

# BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

## POSITION DESCRIPTION

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**Position Title:** Chair

### **Location**

The administrative office of the British Columbia Farm Industry Review Board (BCFIRB) is located in Victoria, British Columbia. BCFIRB members may reside anywhere in the Province. BCFIRB business may be conducted throughout the Province; most usually taking place on the Lower Mainland, on Vancouver Island and in the Okanagan. Occasional travel outside the province may be required.

### **BCFIRB Purpose and Mandates**

BCFIRB is a specialized, independent administrative tribunal created, originally as the British Columbia Marketing Board, in 1934 under the *Natural Products Marketing (BC) Act* to operate as a general supervisory and policy making body with jurisdiction over marketing boards and commissions (commodity boards) in the Province. In addition, BCFIRB hears appeals from persons aggrieved or dissatisfied by orders, decisions or determinations of the commodity boards, and is a signatory to federal-provincial agreements concerning supply managed commodities.

BCFIRB has overall responsibility for the marketing of regulated agricultural products in the Province. Through its various activities and its decision-making, BCFIRB encourages creativity in the existing regulatory environment, new markets, innovation and new participants in the industry. BCFIRB is a dynamic partner with industry and the Ministry of Agriculture (Ministry) in achieving economic growth in the British Columbia agri-food sector.

Commencing in 1996, as the Farm Practices Board, BCFIRB under the *Farm Practices Protection (Right to Farm) Act*, also adjudicates “normal farm practice” disputes between agricultural and aquacultural farm operators and their neighbours, and may also report generally on matters related to farm practices.

Under the *Prevention of Cruelty to Animals Act*, BCFIRB is responsible for hearing appeals related to Society for Prevention of Cruelty to Animals’ animal custody decisions. BCFIRB’s specific responsibilities will come into effect upon enactment of regulations by the Lieutenant Governor in Council (expected in winter 2012).

Under the *Agricultural Produce Grading Act*, BCFIRB may hear appeals from persons who have had their grading licences refused, not renewed, revoked or suspended by the Minister.

BCFIRB has a complement of up to 10 part-time members appointed by Order in Council and remunerated in accordance with the Treasury Board guidelines applicable to BCFIRB. BCFIRB has eight staff positions and a current operating budget of approximately \$896,000.

The impact of BCFIRB's decisions may be considerable and may involve substantial economic implications or changes in practice. BCFIRB's regulated marketing decisions (supervisory and appeal) and animal custody decisions are subject to judicial review in the BC Supreme Court. Its farm practices complaint decisions may be appealed to the BC Supreme Court on a question of law or jurisdiction.

### **Nature and Scope of the Position**

The chair, while maintaining the statutory decision-making independence of BCFIRB, is accountable to the Minister of Agriculture (Minister) for ensuring that BCFIRB effectively manages the regulated marketing system and provides timely and appropriate resolution of regulated marketing and farm practices disputes.

Members of BCFIRB, including the chair, should not have interests which create a conflict with the performance of their statutory duties. The chair and members are expected to assume full responsibility for the effective and efficient discharge of their duties under the Acts they administer in the broader public interest and are to maintain the highest possible standards of conduct and governance. They must comply with the rules of natural justice and the principles of administrative law and must have balanced judgement, and the ability to make fair, consistent and timely decisions.

The chair is required to pursue professional development opportunities to support the function of chair and in providing leadership to other BCFIRB members and to the chairs of the commodity boards. The chair will take an active role in the orientation and training of new BCFIRB members. The chair will also establish initiatives to promote public education about BCFIRB's responsibilities and processes and will be the lead spokesperson for BCFIRB on BCFIRB-related matters. The chair should also participate in the larger administrative justice community regarding general issues affecting administrative tribunals.

### **Program Linkages**

The chair has ongoing contacts and relationships with: the Minister and Deputy Minister of Agriculture; other provincial and local government officials; the industry generally and the commodity boards specifically; national supply management agencies and supervisory boards in other provinces; individuals and organizations who appear before BCFIRB; and with members of the public.

The chair participates in policy discussions with the Ministry and others about BCFIRB's role and jurisdiction and about legislative initiatives to restructure the regulated marketing system, BCFIRB or its roles.

### **Accountabilities to Minister**

The chair must ensure that BCFIRB is effectively and efficiently managed in all respects and, on behalf of BCFIRB, must:

- enter into a memorandum of agreement with the Minister;
- report to the Minister, in a timely way, on the timing, process and procedures for selecting and appointing members of BCFIRB;
- inform the Minister about the policies, practices and procedures adopted by BCFIRB in the performance of its mandates;
- ensure that an annual budget is prepared and that procedures are implemented to achieve fiscal objectives;
- meet with or provide special reports to the Minister and/or the Ministry to discuss issues of mutual concern; and
- prepare an annual report to the Minister on the work and activities of BCFIRB.

### **Duties and Responsibilities**

In fulfilling his or her obligations as a chair of a regulatory body, the chair must ensure that BCFIRB:

1. in consultation with the Minister, develops a strategic plan and annual operating plans that reflect a forward-looking, long-term strategy, and is accountable for those plans;
2. establishes and maintains regular, visible and open channels of communication to foster constructive, open and effective liaison with other government agencies, local governments and industry;
3. effectively represents the provincial interest when dealing with national agencies and supervisory boards in other provinces on issues related to allocation and other issues in the context of competitive pressures and changing provincial, inter-provincial and international developments;
4. develops orders and policies concerning its jurisdiction and procedures, ensuring consistency with the governing legislation and regulations;
5. effectively and efficiently meets its goals through competent oversight of its financial administration and the general management of its activities;

6. has sufficient financial and human resources and that these resources are deployed effectively within the planned and approved budget and FTE allocation;
7. establishes a code of conduct, including conflict of interest guidelines, that govern members, staff and contractors;
8. makes its policies, rules, forms, practices and procedures available and accessible to the public;
9. determines and approves rules, forms, practices and procedures related to the conduct of meetings, hearings and other proceedings;
10. provides public access to the decisions of BCFIRB in a manner that protects the privacy of parties to BCFIRB's proceedings; and
11. makes recommendations to the Minister for amendments to the enabling legislation or regulations as necessary.

In fulfilling his or her obligations to the government, the chair:

12. provides leadership in interpreting the legislation and regulations to ensure consistency in findings without compromising the independence and autonomy of members or panels of BCFIRB;
13. provides guidance to members and staff in determining a suitable approach on complex issues related to specific matters without exerting or directing influence on the findings of a panel or individual member with respect to an appeal or complaint;
14. directs the establishment of panels of BCFIRB, and may preside over panels that consider issues of special policy, economic or legal significance;
15. ensures that certificates, for the purpose of judicial proceedings, are prepared, attaching BCFIRB's record and making references to any practice or procedures applied by BCFIRB;
16. as head of the public body, oversees responses to requests to BCFIRB for information under the *Freedom of Information and Protection of Privacy Act*;
17. implements quality performance, adjudication and productivity standards for vice chairs and members of BCFIRB and regularly evaluates those persons according to those standards;
18. assists the Minister in establishing performance objectives for the commodity board chairs;

19. participates in the recruitment, selection and reference checks of BCFIRB vice chairs and members and is consulted by the Minister on appointments and reappointments to BCFIRB; and

20. may participate in the recruitment and selection of a new BCFIRB chair.

## **Selection Criteria and Required Competencies**

### *General Qualifications*

Candidates for appointment as the chair of BCFIRB are expected to have the following minimum or equivalent qualifications and experience:

- experience at a senior level (industry or government) in agriculture, aquaculture and/or agri-food marketing and processing
- superior organizational, management, negotiation and conflict resolution skills
- ability to set strategic directions and implement them to achieve success and change
- analytical and decision-making skills
- sound and practical judgment
- demonstrated superior written and oral communication skills
- excellent interpersonal skills
- understanding of quasi-judicial decision-making, the rules of natural justice and the principles of administrative law
- general knowledge of British Columbia agriculture, aquaculture, agri-food or animal welfare sectors
- familiarity with the federal-provincial context for agriculture and supply management and with the national and international trading environment for agri-food products
- familiarity with the governance and economics of the agri-food sectors as they relate to the public interest
- basic computing and internet skills.

## **Preferred Attributes**

Candidates with the following personal attributes will be preferred:

- demonstrated leadership in agriculture, aquaculture and/or agri-food related activities
- participation in significant provincial, national or international forums on matters related to the work of BCFIRB.

## ***Required Competencies***

**Leadership** implies a desire to lead others, including diverse teams. Leadership is generally, but not always, demonstrated from a position of formal authority. The “team” here should be understood broadly as any group with which the person interacts regularly.

**Developing Others** involves a genuine intent to foster the long-term learning or development of others through coaching, managing performance and mentoring. Its focus is on developmental intent and effect rather than on a formal role of training. For this competency to be considered, the individual’s actions should be driven by a genuine desire to develop others, rather than by a need to transfer adequate skills to complete tasks.

**Results Orientation** is a concern for surpassing a standard of excellence. The standard may be one’s own past performance (striving for improvement); an objective measure (achievement orientation); challenging goals that one has set; or even improving or surpassing what has already been done (continuous improvement).

**Strategic Orientation** is the ability to link long-range vision and concepts to daily work, ranging from a simple understanding to a sophisticated awareness of the impact of the world at large on strategies and on choices.

**Change Leadership** involves creating a new strategic vision for the organization and being creative and innovative in taking the required actions to ensure that the members of the organization accept and support the vision. It generally requires the individual to be in a relatively senior or high-level position, although this is not always the case.

**Managing Organizational Resources** is the ability to understand and effectively manage organizational resources (e.g., people, materials, assets, budgets). This is demonstrated through measurement, planning and control of resources to maximize results. It requires an evaluation of qualitative (e.g., client satisfaction) and quantitative (e.g., service costs) needs.

## Special Requirements

Members of BCFIRB are required to travel to and from meeting and hearing venues throughout the Province. The chair will also attend meetings out of province.

## Tools/Equipment

Members of BCFIRB must own, operate and maintain their own equipment including phone, fax and a computer with internet and electronic mail access and any office furniture or supplies required.

## Working Conditions

Depending on the issues before BCFIRB, the chair can expect to work up to 8 to 10 days per month and must be flexible in his or her availability. At times the chair must work in extremely adversarial situations.

## BCFIRB Organization Chart

