

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

POSITION DESCRIPTION

Position Title: Member

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

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

Members of BCFIRB should not have interests which create a conflict with the performance of their statutory duties. BCFIRB 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.

Members are accountable to the chair for the timely and appropriate resolution of issues assigned to them. Issues or proceedings may be dealt with by a member alone or by sitting as part of a panel and members are expected to consider alternative dispute resolution techniques wherever possible. Persons appearing before BCFIRB must be treated fairly, courteously and with respect at all times.

Members are encouraged to undertake professional development opportunities and are expected to assist in the orientation and training of new members. Members may also be asked to participate in promoting public education about BCFIRB's responsibilities and processes, assisting the chair, if requested, by meeting with governments, industry and the general public and speaking to issues raised.

Program Linkages

Members are responsible for carrying out work assigned by the chair or BCFIRB. Members will have ongoing contacts and relationships with other BCFIRB members; BCFIRB staff; BCFIRB contractors; Ministry of Agriculture officials; other provincial and local government officials; the industry generally and the commodity boards specifically; individuals and organizations who appear before BCFIRB; and with members of the public.

Accountabilities

BCFIRB members are accountable to the chair for assisting in the effective management and operation of BCFIRB and must support the chair, on behalf of BCFIRB, in:

- entering into a memorandum of agreement with the Minister;
- informing the Minister about the policies, practices and procedures adopted by BCFIRB in the performance of its mandates;
- meeting with or providing special reports to the Minister and/or the Ministry regarding issues of mutual concern; and
- preparing an annual report to the Minister on the work and activities of BCFIRB.

Duties and Responsibilities

In fulfilling their obligations to BCFIRB, members will:

General

1. assist and support the chair to ensure that BCFIRB develops a strategic plan and annual operating plans that reflect a forward-looking, long-term strategy, and be accountable for those plans;
2. assist and support the chair to ensure that BCFIRB 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. assist and support the chair to ensure that BCFIRB 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. assist and support the chair to ensure that BCFIRB develops orders and policies concerning its jurisdiction and procedures, ensuring consistency with the governing legislation and regulations;
5. attend and prepare for all BCFIRB meetings;
6. participate actively in discussion on issues in a team environment and maintain a close working relationship with colleagues to enhance the quality, consistency and effective use of BCFIRB resources;

7. actively participate on committees and other activities as assigned;
8. complete assignments in a timely manner and maintain confidentiality as required;
9. report to the chair and BCFIRB, in a timely way, on issues of general nature that arise in the course of meetings or proceedings;
10. make recommendations to the chair and BCFIRB for improvements to the policies, practices and procedures of BCFIRB;
11. provide reports and comment on issues that may be of general interest or concern to BCFIRB;
12. act as a resource to new BCFIRB members and take an active role in their orientation and training;
13. participate, as requested by the chair, in public education respecting BCFIRB's responsibilities and processes;
14. perform other activities assigned that are within the nature and scope of the position;

Regulated Marketing/Farm Practices

15. attend meetings concerning issues to which the member is assigned lead responsibilities, as required;
16. act as liaison between BCFIRB and the commodity board(s) or areas of responsibility for which the member is lead and keep abreast of issues affecting those commodity boards or areas;
17. participate as an active team member with other members and staff when dealing with regulated marketing, farm practices or other areas of responsibility to which the member has been assigned;
18. serve as a member of Supervisory (regulated marketing) or Inquiry (farm practices) panels when required;

Appeals and Complaints

19. serve as a chair or member of an appeal or complaint panel when required and review all assigned matters;
20. employ statutory tools and dispute resolution techniques to maintain or enhance BCFIRB's adjudicative roles;
21. use or conduct alternative dispute resolution processes, settlement conferences or formal hearings for the purposes of resolving matters in an appropriate manner;
22. give high quality, well-reasoned decisions on a timely basis; and
23. exercise sound judgement and skill in the conduct of proceedings.

Selection Criteria and Required Competencies

General Qualifications

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

- experience (industry or government) in: agriculture, aquaculture, agri-food marketing, processing or other relevant business; land use planning; consumer relations; and/or animal welfare issues
- experience (1-2 members) as a lawyer, with an administrative law background and experience with quasi-judicial appeal processes
- organizational, management and conflict resolution skills
- analytical and decision-making skills
- excellent written and oral communication skills
- strong interpersonal skills
- basic understanding of 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 governance and economics of these 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.

Required Competencies

Service Orientation implies a desire to identify and serve clients by focusing one's efforts on discovering and meeting their needs. Clients may include the public, industry, other government agencies, co-workers, peers or other public organizations.

Continuous Development involves proactively taking actions to improve personal capability. It involves being willing to assess one's own level of development or expertise relative to one's current job, or as part of focused career planning.

Listening Understanding and Responding is the desire and ability to understand and respond effectively to other people from diverse backgrounds. It includes the ability to understand accurately and respond effectively to spoken and unspoken or partly expressed thoughts, feelings and concerns of others. People who demonstrate high levels of this competency show a deep and complex understanding of others, including cross-cultural sensitivity.

Team Work and Cooperation is the ability to work co-operatively within diverse teams, work groups and across the organization to achieve group and organizational goals.

Special Requirements

Members are required to travel to and from meeting and hearing venues throughout BC.

Tools/Equipment

Members must own, operate and maintain their own home office and equipment; including a phone, fax and computer with internet and electronic mail access.

Working Conditions

Depending on the issues before BCFIRB, members can expect to work up to 4-6 days per month (members with legal background can expect up to 6-8 days) and must be flexible in their availability. At times, members must work with difficult individuals and organizations. Members may have to conduct site inspections under adverse weather or other types of conditions.

BCFIRB Organization Chart:

