

Appendix C: British Columbia Farm Industry Review Board

Purpose of the Board:

The British Columbia Farm Industry Review Board (the Board) is an independent administrative tribunal that operates at arm's-length from government. As the regulatory tribunal responsible for the general supervision of BC regulated marketing boards and commissions, the Board provides oversight, policy direction and decisions to ensure orderly marketing and to protect the public interest. In its adjudicative capacities, the Board provides a less formal system than the court for resolving disputes in a timely and cost effective way. The Board consists of a part-time board of up to ten members and nine full time equivalent staff positions and is accountable to government for its administrative operations.

The Board's performance measures have changed in 2017/18 to 2019/20 Service Plan for streamlining and clarification purposes. The Board will be further reviewing its Service Plan measures in 2017/18 to determine if additional refinements are warranted.

The Board's statutorily mandated responsibilities are established in the *Natural Products Marketing (BC) Act*, the *Farm Practices Protection (Right to Farm) Act*, the *Prevention of Cruelty to Animals Act*, and are supported by the *Administrative Tribunals Act*. They include:

- supervising BC's regulated marketing boards and commissions;
- being a signatory to formal federal-provincial cooperation agreements in regulated marketing;
- hearing appeals of regulated marketing board and commission orders, decisions and determinations;
- hearing appeals related to certain animal custody and cost decisions of the BC Society for the Prevention of Cruelty to Animals;
- hearing farm practices complaints from persons disturbed by odour, noise, dust or other disturbances arising from agriculture or certain aquaculture operations; and,
- conducting farm practices studies.

The Board has adjudicative independence in its decision-making, and through its strategic plan and other documents, establishes goals, objectives, strategies and performance measures necessary to achieve its administrative role as a public sector agency, including cost-consciousness, accountability, appropriate compensation, service, respect and integrity as outlined in the Taxpayer Accountability Principles. The Board periodically reports to the Minister concerning its administrative mandate. Further information about the Board may be found at www.gov.bc.ca/bcfarministryreviewboard

Goals, Objectives, Strategies and Performance Measures:

Goal 1: A regulated marketing system with effective self-governance.

Objective 1.1: The British Columbia Farm Industry Review Board and marketing boards and commissions practice good governance in their external and internal operations.

Strategies

- Ensuring that marketing boards and commission activities and decisions are administratively fair, comply with legislation/regulations, and accord with sound marketing policy.
- Requiring boards to give consideration to the government policy framework and the public interest.
- Providing supervisory intervention when necessary.
- Working to achieve priorities within budget while continuing to place importance on board and staff development and training.
- Collaborating with the Ministry of Agriculture to achieve the objectives of the Taxpayer Accountability Principles and initiatives set out in Government’s Mandate Letter between the Minister of Agriculture and the Chair of BCFIRB.
- While preserving its independence as a tribunal, continuing to work to ensure effective relations with the Ministry of Agriculture, regulatory agencies at all levels, and stakeholders.

Performance Measure 1: BCFIRB and the boards and commissions it supervises exercise appropriate governance and fiscal procedures in exercising their mandates, including operating within budget.

| Performance Measure | 2014/15 Actual | 2015/16 Actual | 2016/17 Target | 2017/18 Target | 2018/19 Target |
|--|----------------|----------------|--------------------------------|--------------------------------|--------------------------------|
| BCFIRB expenditures meet the annual budget target. | Met | Met | Expenditures are within budget | Expenditures are within budget | Expenditures are within budget |

Discussion

It is a responsibility of all provincial public sector organizations to operate under the Taxpayer Accountability Principles to strengthen accountability and promote cost control. While government recognizes BCFIRB’s independence as an administrative tribunal in executing its statutory mandates, BCFIRB is accountable to the Minister concerning its budget and administrative mandate, focusing on cost-consciousness, accountability, appropriate compensation, service, respect and integrity as outlined in the Taxpayer Accountability Principles.

Use of appropriate governance and fiscal procedures demonstrates accountability for legislative authorities and supports good industry outcomes. BCFIRB will continue to work with the commodity boards and commissions in 2017/18 to implement best practices in governance and fiscal procedures, along with refinements to monitoring and public reporting. It is important to note that BCFIRB is not able to annually predict the workload and costs to manage the responsibility to hear appeals related to animal custody decisions, and farm practices complaints including the level of complexity of individual cases, which must be conducted independently and in accordance with the principles of administrative law.

Areas of focus will include updating election rules, publication of key governance documents such as annual reports, timeliness and publication of orders and decisions, transparent and accountable financial management and relationship building and training.

Performance Measure 2: Boards and commissions demonstrate that their programs, policies and decisions reflect legislative intent, sound marketing policy and consider the public interest.

| Performance Measure | 2014/15 Actual | 2015/16 Actual | 2016/17 Target | 2017/18 Target | 2018/19 Target |
|---|----------------|----------------|-------------------------------|-------------------------------|-------------------------------|
| Programs, policies and decisions reflect legislative intent, sound marketing policy and consider public interest. | Met | Met | All meet 2016/17 expectations | All meet 2017/18 expectations | All meet 2018/19 expectations |

Discussion

A primary objective of regulated marketing and supply-managed industries is to maintain orderly marketing while protecting the public interest and strengthening social licence. BCFIRB, boards and commissions will continue to support the proactive management of factors needed to ensure a continuous supply of safe, high quality products to consumers, while actively growing to public expectations. Initiatives will continue in the areas of animal welfare, disease management, food safety, regional and new entrant opportunities and environmental sustainability.

Goal 2: A principles-based, outcomes-oriented approach to regulation.

Objective 2.1: The British Columbia Farm Industry Review Board and marketing boards and commissions use a principles-based approach to regulating.

Strategies

- Working with boards and commissions to develop, adopt, and employ a principles-based approach to regulation.

- Requiring all British Columbia Farm Industry Review Board, marketing board and commission orders, decisions and determinations to be made available to the public, except where privacy legislation and policies apply.
- Promoting policies that reflect BC interests at both the federal and provincial levels.

Performance Measure 3: The British Columbia Farm Industry Review Board and the boards and commissions it supervises demonstrate the application of the Strategic, Accountable, Fair, Effective, Transparent and Inclusive (SAFETI) principles in their programs, policies and decisions.

| Performance Measure | 2014/15 Actual | 2015/16 Actual | 2016/17 Target | 2017/18 Target | 2018/19 Target |
|--|----------------|----------------|-------------------------------|-------------------------------|-------------------------------|
| BCFIRB & Boards and Commissions routinely apply SAFETI principles. | Met | Met | All meet 2016/17 expectations | All meet 2017/18 expectations | All meet 2018/19 expectations |

Discussion

Experience has shown BCFIRB that prescriptive directions and rules on their own do not ensure effective self-regulation, decision-making, governance and supervision. BCFIRB continues to work with the commodity boards to transition to principles-based regulation, also known as “outcomes-based regulation”.

A principles-based approach to supervision and regulation is intended to enable BCFIRB and the commodity boards to proactively respond to rapid industry change while taking government policy into account and ensuring the public interest is met and protected. BCFIRB defined six principles that are a lens to guide a principled approach to carrying out board mandates, including consultations, reviews, and the development of rationale for change. These six principles are collectively referred to as "SAFETI" principles - strategic, accountable, fair, effective, transparent and inclusive.

While detailed rules and directions will continue to exist to support orderly marketing and BCFIRB supervisory responsibilities, commodity boards will identify risks and opportunities and develop strategies to support orderly marketing for the benefit of the regulated agri-food sector and the public.

Performance Measure 4: British Columbia Farm Industry Review Board orders, decisions, determinations, practices and procedures and other information are published. Marketing board and commission orders, decisions and determinations are published promptly after being made in order to preserve rights of appeal under the Natural Products Marketing (BC) Act.

| Performance Measure | 2014/15 Actual | 2015/16 Actual | 2016/17 Target | 2017/18 Target | 2018/19 Target |
|--|----------------|----------------|-------------------------------|-------------------------------|-------------------------------|
| Orders, decisions & determinations are published promptly. | Met | Met | All meet 2016/17 expectations | All meet 2017/18 expectations | All meet 2018/19 expectations |

Discussion

BCFIRB works with boards and commissions to ensure timely publication of orders, determinations, decisions and other information, to provide transparency and accountability to the regulated marketing system and to protect rights of appeal under the National Products Marketing Act, by those aggrieved by or dissatisfied with an order, decision or determination of a board. BCFIRB posts all of complaints and appeals decisions on the public website within several days following the decision, as required by BCFIRB Practice and Procedure Directives, as well as supervisory decisions posted in a similar timely fashion. BCFIRB also publishes all significant correspondence. This will continue to be a priority of BCFIRB.

Goal 3: Effective, fair and independent resolution of inquiries and disputes.

Objective 3.1: Ensure issues and disputes arising within the British Columbia Farm Industry Review Board’s jurisdiction are resolved in a fair and timely manner, including use of Alternative Dispute Resolution methods where appropriate.

Strategies

- Using farm practices studies to help prevent and resolve farm practices disputes.
- Using supervisory processes to help prevent and resolve regulated marketing disputes.
- Using timely, fair and accessible processes to help resolve complaints (under the *Farm Practices Protection (Right to Farm) Act*), and appeals (under the *Natural Products Marketing (BC) Act*, *Prevention of Cruelty to Animals Act*)

Performance Measure 5: BCFIRB reports annually on time from filing to resolution, cost per case, and user experience for each of its appeals and complaints processes. Appeals and complaints to BCFIRB are routinely handled within usual time periods established in its Practice Directives.

| Performance Measure | 2014/15 Actual | 2015/16 Actual | 2016/17 Target | 2017/18 Target | 2018/19 Target |
|---|----------------|----------------|----------------|----------------|----------------|
| Appeals and complaints are routinely handled within usual time periods established in its Practice Directives | 100% | 100% | 100% | 100% | 100% |

Discussion

BCFIRB will continue to work in 2017/18 to resolve appeals and complaints under the Natural Products Marketing Act, the Prevention of Cruelty to Animals Act, and the Farm Practices Protection (Right to Farm) Act, within the timeframes set out in its Rules of Practice and Procedure. Cases can also be adjourned and resume at later points in time, referred to a BCFIRB supervisory review, settled through alternative dispute resolution (e.g., negotiated agreements), dismissed or withdrawn.

BCFIRB will undertake formal supervisory reviews as necessary in 2017/18 in order to strategically manage systemic industry issues that could otherwise result in large number of appeals or delays with little to no long-term benefit to industry or the associated value chain. Supervisory reviews support broad consultation and examination of inter-linking program and policy considerations leading to more beneficial outcomes for industry, and, by extension, the public. These reviews can prevent and resolve regulated marketing disputes.