

Hallmark Poultry Processors Ltd. et al v. BC Chicken Marketing Board

Decision Date: October 23, 2000

Keywords: confidentiality of deliberations, disclosure of documents

Issue: This was an interim decision about the scope of the Chicken Board's statutory obligation to produce documents on an appeal to the BC Marketing Board (now the BCFIRB) under the *Natural Products Marketing Act*.

Decision:

This dispute about disclosure arose within appeals commenced by Hallmark Poultry Processors, Sunrise Poultry Processors, K & R Poultry (Farm Fed) and the BC Egg Hatchery Association. They were appealing new regulations passed by the Chicken Board on August 15, 2000 concerning the National Allocation Agreement. This regulatory code made several major changes to the way in which industry stakeholders are governed. Most of the changes were challenged by the appellants who applied to have "all documents showing who drafted the changes and the reasons why the changes were made" including:

4 (b) any e-mail and other communications passing between the Board (including its individual members and staff) and other persons or bodies such as (but not limited to) the CFC (Chicken Farmers of Canada), persons in other provinces or other provincial boards, persons connected with the government, the BCMB [BC Marketing Board], growers, interested parties etc.

The Chicken Board objected to production of the class of documents referred to above.

This decision involves a detailed discussion of duty to disclose and matters "touching on the appeal" including who must disclose, how the duty arises, and what must be disclosed under s. 8(4) and 8(5) of the *Natural Products Marketing Act*.

Order:

The Chicken Board was ordered to disclose communications to and from persons outside the Chicken Board pertaining to the issues on appeal. It was not required to disclose deliberations among and between Chicken Board members and staff.