

**TERMS OF REFERENCE
FOR ADVISORY COMMITTEES ON ADJUDICATIVE BOARDS**

-AND-

**SELECTION CRITERIA TO BE USED BY ADVISORY COMMITTEES
ON ADJUDICATIVE BOARDS**

Updated December 18, 2002

Terms of Reference

A. **Introduction**

1. In January 2002 the government of Nova Scotia committed to implementing an improved appointment process for the province's agencies, boards, and commissions ("ABCs"). Specifically, the government committed to establishing non-partisan advisory committees ("Advisory Committees") to assess applicants for the province's adjudicative boards.
2. The Advisory Committees shall: consider resumes, written materials submitted, and/or background checks in support of an application; screen applicants and make notes regarding strengths and weaknesses of applicants against criteria defined by subject matter experts; arrange and conduct interviews as necessary; and submit an unranked short list of recommended candidates along with a precis of information about each to the responsible minister. In assessing applicants, the Advisory Committees shall follow the selection criteria set out in the second part of this document; the selection criteria is modeled on the selection criteria currently used to select members of the province's Utility and Review Board.

B. **Definition of Adjudicative Boards**

1. Adjudicative boards are agencies, boards, and commissions ("ABCs") with quasi-judicial functions; these boards take evidence, make findings of fact and law, and make decisions affecting a person's liberty, security, or legal rights. (For example, the Assistance Appeal Board makes decisions affecting a person's entitlement to income assistance.) A list of the province's adjudicative boards is attached as Schedule "A" to this document.

C. **Composition of Advisory Committees**

1. When the minister responsible for an adjudicative board (the "Board") determines that an

appointment to the Board is desirable, the minister shall elicit the support of an Advisory Committee to review applications and make recommendations to the minister.

1. The Advisory Committee shall be composed of:
 - (a) A human resource professional appointed by the Commissioner of the Public Service;
 - (b) Two civil servants appointed by the minister responsible for the Board; and
 - (c) Two lay representatives appointed by the minister responsible for the Board.
2. The Advisory Committee members shall serve for the term of up to two years, as designated by the Public Service Commissioner.
3. The Advisory Committee shall be chaired by the human resource professional.
4. The Advisory Committee may consider or give advice on one or more competitions.
5. The minister responsible for the Board shall pay all reasonable out-of-pocket expenses of the Advisory Committee members, as outlined in the Management Manuals.

D. Number of Advisory Committees

1. There shall be eight Advisory Committees, one for each of the following departments:

Agriculture and Fisheries;

Education;

Environment and Labour;

Health;

Justice;

Natural Resources;

Service Nova Scotia and Municipal Relations;

Community Services.
2. A department may determine that, due to the limited number of adjudicative boards within

its jurisdiction, it does not require its own Advisory Committee. In such a case, a department may, by agreement, transfer the responsibilities of its Advisory Committee to the active Advisory Committee of another department. Because Advisory Committees perform a human resources function and work from criteria established by subject matter experts, it would be appropriate for one Advisory Committee to review applications for multiple departments.

E. Appointment of Advisory Committee Chairs and Civil Servant Members

1. The Advisory Committee Chairs shall be appointed by the Public Service Commissioner.
2. The Directors of the Human Resources Corporate Service Units (“CSUs”) shall act as the first Chairs of the Advisory Committees.

F. Appointments of Lay Representatives to Advisory Committees

1. The Chair of each Advisory Committee shall, in consultation with the civil servant members, review the applications for the position of lay representatives received by the Executive Council Office. The Chair will then provide the minister with a list of not less than six recommended candidates, in alphabetical order, for appointment as lay representatives to the Advisory Committee.
2. The Minister shall appoint the two lay representatives from the list of recommended candidates provided by the Chair. Where there are insufficient recommended candidates, the Chair may solicit additional applications following Human Resource best practices.
3. The Committee is supportive of the active recruitment of members from traditionally under represented groups. The Advisory Committee shall, where possible, reflect the diversity of the Nova Scotia population.

G. Ongoing Responsibility for Advisory Committees

1. The Advisory Committee Chairs are responsible for:
 - (a) in consultation with the Executive Council Office, determining when appointments or reappointments to their Advisory Committee, and to the adjudicative boards for which they are responsible, will be required;
 - (b) ensuring that the necessary meetings of the Advisory Committee are scheduled and held;
 - (c) chairing the meetings of the Advisory Committee;

- (d) using templates defined and created by the group of Advisory Committee Chairs, and working with departmental subject matter experts to define the qualifications, selection criteria, and position profiles used to screen applicants for adjudicative boards;
- (e) preparing the written submissions to the minister, setting out the short list of recommended candidates in alphabetical order, and a precis of information about each;
- (f) meeting at a regularly scheduled time with other Advisory Committee Chairs to discuss common issues, and ensure corporate consistency.

Selection Criteria to be used by Advisory Committees on Adjudicative Boards

A. Criteria to be Applied by the Committee

1. Each department shall maintain accurate and up-to-date position profiles for use by the Advisory Committee. These position profiles shall include a description of the Board, including its functions and goals. The position profiles shall also list any formal qualifications required (ex. engineer) and any relevant work or other experience which is required or desired. (For example, an understanding of the agriculture industry would be valuable for a candidate applying for a position on the Farm Practices Board.)
2. The Advisory Committee shall evaluate applicants for suitability to carry out the duties outlined in the position profiles provided by the departmental experts in evaluating applicants. The Advisory Committee shall consider the degree to which applicants meet/exceed the qualifications outlined in the position profiles.
3. The Advisory Committee shall, in addition to the qualifications outlined in the position profiles, use the following criteria when evaluating applicants. Applicants should have demonstrated the following in their work, volunteer, or other life experiences:
 - Respect for the essential dignity of all persons, regardless of their circumstances, and commitment to diversity and employment equity;
 - ability to apply a broad perspective on issues, and work with a team to listen to others, constructively solve problems, make objective and fair decisions, and reach consensus in a timely manner;
 - ability to deal professionally with confidential and sensitive information;
 - ability to communicate effectively and write clear and concise board reports;

- ability to commit required time and effort, and if necessary, travel;
- peer/community recognition of high ethical standards and integrity in professional and personal interactions;
- **preference** will be given to applicants with previous involvement/experience in matters related to the board's function, for example, activities where one would acquire an understanding of related issues, interests, practice, policy, legislation, and collective agreements and/or former client of program or service; this preference will not be in violation of code of conduct and conflict of interest practices;

In addition to the above noted criteria, any head or chair of an adjudicative board should have a proven ability, preferably as a board or meeting chairperson, in leading groups to constructively solve problems and bring about fair and consensus-based decisions.

4. The Advisory Committee shall also work to ensure that, when possible and appropriate, the Board's members are drawn from several different regions of the Province.
5. The Advisory Committee shall work to ensure that, where possible, the Board includes members of traditionally under represented groups: racially visible, persons with disabilities, aboriginal persons, and women.

B. Selection Process

1. The Advisory Committee shall consider any and all written materials submitted in support of an application.
2. The Advisory Committee may interview applicant(s) where the Advisory Committee deems appropriate.
3. The Advisory Committee shall assess all applicants. Committee members may make notes regarding the strengths and weaknesses of each candidate.
4. The Advisory Committee shall submit to the Minister a short list of recommended candidates, in alphabetical order, with a precis of information about each.
5. The Advisory Committee shall recommend only qualified candidates. The short list should be restricted to the most qualified candidates, as determined by the Advisory Committee following the above criteria set out in sections above.

6. The short list will normally contain not fewer than three and no more than six qualified candidates.
7. To ensure that the Government is given full and frank advice, the reports of the Advisory Committee will not be disclosed except to members of the Executive Council or persons preparing material for consideration by the Executive Council. All reports from the Advisory Committee will be kept strictly confidential.
8. The Minister when recommending an appointment to the Governor in Council will choose from the short list of candidates.
9. The Governor in Council has the ultimate responsibility to make appointments to adjudicative boards.

C. Advertising of Vacancies

1. All vacancies on adjudicative boards will be advertised throughout the province and such advertisement will include reference to where position profiles and an overview of the selection process can be readily obtained. Each advertisement will indicate a closing date, after which applications will not be accepted, nor reviewed. If the closing date is missed by an applicant, the applicant is welcome to re-apply during the next round of advertisements.
2. The Executive Council Office, in cooperation with the Nova Scotia Human Rights Commission and the Committee of (departmental) Advisory Committee Chairs, will determine how best to communicate information regarding vacancies on adjudicative boards to Nova Scotia's aboriginal communities.

Schedule “A”

Department	Board
Agriculture and Fisheries	Agricultural Marshland Conservation Commission
	Nova Scotia Crop and Livestock Insurance Arbitration Board
	Farm Registration Appeal Committee
	Natural Products Marketing Council
	Farm Practices Board
Education	Teacher Certification Appeal Committee
	Education Act Board of Appeal
	Student Assistance Higher Appeal Board
	Private Career Colleges Board
Environment and Labour	Blasters Board of Examiners
	Construction Industry Panel
	Crane Operators Appeal Board
	Fuel Safety Board
	Labour Relations Board
	Labour Standards Tribunal
	Occupational Health and Safety Appeal Panel
	Pay Equity Commission
	Power Engineers and Operators Appeal Committee
	Radiation Health Advisory Committee
	Securities Commission
Health	Psychiatric Facilities Review Board
Justice	Police Review Board
	Criminal Code Review Board
Natural Resources	Primary Forest Products Marketing Board
Community Services	Assistance Appeal Board
	Adoption Appeal Committee
Service Nova Scotia	Regional Assessment Appeal Board