

Farm Industry Review Board

Activity Plan

**Fiscal Years
2017-20**



Message from the Chairperson

The Farm Industry Review Board (the Board) was established through legislation passed during the 2005 spring session of the House of Assembly under the *Natural Products Marketing Act* (NPMA). In addition to the creation of the Board, this Act has allowed for the creation of commodity boards in the Province; namely, Dairy Farmers of Newfoundland and Labrador (DFNL), Chicken Farmers of Newfoundland and Labrador (CFNL) and Egg Farmers of Newfoundland and Labrador (EFNL).

The Board is responsible for carrying out the duties of two former boards; the Agriculture Products Marketing Board under the NMPA and the Farm Practices Review Board under the *Farm Practices Protection Act* (FPPA).

The amalgamated Board is a regulatory and adjudicative body whose responsibilities are set in two above-mentioned statutes. Under the NMPA, the Board serves as a supervisory board with the power and authority to control and direct the operations of provincial commodity boards. Under the FPPA, the Board provides farmers, who operate in an acceptable manner, with protection against nuisance suits.

Reporting directly to the Minister of Fisheries and Land Resources, the current Board consists of six appointed members with diverse backgrounds and experiences, and is supported by a full-time manager. The Board operates out of Corner Brook, Newfoundland and Labrador. Under the *Transparency and Accountability Act*, the Board is defined as a Category 3 government entity and as such is required to submit a three year "activity plan" to the Minister of Fisheries and Land Resources to be tabled in the House of Assembly. This activity plan meets the requirements for a category 3 entity under this Act.

This Activity Plan represents the Board's continued efforts to support the three Provincial agricultural commodity boards whilst serving the public interest. The entire Board is accountable for the preparation of this Plan and achievement of the objectives listed therein.

On behalf of the Board, I am pleased to present our three-year activity plan for fiscal years 2017-18, 2018-19 and 2019-20. The strategic directions of Government related to the Department of Fisheries and Land Resources have been considered in the preparation of this plan.

Sincerely,



Rita Legge
Chairperson

Table of Contents

1. Overview	4
2. Mandate	5
3. Lines of Business	6
4. Values and Guiding Principles	8
5. Primary Clients	9
6. Vision	9
7. Objectives	9
8. Appendix A: Legislated Mandate	12

1. Overview

The *Natural Products Marketing Act* requires that the Board shall consist of not less than five and not more than seven members appointed by the Lieutenant-Governor in Council, one of whom shall be a person nominated by the Newfoundland and Labrador Federation of Agriculture. The Board reports directly to the Minister of Fisheries and Land Resources. Members of the Board shall be appointed for a three-year term and are eligible for reappointment. The Board is supported by one permanent employee, the Board Manager. All other members are volunteers are reimbursed for expenses related to meetings or their duties of the Board. The following is a list of current board members:

Name	Title	Appointment Date (yyyy/mm/dd)	Expiry Date (yyyy/mm/dd)	Area
Harte, Mr. Kevin	Member	2008/06/20	2011/06/19	East
Legge, Ms. Rita	Chairperson	2014/05/29	2017/05/28	West
Lomond, Mr. Paul	Member	2014/05/29	2017/05/28	West
MacInnis, Mr. Don	Member	2014/05/29	2017/05/28	West
Thompson, Mr. Roosevelt	Member	2014/05/29	2017/05/28	Central
Wells, Ms. Elaine	Member	2014/05/29	2017/05/28	West
Vacant	Member	N/A	N/A	N/A

The Board's operational budget is included in the annual budget of the Department of Fisheries and Land Resources. The budget for the first year of the Plan (2017-18) is \$137,200.

A new board is being appointed in 2017 through the Public Service Commission merit-based process for agencies, boards and commissions.

Key Statistics*

Farm cash receipts, that is receipts paid to farmers for products produced on the farm, totaled \$100.9 million during the first three quarters of 2015, up 3.4 per cent from the same period in 2014. The increase can be mostly attributed to higher livestock receipts. Livestock and livestock products increased 3.9 per cent to \$88.8 million, accounting for 88 per cent of total receipts during this period. While farm receipts for chicken production are not published due to confidentiality restrictions, data from the Chicken Farmers of Canada indicates that the volume of chicken produced in the Province in 2015 totaled 14.4 million kilograms, up 0.7 per cent from 2014. Total crop receipts decreased by 0.4 per cent to \$11.8 million during this period. Farm gate sales for eggs totaled \$16.9 million for 2016, up \$0.2 million

from the previous year. Dairy represents the highest valued agricultural commodity in the Province, with the value of the industry for 2016 reaching \$47.9 million.

Comparatively, these statistics outline the importance of the supply-managed commodities to the agriculture and agri-food sector and to the overall economy of the Province. It is imperative that the Board work with all stakeholders to support a supply-managed system that is administered appropriately in order to maintain a sustainable sector that is fair to producers, processors and consumers.

* Source: The Economy 2016, Department of Finance, Government of Newfoundland and Labrador

Contact Information:

For information about the Board and its work, the regulated marketing system in Newfoundland and Labrador, the commodity boards, or about farm practices dispute resolution, please contact us at:

Farm Industry Review Board
P.O. Box 2006
2nd Floor Fortis Building
Corner Brook, NL A2H 6J8
Tel: 637-2672 Fax: 637-2365
Email: heatherrandell@gov.nl.ca

<http://www.faa.gov.nl.ca/agrifoods/firb/index.html>

2. Mandate

The Board is a regulatory and adjudicative body, responsible for general supervision of provincial agricultural commodity boards, and for hearing complaints from those aggrieved by board decisions, or by farm practices. Please refer to Appendix A to view the legislated mandate for the Board in its entirety.

The mandate of the Board is set out in two statutes:

1. *The Natural Products Marketing Act*
2. *The Farm Practices Protection (Right to Farm) Act.*

Under the NPMA:

The Board is responsible for general supervision of the operations of commodity boards created under that Act; hearing appeals filed by any person who is aggrieved by or dissatisfied with orders, decisions or determination of the commodity boards; and acting as a signatory to federal-provincial agreements for supply-managed commodities.

Under the FPPA:

The Board is responsible for hearing complaints from persons aggrieved by odor, noise, dust or other disturbances arising from agriculture operations, and may also study and report generally on farm practices.

3. Lines of Business

The Board reports directly to the Minister of Fisheries and Land Resources. The Board receives its mandate from two Acts, the NPMA and the FPPA. Based on legislative requirements, the Board has four lines of business as follows:

1. Supervisory Role

Today, there are three agricultural commodity boards administering three marketing schemes:

- Egg Farmers of Newfoundland and Labrador
- Chicken Farmers of Newfoundland and Labrador
- Dairy Farmers of Newfoundland and Labrador

The Board meets regularly with commodity boards to discuss existing and emerging issues in the administration of the marketing schemes and to examine the policies

and orders of the Board to ensure they fall within the statutory authority of the Board and do not unfairly impact individual producers or sectors of the industry. The Board may amend, vary or cancel the orders of a board. The Board may also review issues related to the administration of a marketing scheme or the regulated marketing system, exercise authority to correct irregularities in the composition or operations of a commodity board or take action to ensure compliance with the NPMA and the marketing schemes and can administer schemes in respect of which no commodity board is constituted under the NPMA.

The Board's supervisory role also includes the registration of farmers within the Province. The Board is responsible for registering all producers every three years and maintaining contact information. New farmers are added as they enter the industry and are issued an identification number. This number is required by the Department of Finance for the administration of the rebate programs.

2. Appellate Role

As a quasi-judicial appeal body, the Board is empowered to hear appeals from any person who is aggrieved by or dissatisfied by an order, decision or determination of a commodity board in Newfoundland and Labrador. The Board uses various forms of dispute resolution processes to assist the parties to resolve issues by agreement. If dispute resolution is not used or is unsuccessful, a hearing is convened. After hearing an appeal, the Board may dismiss the appeal, confirm or vary the order, decision or determination being appealed, return the matter to the commodity board for reconsideration or make another order the Board considers appropriate in the circumstances.

3. Conflict Management Role (Farm Practice)

The Board is also empowered to hear complaints from any person aggrieved by odour, noise, dust or other disturbances arising from farm operations. If dispute resolution is not used or is unsuccessful, a hearing is convened, after which, the Board must dismiss the complaint if the farm operation is determined to be following normal farm practices; or order the farmer to cease or modify his or her practices if the farm operation is not following normal farm practice.

Where possible, the Board promotes dispute resolution to provide all parties with impartial and fair resolutions to disputes, without the need for formal panel hearings. For farmers, neighbors, local governments, and the public, the Board is an impartial body that can determine whether a farmer follows "normal farm practices."

4. Signatory Role

The Board, the Minister of Fisheries and Land Resources, the Minister of Municipal Affairs and Environment and the supply managed commodity boards are the

Newfoundland and Labrador signatories to agreements with the Federal Minister, other provincial and territorial ministers, and supervisory and commodity boards in Canada (federal-provincial agreements). These agreements provide for the cooperative use of federal and provincial legislation in managing the production and marketing of eggs, chicken and milk in Canada.

4. Values and Guiding Principles

The Board values a working environment of mutual respect, accountability and good governance. In exercising its mandate, the Board will be guided by the following principles: proactive, flexible and cooperative leadership, open and transparent consultation, accessible and efficient practices and services, independent, impartial, timely and consistent dispute resolution and decision making, and an ongoing professional development of members and staff.

Values	Action Statements
Responsiveness	Every effort is made by the Board to ensure that client requests are processed in a timely manner as identified in the Acts
Communication	Clients and stakeholders are kept informed of the services provided by the Board
Transparency	The Board will operate in an open manner such that relevant information is readily available to clients and stakeholders
Learning Culture	The Board will operate in a continuous learning environment and accept the opportunity to learn more to assist in the work that we do
Professionalism	The Board is committed to conducting business with fairness, courtesy and respect; the Board will endeavor to always foster an internal culture based on competence, objectivity and excellence

5. Primary Clients

The Board identifies its primary clients as those individuals, groups, or organizations who are the principal users and/or beneficiaries of the Board's lines of business, and include the following:

- Commodity boards and their members;
- Other producing/processing farming groups;
- Farmers;
- Members of the general public who are aggrieved by odor, noise, dust or other disturbances arising from farm operations;
- Members of the general public who are aggrieved by or dissatisfied by an order, decision or determination of a commodity board;
- Members of the general public who are interested in obtaining information about the farming industry

6. Vision

The vision of the Board is of a regulated marketing system which operates effectively and efficiently in a sustainable farming environment that is cognizant of the interests of the public and the industry.

7. Objectives

As the focus of the Board remains the same for the entire plan, the Board will report on the same objective and indicators in all three years.

Issue 1: Supervision of Commodity Boards

The main function of the Board is to provide general supervision to the commodity boards. As such, it is crucial that the Board continue to make this a leading priority in the future, and also to consider ways to enhance this role. The Board is committed to reviewing and improving its control mechanisms, with the intention of enhancing its supervisory function.

Objective: By March 31, 2018, the Board will have continued its oversight role for commodity marketing boards, and enhanced this role as appropriate.

Indicators:

- Provided commodity board decisions and activities
- Reviewed the legislation governing FIRB and the commodity boards, for the purpose of identifying areas in need of update and improvement
- Provided commodity boards with appropriate direction and feedback in support of their day-to-day operations

Issue 2: Monitoring and Support of the Provincial Supply Management System

Under the *Natural Products Marketing Act*, the schemes for the supply-managed commodity boards form the basis for how the commodity groups will market their respective commodities. The Board continues to provide support and direction to the commodity groups implementing their respective schemes; this monitoring provides support and structure for supply management in this Province.

Objective: By March 31, 2018, the Board will have monitored and provided supports for the supply managed commodities system where appropriate.

Indicators:

- Attended meetings of the National Association of Agricultural Supervisory Agencies and exchanged information with federal and provincial supervisory boards regarding their respective marketing boards
- Continued to monitor issues and trends on provincial, national and international levels that affect the Province's supply management environment; and facilitated information transfer among commodity boards, the Provincial Government, national supply management partners and other stakeholders, as appropriate
- Provided supports to commodity boards in addressing the ever-evolving environment of the supply management system and its requirements

Issue 3: Dispute Resolution and other Supports/Services for Stakeholders

The Board provides support for both producers and the general public of the Province in instances where they are aggrieved by commodity board decisions, or general farm practices. Another service provided by the Board involves keeping a registration of agricultural producers and associated maintenance of the farm registration system. Ensuring these services continue to serve stakeholders appropriately and effectively will be a key focus for the Board.

Objective: By March 31, 2018 the Board will have continued to deliver dispute resolution services to stakeholders, in addition to other supports and services as appropriate.

Indicators:

- When required, reviewed complaints and responded in a timely manner
- Provided supports, as required, to other non-supply-managed farming groups that are not governed by marketing boards
- Continued to update the farm registration system and improved its accessibility to farmers

Appendix A: Legislated Mandate

Current Mandate (Source: *Natural Products Marketing Act*):

Powers and Duties of Board:

- (1) The Board may, under the control and direction of the minister, or concurrently with the minister
 - (a) purchase, lease or otherwise acquire in the name of the Crown, and sell, lease or otherwise dispose of on behalf of the Crown property, real or personal of every nature and kind, or interest in property, which is considered necessary, convenient or advisable for or incidental to the exercise of the powers, functions or duties conferred by this Act;
 - (b) co-operate with the Government of Canada or of a province of Canada or a department, agency, board, council, or body under the jurisdiction of the Parliament of Canada or the Legislature of a province of Canada in the manner and to the extent that may be necessary or desirable to market or promote, facilitate, control, regulate or prohibit the production or marketing of a natural product and to act conjointly with the government department agency, board, council or body;
 - (c) enter into an agreement with the governments, departments, agencies, boards, councils or bodies referred to in paragraph (b) for the purposes referred to there, including the agreements referred to in the *Farm Products Marketing Agencies Act* (Canada);
 - (d) undertake, promote or recommend measures for the development, control and direction of the marketing of natural products in the Province;
 - (e) collect, compile, analyze and record the statistical and other information relating to the marketing of natural products that may be useful;
 - (f) prepare and publish statistics, reports, records, bulletins, pamphlets, circulars and other means of distributing information and advice in relation to the marketing of natural products that may be useful;
 - (g) study, report on and advise upon the system and administration of the marketing of natural products;
 - (h) foster, through scientific investigation and technology, knowledge of the marketing of natural products and of the means of dealing with conditions relating to the development, control and direction of them;

- (i) receive, from any source, lands, buildings, money or other property, by gift or trust for public use or for the use of the Board;
- (j) investigate the cost of producing, distributing and transporting natural products, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of natural products;
- (k) require persons engaged in the marketing of a natural product in an area designated by the board to register with the board their names, addresses and occupations and the quantity of the natural product marketed by them;
- (l) administer schemes in respect of which no commodity board is constituted under subsection 11(1);
- (m) do those acts and make those orders, regulations and directions that are necessary to enforce the observance and carrying out of this Act, the regulations or a scheme;
- (n) hear and determine appeals from a person engaged in the production or marketing of a regulated product arising out of a matter falling within the jurisdiction of a commodity board under the scheme concerning that regulated product, including the hearing and determination of appeals against
 - (i) the allocation of and refusal to allocate quotas for production or marketing a regulated product,
 - (ii) the cancellation or reduction of a quota, or a condition imposed upon the holder of a quota,
 - (iii) the issuing of licences and permits or the refusal to issue licences and permits, and
 - (iv) a matter or thing for which a right of appeal is prescribed in the regulations;
- (n.1) receive applications and make determinations with respect to those applications under Part II of the *Farm Practices Protection Act* ;
- (n.2) conduct a study and prepare a report when required to do so under section 18 of the *Farm Practices Protection Act* ;
- (o) regulate and control the production or marketing of natural products, and establish or designate an agency as a central marketing agency, for collection, assembly, distribution and marketing of a natural product; and

- (p) exercise and discharge those other powers, functions and duties that the minister assigns to it.
- (2) The Minister may by order delegate to a commodity board those powers, functions and duties of the board, other than the powers contained in paragraphs (1)(k), (l) and (n) that may be considered necessary or desirable for the proper application and enforcement of a scheme under which a commodity board is constituted and may terminate the delegation of power.
- (3) Orders of the Minister made under subsection (2) may be made with retroactive effect.
- (4) The Board may require a commodity board to provide information relating to a matter governed by a scheme.
- (5) A member of the Board has, in relation to the hearing and determination of a matter under Part II of the *Farm Practices Protection Act*, all the powers that are or may be conferred upon a commissioner under the Public Inquiries Act.