



## PANELS OF THE BOARD

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## Definitions

The following definitions apply for the purposes of this Policy:

**“Appointed Board”** means the appointed members of the Forest Practices Board and includes the Chair, the Vice-Chair and Board Members.

**“Appointed Board members”** means individual members of the Appointed Board.

**“Board staff”** means staff employed by the Forest Practices Board.

**“Board”** means the Forest Practices Board organization as a whole, and includes Appointed Board members and Board staff.

**“Board or Board’s mandate”** means the purpose and duties of the Forest Practices Board as specified in the following legislation:

- *Forest and Range Practices Act*
- *Wildfire Act*
- Forest Practices Board Regulation

**“Chair”** means Chair of the Forest Practices Board.

**“Panel”** means a subset of the Appointed Board assigned by the Chair under section 137 of the *Forest and Range Practices Act*.

## 1. Purpose

The purpose of this policy is to provide guidance on the assignment and duties of Panels of the Board that are formed under section 137 of the *Forest and Range Practices Act*.

## 2. Objectives

- a. Ensure that panel policies and procedures are consistent with legislation, regulations and the Board's Strategic Plan, mission and values.
- b. Increase transparency in the conduct of Board activities.

## 3. Legislation and Regulations

### *Forest and Range Practices Act (FRPA)*

#### **Panels of the Board**

137(1) The board may organize itself into panels, each comprised of one or more members.

- (2) The members of the board may sit as a board or as a panel of the board, and 2 or more panels may sit at the same time.
- (3) A panel of the board has the jurisdiction of the board and may exercise the powers and perform the duties and functions of the board.
- (4) A report, a recommendation or an action of a panel of the board is a report, recommendation or action of the board.

### *Administrative Tribunals Act*

#### **Responsibilities of the chair**

- 9 The chair is responsible for the effective management and operation of the tribunal and the organization and allocation of work among its members.

## 4. Application

This policy applies to Appointed Board members and Board staff.

## 5. Policy and Procedures

### **5.1 Panel Assignment**

- a) Panels are assigned by the Chair.
- b) When a panel is not assigned, the Chair is deemed to be the panel.
- c) Matters of significant strategic importance may be paneled by the Appointed Board.
- d) Assignment of a panel will normally be initiated upon soliciting and receiving staff advice, and panel composition will reflect the unique circumstances of the subject, project or activity.

- e) Typically, a panel will be assigned if:
  - i) Investigation or audit findings include significant non-compliance or lack of sound forest practices;
  - ii) The subject matter is of strategic interest or might otherwise require comment by the Board; or,
  - iii) The matter is likely to garner significant public or stakeholder interest.
- f) Where warranted, a panel may be assigned to provide guidance with regard to the terms of reference for a special investigation.
- g) When assigning panels, the Chair will consider:
  - i) Board member availability
  - ii) Distribution of workload among AB members
  - iii) Conflicts of interest or potential for reasonable apprehension of bias related to the matter;
  - iv) The knowledge and experience of the board members relative to the matter; and
  - v) Opportunities to provide exposure to board members to a diversity of topics.

## ***5.2 Panel Duties with Respect to Reports***

Once established, the primary function of a panel is to exercise the Board's power to make a report under FRPA. The panel is the decision maker for the report and must be prepared to:

- a) Ensure the Report is made within the mandate of the Forest Practices Board;
- b) Based on staff advice, and interpretation of relevant legislation, make any determinations of compliance or determinations of the appropriateness of government enforcement, that arise from the report.
- c) Ensure that all findings and conclusions are consistent with the legal requirements and reflect the public interest.
- d) Determine whether or not to make recommendations pursuant to the report.
- e) Ensure that a report's content and tone are consistent with the values and guiding principles of the Board.
- f) When representations are provided to a party or person, ensure that the representations are addressed in the final report, in accordance with the Board's Representations Policy.
- g) Decide if a commentary is needed, and identify and articulate the key points of the commentary.
- h) Consider potential public and stakeholder response to the report and, if requested, provide advice to staff and chair about communications.
- i) Consider the level and manner of follow-up the Board should do post-report and provide advice accordingly.

Upon completion of a report, the panel must provide its approval that the report is complete. Following panel approval, the Panel Chair and the Chair will work with staff for final editing, desk top publishing, and development of a communications plan. The Chair will make a final decision that the report is ready for publishing.

Panels may be also be formed to provide advice or approval of the Terms of Reference for a Special Investigation.

### ***5.3 Panel Chair Appointment***

When the Chair is a member of a panel, they will normally be the Panel Chair. However, the Chair may assign another member to be Panel Chair.

In selecting a Panel Chair, consideration will be given to the following:

- a) The Appointed Board member should have experience as a panel member on several panels before taking on the Panel Chair role;
- b) The Appointed Board member should have a thorough understanding of Board policies, procedures and precedents.

### ***5.4 Duties of the Panel Chair***

The primary role of the Panel Chair is to ensure the panel functions effectively with a constructive dialogue. The Panel Chair will:

- a) ensure the panel process follows the Board's policies and procedures.
- b) work with Board staff to customize the panel process to address the unique issues in the specific report. This includes participation in a pre-panel meeting with Board staff to identify:
  - i) Any previous Board reports that the panel should be aware of that pertain to the panel;
  - ii) Any pre-reading material that the panel requires to understand the legislation, policy, or issues involved in the panel;
  - iii) The critical issues where the panel will need to make a conclusion; and
  - iv) The appropriate sequence of panel meetings and information provided to the panel.
- c) chair the panel meetings
  - i) Ensure that the tone of the meeting is constructive and collaborative;
  - ii) Ensure that key issues among the panel are raised and resolved satisfactorily;
  - iii) Ensure that the panel process explores a full range of public perspectives in the process, and that the panel "asks the hard questions";
  - iv) Work with Board staff to ensure appropriate steps are taken and information is provided for the panel to resolve any outstanding issues;
  - v) On behalf of the panel, work with Board staff to seek legal advice on interpretation issues that may arise in the panel; and
  - vi) Ensure Board staff have clear guidance for further work or follow-up.

- d) if issues arise where the panel wishes to consult with the whole Appointed Board regarding the Appointed Board's perspective on a matter, work with the (Board) Chair to discuss the matter with the Appointed Board as a whole.<sup>1</sup>
  - i) Matters where consultation with the Appointed Board as a whole may be appropriate include broad matters of policy or precedent and matters of a strategic nature.
  - ii) Specific facts being considered by a panel are generally not appropriate matters to consult with the Appointed Board as a whole.
  - iii) Consultation with the Appointed Board as a whole is advisory only and the panel must make its own decision on the merits of the matter they are hearing.
- e) if the Panel Chair deems it necessary, check-in with Board staff between panel meetings, to ensure the direction of the panel was clear and can be actioned, and to address any outstanding issues.
- f) make a decision on the need for representations, as per section 128 of FRPA.<sup>2</sup>
- g) recommend to the [Board] Chair that the panel work is complete and the report is ready for publication<sup>3</sup>.
- h) Provide advice to the chair on a communications plan for the report.
- i) At the request of the [Board] Chair, provide the Appointed Board a brief on the report.

### ***5.5 Delegation of FRPA Section 128 Representations Decision***

Upon the formation of a panel, the Panel Chair is deemed to have been delegated the authority by the (Board) Chair<sup>4</sup> to determine the need for an opportunity to make representations as described in FRPA section 128 and in accordance with in the Board's Representations policy.

### ***5.6 Roles and Responsibilities***

#### **Chair**

- Act as a single member panel, or assign Appointed Board members to panels for individual files, or sit as one member on a multi-member panel.

#### **Panel Chair**

- Ensure effective functioning of an assigned panel, in accordance with this policy and any established procedures.

#### **Appointed Board Members**

- Carry out the duties of a panel in accordance with this policy and any established procedures.

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<sup>1</sup> The purpose of this consultation is to enhance consistency of Board decisions, which is a key element of procedural fairness.

<sup>2</sup> Note; refer to a separate note on delegation of representations.

<sup>3</sup> The Panel has final authority over the decision to approve a report. The Chair may review a draft report for consistency with board policies and if gaps or issues are found, the Chair can ask the panel to consider the gaps.

<sup>4</sup> Section 140 of FRPA provides the Chair with the authority to delegate the board's powers or duties under this Act.

**Directors**

- Provide the Chair with advice on the need for and composition of panels based on the unique circumstances of the subject, project or activity. Work with assigned panels to address the specific circumstances of the files, including providing support, documents and information as requested.

**Board Staff**

- Carry out scheduling and logistics of panel communications, as well as keeping appropriate records and minutes from panel discussions.

**6. Procedures**

The Executive Director may establish general procedures to support the implementation of this policy.

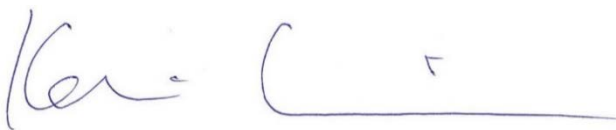
**7. References**

- Board Meetings Policy
- Representations Policy
- Reports Policy
- Recommendations Policy
- Board Policy and Procedures Policy

**8. Document Control Information**

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Approved by:



Kevin Kriese, Chair

Forest Practices Board