

# Farm Industry Review Board Activity Plan



**Fiscal Year  
2007/2008**

# Message from the Chairperson

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The Farm Industry Review Board (FIRB) was established through legislation passed during the 2005 spring session of the House of Assembly.

The entire Board is accountable for the preparation and achieving the goals listed in the activity plan.

FIRB is charged with the responsibility for carrying out the duties and responsibilities that were previously conferred on the Agriculture Products Marketing Board under the Natural Products Marketing Act and the Farm Practices Review Board under the Farm Practices Protection Act.

FIRB's responsibility under the Natural Products Marketing Act is to serve as a supervisory board with the power and authority under the Act to control and direct the operations of the provincial commodity boards including Dairy Farmers of Newfoundland and Labrador, Egg Producers of Newfoundland and Labrador, and Newfoundland and Labrador Chicken Marketing Board.

FIRB's responsibility under the Farm Practices Protection Act is to provide farmers, who operate in an acceptable manner, with protection against nuisance suits. Under the Act, FIRB is empowered to review agriculture related nuisance cases and determine if a farm is operating according to acceptable farm practices.

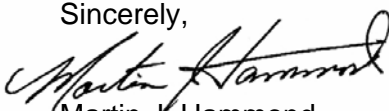
Reporting directly to the Minister of Natural Resources, FIRB is a seven person board with diverse backgrounds and experiences. Its endeavors are supported by a full time manager. The FIRB operates from the Provincial Agriculture Building, Brookfield Road, St. John's, Newfoundland and Labrador. The Board considered the strategic directions, as outlined in the Minister's strategic plan for the Department and attached in appendix A, when it developed its activity plan.

Under the Transparency and Accountability Act, FIRB is defined as a category 3 entity and as such is required to submit a 3 year "activity plan" to the Minister of Natural Resources to be tabled in the House of Assembly.

On behalf of the Farm Industry Review Board, I am pleased to present a one year plan for the fiscal year 2007/2008. This one year plan is necessitated to cover the transition period and allow for appropriate time to deliberate on long term planning. Our next plan will cover a three year period commencing in 2008 and ending 2011. This plan will include a list of goals that the Board will look forward to achieving.

The agricultural and agrifoods industry in Newfoundland and Labrador is on the road to achieving its true potential. The members of the Farm Industry Review Board are pleased to support the industry as it moves forward to embrace new opportunities and contribute to the growing prosperity of our province.

Sincerely,

A handwritten signature in black ink that reads "Martin J. Hammond". The signature is written in a cursive, flowing style.

Martin J. Hammond  
Chairperson

# Table of Contents

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1. Overview .....	1
2. Mandate .....	2
3. Lines of Business .....	3
4. Values .....	5
5. Primary Clients .....	6
6. Vision .....	7
7. Mission Statement .....	8
8. Objectives .....	9
9. Appendix A: Strategic Directions .....	10
10. Appendix B: Legislated Mandate .....	11-12

# 1. Overview

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The Farm Industry Review Board (the FIRB) 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. Members of the Board shall be appointed for a three year term and are eligible for reappointment. The FIRB is supported by one permanent employee, who is located in the Avalon region.

Current representation is as follows:

**Mr. Martin J. Hammond**

Chairperson  
St. John's  
Appointed for a 3 year term  
Nov. 21/05 to Nov. 21/08

**Ms. Violet Parsons**

Vice-Chairperson  
Bloomfield, Bonavista Bay  
Appointed for a 3 year term  
Nov. 21/05 to Nov. 21/08

**Ms. Connie Stewart**

Member  
Goose Bay  
Appointed for a 3 year term  
Nov. 21/05 to Nov. 21/08

**Mr. Mervin Wiseman**

Member  
North Harbour, Placentia Bay  
Appointed for a 3 year term  
Nov. 21/05 to Nov.21/08

**Mr. Wayne Ruth**

Member  
Kippens  
Appointed for a 2 year term  
Nov. 21/05 to Nov. 21/07

**Ms. Rita Legge**

Member  
Cartyville  
Appointed for a 3 year term  
Nov. 21/05 to Nov. 21/08

**Mr. Reg King**

Manager  
St. John's

The FIRB was created in May 2005 and the membership was appointed in November, 2005. Its budget is included in the annual budget of the Department of Natural Resources and was \$129,000 for its first year's operation (source: Estimates 2006-2007).

For information about the Farm Industry Review 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 8700  
Provincial Agriculture Building  
308 Brookfield Road, St. John's  
A1B 4J6

Tel: 729-3799 Fax: 729-6568  
Email: regking@gov.nl.ca

## 2. Mandate

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The Newfoundland and Labrador Farm Industry Review Board is an administrative tribunal - a statutory appeal body with additional responsibilities for the general supervision of marketing boards operating in the agriculture sectors. Please refer to Appendix B to view the legislated mandate for the Farm Industry Review Board in its entirety.

**The mandate of the FIRB is set out in 2 statutes:**

1. The Natural Products Marketing Act (the NPMA)
2. The Farm Practices Protection (Right to Farm) Act (the FFPA).

**Under the NPMA:**

The FIRB 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 FFPA:**

The FIRB 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.

The FIRB is accountable to Government for its administrative operations, but is independent of Government in its decision-making. As an independent tribunal, the FIRB ensures that the public interest is served and protected.



# 3. Lines of Business

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The Farm Industry Review Board reports directly to the Minister of Natural Resources. The Board receives its mandate from two Acts, *the Natural Products Marketing Act and the Farm Practices Protection Act*. Based on legislative requirements, the Board has three lines of business.

## 1. Supervisory Role

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

- ❖ Egg Producers of Newfoundland and Labrador
- ❖ Dairy Farmers of Newfoundland and Labrador
- ❖ Newfoundland Chicken Marketing Board

The FIRB 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 FIRB may amend, vary or cancel the orders of a board. The FIRB 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 Natural Products Marketing Act (the NPMA) and the marketing schemes. Administer schemes in respect of which no commodity board is constituted under the NPMA.

The FIRB's supervisory role also includes the registration of farmers within the Province. The Board is responsible for registering all producers every 3 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 FIRB 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 FIRB uses various forms of dispute resolution ("DR") processes to assist the parties to resolve issues by agreement. If DR is not used or is unsuccessful, a hearing is convened. After hearing an appeal, the FIRB 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 FIRB considers appropriate in the circumstances.

The FIRB is also empowered to hear complaints from any person aggrieved by odor, noise, dust or other disturbances arising from farm operations. If DR is not used or is unsuccessful, a hearing is convened, after which, the FIRB 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 FIRB 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 FIRB is an impartial body that can determine whether a farmer follows "normal farm practices."

The FIRB adheres to the principles of natural justice and administrative law in this quasi-judicial role. Decisions may be appealed only to the Supreme Court of Newfoundland and Labrador, and only on a question of law or jurisdiction.

# 3. Lines of Business (Cont'd)

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## 3. Signatory Role

The FIRB, the Minister 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 table eggs, milk and chicken in Canada.

# 4. Values

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The Farm Industry Review Board values a working environment of mutual respect, accountability and fiscal responsibility. In exercising its mandate, FIRB 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.

<b>Values</b>	<b>Action Statements</b>
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



# 5. Primary Clients

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The Farm Industry Review 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
- ❖ Non marketing board commodities
- ❖ Farmers
- ❖ Members of the general public who are aggrieved by odor, noise, dust or other disturbances arising from farm operations
- ❖ Member 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

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The vision of the Farm Industry Review Board is of a regulated marketing system, operating effectively in a sustainable farming environment, cognizant of the interests of the public and the industry.

# 7. Mission Statement

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By 2011, the Farm Industry Review Board will have enhanced its role in the farming industry.

**Measure:** Enhanced Role

**Indicators:**

- Conducted hearings (where required)
- Improved decision-making processes in the areas of:
  - Complaint resolution
  - Appellant resolution
- Provided dispute resolution strategies to resolve conflicts
- Advised parties on the results of hearings
- Clarified mandate of Board and commodity boards
- Improved support to the non-supply/demand markets
- Advised Government on farming-related issues
- Processed applications
- Assessed client needs
- Participation in trade shows
- Improved farmer registration system
- Increased number of pamphlets

# 8. Objectives

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The Board is now presenting a one year plan covering the transition period ending on March 31, 2008. FIRB's next plan will cover a three year period commencing in 2008 and ending in 2011. This plan will include a list of goals that the Board will look forward to achieving.

## **Issue 1: Communications**

**Objective:** By March 31, 2008, the Farm Industry Review Board will have increased its communications activities.

**Measure:** Increased communication activities

**Indicators:**

- Increased number of pamphlets
- Distributed periodic newsletters
- Participated in trade shows
- Developed and distributed an annual report of its activities
- Update website

## **Issue 2: Farmer Registration**

**Objective:** By March 31, 2008, the Farm Industry Review Board will have improved its farmer registration system.

**Measure:** Improved farmer registration system

**Indicators:**

- Consulted commodity boards
- Revised registration system

## **Issue 3: Mandate**

**Objective:** By March 31, 2008, the Farm Industry Review Board will have clarified its mandate and the mandates of its commodity boards.

**Measure:** Clarified mandate

**Indicators:**

- Met with responsible minister
- Consulted with commodity boards

## **Issue 4: Board Processes**

**Objective:** By March 31, 2008, the Farm Industry Review Board will have enhanced their business processes.

**Measure:** Enhanced business processes

**Indicators:**

- Board policy document on the resolution of complaints is implemented
- Board policy document on the resolution of appeals is implemented
- Board orientation program is developed/revised

# 9. Appendix A: Strategic Directions

Strategic directions are the articulation of desired physical, social or economic outcomes and normally require action by more than one government entity. These directions are generally communicated by government through platform documents, Throne and Budget Speeches, policy documents and other communiqués. The *Transparency and Accountability Act* requires departments and public bodies to take into account these strategic directions in the preparation of their performance-based plans. This action will facilitate the integration of planning practices across government and will ensure that all entities are moving forward on key commitments.

**Title: Agrifoods Eco-systems**

**Strategic Direction:** From the Forestry and Agrifoods Agency's Strategic Plan

Focus Areas of the Strategic Direction	Being addressed by other entities reporting to the Minister	This Direction is addressed in the Committee's
		Activity plan
2. Agrifoods <ul style="list-style-type: none"> <li>• Primary Agricultural Production</li> <li>• Secondary Processing and Diversification</li> <li>• Land Development and Sustainability</li> <li>• Research and Development</li> <li>• Food Safety and Quality</li> </ul>	* * * *	*

# 10. Appendix B: Legislated Mandate

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## **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;



# 10. Appendix B: Legislated Mandate (Cont'd)

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- (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.