the appropriate instrument (statutes, regulations, policy, etc) to govern the achievement of departmental objectives;
- Revise and prepare 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 recommending revisions as required;
- Advise on effective public consultation processes that are consistent with settled land claims agreements, case law and other legal obligations;
- Prepare drafting instructions for Department of Justice and meet with legal and legislative counsel to ensure draft legislation accurately reflects the intent of the proposed legislation and policy goals of the Department;
- Coordinate departmental committees and participate on interdepartmental committees dealing with issues related to departmental legislation, as appropriate and assigned. Advise on other departmental and GNWT initiatives as requested in order to coordinate with and obtain information on other related departmental and GNWT projects;
- Conduct research to assist in development of legislation and analyzing methods of addressing legislative issues; and
- Analyze results of public consultation in relation to new legislation or amendments to legislation being developed.

3. Evaluates departmental policies and programs to determine their effectiveness in meeting legislative requirements

- Review policy proposals for consistency with departmental legislation;

- Provide advice on the legal implications of various policy initiatives that fall within the Department's mandate; and
- Recommend policy approaches that would remain consistent with existing legislation or advising on legislative changes required to allow for specific policy approaches.

4. Ensures the effective administration of response to departmental legal issues.

- Review policies, programs and operating procedures to assess and ensure compliance with departmental, territorial and federal legislation;
- Review departmental requests for legal opinions and refer to Department of Justice for legal advice where necessary;
- Review documents including contracts, memoranda of understanding and proposed policies, and referring for legal opinions where necessary;
- Provide advice and support on legal issues;
- Develop options and provide expert advice to departmental staff on implementation of departmental legislation, as well as other relevant territorial and federal legislation;
- Propose approaches to dealing with legal issues that have been identified;
- Participate in the preparation of strategies and supporting documents (briefing notes, Ministerial statements and submissions to the Executive Council and Financial Management Board and information for Standing Committees as required) regarding any legal proceedings in which the Department may be involved;
- Review documents for land claims negotiations and interim measures agreements to provide advice on issues where there may be legislative or legal implications;
- Deal with Aboriginal governments, land claims organizations, and stakeholders on issues related to new or amended legislation;
- Attend public meetings as required as part of the legislative consultation process; and
- Review requests and provide advice on the disclosure of information under the *Access to Information and Protection of Privacy Act*.

5. Manages the human and financial resources of the Legislation and Legal Affairs unit in order to meet divisional and departmental objectives.

- Supervise and manage two full time positions, contract, casual staff and consultants;
- Support the development of staff, including identifying training requirements and opportunities for staff, and create an engaging and productive work environment;
- Inform staff about governmental, departmental and divisional priorities;
- Develop and implement annual workplans that establish short and long term objectives for the unit;
- Forecast and manage the unit's budget in a fiscally responsible manner;
- Ensure unit staff have access to necessary resources, supplies, equipment and information;
- Organize staff, contracts, intergovernmental committees, and information resources;
- Complete human resource functions within the division including staffing, performance reviews and discipline;
- Prepare terms of reference and statements of work to direct contractors; and
- Supervise and manage contract and casual support staff, consultants, etc. associated with legislation, policy and program development and evaluation.

6. Performs other duties

- Provide support to the departmental corporate business planning and results reporting processes;
- Maintain a positive working relationship with provincial, territorial and federal government officials in areas of legislation and policy development, sustainable development policy, etc.; and
- Act as the liaison with regional and field staff on relevant issues.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual conditions.

Sensory Demands

No unusual demands.

Mental Demands

The incumbent is subject to high levels of stress related to multi-tasking and working to tight deadlines in a setting where there are frequently changing priorities, conflicting interests and differing perspectives. The incumbent is also subject to high levels of stress when collaborating with senior officials. Mental demands are for frequent periods of short duration.

KNOWLEDGE, SKILLS AND ABILITIES

The responsibilities of the position require a knowledge of public administration, law and legislation, and in particular the development of legislation, to an extent that allows the incumbent to recognize issues, meet targets, and develop innovative approaches.

Specific areas of expertise include:

- Expert knowledge of legal and legislative principles and practice;
- Extensive knowledge of administrative law, constitutional law, Aboriginal law, mining law, relevant case law and the interpretation of legal statutes.
- In-depth knowledge of departmental legislation and goals and objectives, and the political and social environment in which departmental programs and services are delivered;
- Familiarity with key pieces of NWT and Federal legislation that relate to departmental operations;
- Expert knowledge of the legislative development process;
- Knowledge of land claim agreements;

- Knowledge of northern peoples, cultures and communities.

Responsibilities require the incumbent to have proven analytical, research, writing and communication abilities. Specific skills include:

- Ability to identify key issues from complex documents, and explain these issues in plain language;
- Ability to 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;
- Ability to make effective oral presentations;
- Responsibilities require human relations know-how in order to build and sustain relationships with stakeholders, lead teams and carry out complex negotiations. Political sensitivity, self-confidence, tact and diplomacy are also critical in contacts with stakeholders and politicians.

Typically, the above qualifications would be attained by:

An undergraduate degree in public administration, public policy, intergovernmental relations, business administration, economics, international development, or a related field, as well as 6 years of progressive experience in government; Indigenous Rights law; development, implementation and interpretation of legislation; contract reviews; project management; and supervising or leading staff. A degree in law (LLB.) would be considered an asset.

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