

1. IDENTIFICATION

Position No. 05-12240	Job Title Counsel	Supervisor's Position Director Legal Registries (05-02795)
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Department Justice	Division/Region Legal Registries	Community Iqaluit	Location 1 st Floor, Brown Building
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Fin. Code: 05700-01-1-111-0550000-01-????

2. PURPOSE

<p>Main reason why the position exists, within what context and what the overall end result is.</p> <p>Under the direction of the Director Legal Registries, Counsel is responsible for providing legal services for the application and enforcement of the <i>Land Titles Act</i>, <i>Business Corporations Act</i>, <i>Societies Act</i>, <i>Partnership Act</i>, <i>Co-operative Associations Act</i>, <i>Securities Act</i>, <i>Condominium Act</i>, <i>Mechanics Lien Act</i>, <i>Personal Property Security Act</i>, portions of the Nunavut Land Claim Agreement as well as numerous federal and territorial statutes affecting real property law (including surveying and conveying of Crown lands, municipal legislation, family law, and statutes relating to minors, deceased persons and dissolved corporations, etc.) and various national rules, instruments, and procedures of the Canadian Securities Administrators.</p> <p>The Division promotes a modern, electronic technology based legal and administrative environment to for real estate, commercial and financing transactions, the formation of business and non-profit organizations and the activities of investment market participants, which contribute to and support economic and social development in Nunavut.</p>
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3. SCOPE

<p>Describe the impact the position has on the area in which it works, or if it impacts other departments, the government as a whole, or the public directly or indirectly. How does the position impact those groups/individuals, the organization and/or budgets. What is the magnitude of that impact.</p> <p>The position is one of 12, located in Iqaluit, serving Nunavut (see organizational chart).</p> <p>Counsel ensures appropriate and consistent policies are applied in the administration of territorial statutes according to sound legal principles. Counsel researches emerging legal issues impacting on the division and prepares impact statements for the Director.</p> <p>Counsel serves as the principal legal resource for the Land Titles Office, the Securities Registry, Corporate Registry, Personal Property Security Registry.</p> <p>The Land Titles system includes the records and processes confirming the existence and dimensions of real property assets, the transactions affecting them, their relevant economic features and the rules governing the use and transfer of land. The office registers survey plans</p>
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and legal instruments to record guaranteed ownership titles and other interests in land.

The Personal Property Security Registry is an on-line system where security interests in personal property are registered and searched. Registration protects the priority of a secured creditor's claim to a debtor's personal property. The land titles and personal property security registries provide public information on requirements, procedures and registered interests in land or personal property. The result is enhanced certainty of title to support conveyance and lending transactions.

The Corporate Registry enables organizations to be incorporated or registered and entitles them to conduct commercial and not-for-profit activities in Nunavut. They maintain records of all registered business corporations, non-profit societies, partnerships and co-operative associations. The securities registry regulates trading in investment securities by receiving prospectuses and other disclosure filings and by licensing brokers and salespersons who are engaged in the industry. The objectives are to protect investors and promote efficient capital markets in which investors can have confidence.

The work of Legal Registries Counsel impacts on all of Legal Registries' clients throughout Nunavut as well as certain non-residents involved in various types of transactions or registration categories within the Division.

Clients include all members of the public who own or lease land in Nunavut, and individuals, organizations and lawyers involved with land transactions, registrations and secured financing transactions. Clients include financial institutions and various organizations that administer or develop land holdings and provide community planning services such as municipalities, municipal taxation authorities, land surveyors, Designated Inuit Organizations, the Nunavut Housing Corporation, the Community Planning and Lands Office of the Department of Community and Government Services and Aboriginal Affairs and Northern Development Canada, the Legal Surveys Division of Natural Resources Canada, other federal and territorial government departments. Other client groups are business and non-profit organizations and agencies that issue business licenses and provide funding for the non-profit sector.

4. RESPONSIBILITIES

Describe major responsibilities and target accomplishments expected of the position. List the responsibilities that have the greatest impact on the organization first and describe them in a way that answers *why* the duties of the position are being performed. For a supervisory or management position, indicate the subordinate position(s) through which objectives are accomplished.

Counsel is responsible for researching and assisting with the interpretation of relevant legislation, ensuring the consistent interpretation, application and enforcement of the provisions of numerous Government of Nunavut statutes in respect of a wide range of legal documents submitted for registration. The Legal Registries Counsel must interpret statutes in a manner legally sound and consistent with the legislative intent and must apply appropriate legal principles based on the statutes and judicial decisions. Counsel must keep abreast of all development and provide assistance to the Director in the interpretation and application of new provisions as they impact on the Division.

Counsel is responsible for the following:

1. Operations of the Division

- Assisting with the implementation of automated systems for Legal Registries and co-ordinating these systems, efforts and activities with those of other Canadian jurisdictions;
- Writing briefing notes and Memorandums of Law for the Director;
- Updating information for the website, writing newsletters, press releases, and speeches;
- Establishing and maintaining relations and relationships with client groups, involving the following activities required by, and at the request of, the Director:
 - representing the Division at intergovernmental meetings and committees;
 - organizing, publicizing, and delivering public legal education seminars;
 - preparing educational and training materials for public legal education seminars; preparing materials targeted for client groups (including the general public, the Government of Nunavut, legal community and staff of financial institutions) as changes, developments, and improvements occur in the Division's activities and programs;
 - working with senior staff within the Department of Justice, including participation in Departmental senior management meetings, and with staff in other departments, agencies, or organizations;
 - assisting in monitoring administrative processes ensuring that prescribed fees are paid for all services; developing and implementing procedures arising from legislative or policy changes.

2. Professional services promoting effectiveness

- Reviewing and evaluating existing policies and legislation ensuring they are applied consistently, meeting the needs of the Government of Nunavut, general public, and client groups;
- Writing briefing notes and memorandums of law for the Director;
- Writing the Legal Registries Newsletter, speeches, and press releases for the Director;
- Advising the Director regarding current, new, and emerging legal issues;
- Assisting in the drafting of legislation and amendments;
- Providing information on legislation, registration standards, and procedural rules to response to inquiries, issues, and problems regarding of their complexity;
- Providing technical assistance to the Director, government officials and stakeholders having responsibilities related to the Division, it's programs as well as clients of the Division;
- Assisting with the organization, preparation, and delivery of legal education seminars and materials for the general public;
- Recommending, providing constructive feedback, and implementing legislative and policy changes under the direction of, and with the support, assistance, and cooperation of, the Director

3. Administration of the Land Titles Act and Personal Property Security Act

- Supporting staff in consistently achieving target turn around times from the date

document is received until it is accepted, processed and the results sent out or rejected with reasons in writing;

- Assisting with the review, registration and processing of plans of survey to ensure accurate legal descriptions for land are properly reflected on all certificates of title;
- Assisting with the maintenance of all Division operating systems;
- Conducting legal research in related areas that may be changing or in response to immediate or anticipated problems, issues, and events;
- Helping the Director establish policies and procedures ensuring:
 - a) the discretion to accept or reject documents is properly exercised;
 - b) the consistent interpretation and application of provisions of all relevant statutes;
 - c) prompt and accurate responses to requests for publicly available information are made;
 - d) staff regularly search the Personal Property Security Registry and provide services for secured parties and the general public required to support that registry;
 - e) considering appeals of decisions made by staff
- Liaising with the Head of the Nunavut Unit of Legal Surveys Division, Natural Resources Canada, and with Lands Officers at the Department of Community and Government Services, regarding the procedures for preparing, correcting deficiencies, and registering legal survey plans and other submissions.

4. Administration of the Securities Act and the Business Corporations Act

- Performing all job functions, to the exacting standards required in a legal environment that supports corporate and commercial transactions, and in the securities registry with its mandate to protect the investing public, including under circumstances of extreme time pressure, which occur regularly. Any undue delay or improper acceptance or rejection of registrations can significantly impact commercial transactions, the ability of businesses to function and funding payments to non-profit societies. Failure to ensure that issuers of securities provide appropriate disclosure to investors or to ensure that only qualified and honest securities advisors and dealers are registered would expose investors to unwarranted risks of financial loss. There is a continual need to provide quality service and produce work rapidly under constant deadlines, with competing priorities, but with absolute attention to detail and accuracy;
- Initiating enforcement procedures when statutory requirements are not met, either in response to public complaints or on the Director's initiative;
- Reviewing complex registrations and conducting legal research.

5. Other

- Travel may be required to represent the jurisdiction at meetings of the Management Committee of ACOL, the Canadian Association of Corporate Law Administrations (CACLA), the Canadian Conference of Land Titles Officers (CCLTO) and meetings of the Canadian Securities Administrators (CSA) and the North American Securities Administrators Association (NASAA);
- In addition to the foregoing, Counsel must perform any other tasks, duties, and responsibilities related to the position as may be assigned from time to time by the Director.

5. KNOWLEDGE, SKILLS AND ABILITIES

Describe the level of knowledge, experience and abilities that are required for satisfactory job performance.

***Knowledge* identifies the acquired information or concepts that relate to a specific discipline. *Skills* describe acquired measurable behaviors and may cover manual aspects required to do a job. *Abilities* describe natural talents or developed proficiencies required to do the job.**

These requirements are in reference to the *job*, not the incumbent performing the job.

1. Common Law degree from a recognized Canadian University, and membership in the Law Society of Nunavut and / or be a member in good standing of a Provincial or Territorial Bar.
2. Eligible to obtain membership in the Law Society of Nunavut within a reasonable time.
3. Knowledge of and experience in: the laws of Canada and Nunavut; Aboriginal and/ or northern issues and Inuit organizations generally; and/or government policies and operations is desired.
4. Knowledge of the responsibilities and mandate of the Attorney General of Nunavut, and of the general principles of public law.
5. Ability to explain legal concepts in a clear manner in writing and orally.
6. Sound judgment, as demonstrated by the ability to choose between multiple courses of action and to make decisions which are logical, practical, and which demonstrate a keen understanding on one's client's interests.
7. The ability to manage interpersonal relationships with colleagues, clients, and managers in a way that demonstrates respect, and which contributes to the creation of a collegial team environment.
8. The ability to behave with the utmost professionalism, meeting deadlines and commitments to clients even in the face of high workloads and sometimes stressful deadlines.
9. Ability to communicate in more than one of Nunavut's Official Languages will be considered an asset

6. WORKING CONDITIONS

List the unavoidable, externally imposed conditions under which the work must be performed and which create hardship for the incumbent. Express frequency, duration and intensity of each occurrence in measurable time (e.g. every day, two or three times a week, 5 hours a day).

Physical Demands

Indicate the nature of physical demands and the frequency and duration of occurrences leading to physical fatigue or physical stress.
Most of the incumbent’s time is spent sitting with frequent opportunities to move (daily, 7.5 hours, low intensity); Some filing and working with index books (daily, 0.5 hours, moderate intensity).

Environmental Conditions

Indicate the nature of adverse environmental conditions to which the jobholder is exposed, and the frequency and duration of exposures. Include conditions that increase the risk of accident, ill health, or physical discomfort.
Counsel works in a comfortable office (every day, all day, low intensity).

Sensory Demands

Indicate the nature of demands on the jobholder’s senses. These demands can be in the form of making judgments to discern something through touch, smell, sight, and/or hearing. It may include concentrated levels of attention to details though one or more of the incumbents’ senses.
Concentrated attention to detail reviewing documents (daily, 2 hours, moderate to medium intensity); Working on a computer (daily, 5 hours, high intensity).

Mental Demands

Indicate conditions within the job that may lead to mental or emotional fatigue that would increase the risk of such things as tension or anxiety.
Dealing with complex legislation and policy issues (10 per month, 1 per day, moderate intensity); Concentrated attention to detail. Accuracy reviewing and responding to applications and documents (daily, frequent periods of short duration, moderate to high intensity); Legal Research (daily, all day, moderate intensity).

ADDITIONAL REQUIREMENTS

Position Security

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

7. CERTIFICATION

_____ Employee Signature	Director Legal Registries (05-02795) _____ Supervisor Title
_____ Printed Name	_____ Supervisor Signature
_____ Date:	_____ Date
I certify that I have read and understand the responsibilities assigned to this position.	I certify that this job description is an accurate description of the responsibilities assigned to the position.
_____ Deputy Head Signature	
_____ Date I approve the delegation of the responsibilities outlined herein within the context of the attached organizational structure.	

8. ORGANIZATION CHART

Please attach Organizational Chart indicating incumbent’s position, peer positions, subordinate positions (if any) and supervisor position.

“The above statements are intended to describe the general nature and level of work being performed by the incumbent of this job. They are not intended to be an exhaustive list of all responsibilities and activities required of this position”.