

Farm Industry Review Board

Activity Plan

**Fiscal Years
2023-2026**



Message from the Chairperson

On behalf of the Farm Industry Review Board (the Board), I am pleased to present our three-year activity plan for fiscal years 2023-24, 2024-25 and 2025-26. The strategic directions of Government related to the Department of Fisheries, Forestry and Agriculture (FFA) have been considered in the preparation of this plan.

The Board is a regulatory and adjudicative body whose responsibilities are set in both the **Natural Products Marketing Act** (NPMA) and the **Farm Practices Protection Act** (FPPA). Under the NPMA, the Board serves as a supervisory board with the power and authority to control and direct the operations of provincial commodity boards. Under the FPPA, the Board provides farmers, who operate in an acceptable manner, with protection against nuisance suits.

Reporting directly to the Minister of Fisheries, Forestry and Agriculture (the Minister), the current Board consists of five appointed members with diverse backgrounds and experiences and is supported by a full-time manager. Under the **Transparency and Accountability Act**, the Board is defined as a category three government entity and as such, is required to submit a three year Activity Plan to the Minister . This activity plan meets the requirements for a category three entity under this Act. Finally, the strategic directions of Government related to FFA have been considered in the preparation of this plan.

This activity plan represents the Board's continued efforts to support the three provincial agricultural commodity boards whilst serving the public interest. The entire Board is accountable for the preparation of this plan and achievement of the objectives listed herein.

Sincerely,

Tammy Pike Farrell

Tammy Pike Farrell
Chairperson

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1. Overview

The Board was established in 2005 when the NPMA was proclaimed by the House of Assembly. In addition to the creation of the Board, the Act allowed for the creation of three commodity boards in the province; the Dairy Farmers of Newfoundland and Labrador, the Chicken Farmers of Newfoundland and Labrador and the Egg Farmers of Newfoundland and Labrador. The Board is also responsible for carrying out the duties of two former boards; the Agriculture Products Marketing Board under the NMPA and the Farm Practices Review Board under the FPPA.

The NPMA requires that the Board 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. Appointments are made using a merit-based process; however, gender balance is considered during the appointment process and efforts are made to ensure the Board is representative of the population it serves.

The Board reports directly to the Minister. Members of the Board shall be appointed for a three-year term and are eligible for reappointment. The Board is supported by one permanent employee, the Manager of the Farm Industry Review Board. All other members are volunteers and are reimbursed for expenses related to meetings or their duties of the Board. The following is a list of current Board members.

Name	Title	Appointment Date	Expiry Date	Area
Pike Farrell, Tammy	Chair	2022/06/21	2025/06/20	East
Kennedy, Sarah	Vice-Chair	2022/06/21	2025/06/20	West
Harte, Kevin	Member	2022/06/21	2025/06/20	East
Legge, Darryl	Member	2022/06/21	2025/06/20	East
Reid, Rodney	Member ¹	2022/06/21	2025/06/20	Central
Vacant ²	Member	N/A	N/A	N/A
Vacant ²	Member	N/A	N/A	N/A

¹ Member representing the Newfoundland and Labrador Federation of Agriculture.

² The Public Service Commission is currently recruiting for these two vacant positions.

The Board's operational budget is included in the annual budget of FFA. The budget for the first year of the plan (2023-24) is \$233,000 for the payment of salaries and operating expenses related to the Board.

Contact Information:

This plan is available in alternate format. For more information, please contact the Board at:

Farm Industry Review Board
P.O. Box 2006
192 Wheeler's Road
Corner Brook, NL A2H 6J8
Tel: 709-637-2416 Fax: 709-637-2589
Email: martinagallant@gov.nl.ca
Web: <https://www.gov.nl.ca/flr/faa/agrifoods/>

2. Mandate

The Board is a regulatory and adjudicative body, responsible for general supervision of provincial agricultural commodity boards, and for hearing complaints from those aggrieved by board decisions, or by farm practices.

The mandate of the Board is set out in two statutes:

1. The **Natural Products Marketing Act** (NPMA)
<https://www.assembly.nl.ca/legislation/sr/statutes/n02.htm>

The Board is responsible for general supervision of the operations of commodity boards created under this 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.

2. The **Farm Practices Protection (Right to Farm) Act** (FPPA)
<https://www.assembly.nl.ca/legislation/sr/statutes/f04-1.htm>

The Board 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.

3. Lines of Business

The Board reports directly to the Minister and receives its mandate from the NPMA and FPPA. Based on legislative requirements, the Board has four lines of business as follows:

1. Supervisory Role

There are currently three agricultural commodity boards administering three marketing schemes:

- Chicken Farmers of Newfoundland and Labrador
- Dairy Farmers of Newfoundland and Labrador
- Egg Farmers of Newfoundland and Labrador

The Board 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 Board may amend, vary or cancel the orders of a board. The Board 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 NPMA and the marketing schemes and can administer schemes in respect of which no commodity board is constituted under the NPMA.

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

3. Conflict Management Role (Farm Practices)

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

4. Signatory Role

The Board, the Minister, the Minister for Intergovernmental Affairs 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 eggs, chicken and milk in Canada.

4. Primary Clients

Stakeholder governance requires organizations to identify, engage with and understand stakeholder perspectives on key issues, then reflect on how they should be addressed in decision-making. The Board identifies its primary stakeholders 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;
- Other producing/processing farming groups;
- Farmers;
- Members of the general public who are aggrieved by odor, noise, dust or other disturbances arising from farm operations;
- Members 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; and
- Members of the general public who rely on the products managed by the Commodity boards under the Board's purview.

5. Vision

The vision of the Board is of a regulated but fluid marketing system which supports the growth and operations of a harmonious, sustainable farming environment through good governance, transparency and stakeholder engagement.

6. Issues

As the focus of the Board will remain the same for the entire planning period, the Board will report on the same objectives and indicators in all three years.

Issue 1: Effective and Transparent Self-Governance

Good governance ensures consistency, transparency and visibility. By creating clear, fair processes and guidelines, decisions will be administratively fair, comply with legislation/regulations, and accord with sound marketing policy.

Objective: By March 31, 2024, the Board will have enhanced its self-governance practices.

Indicators:

- Developed key governance tools (e.g., code of conduct, appeal policies and procedures, terms of reference, etc.) to support the efficient and transparent operation of the Board.
- Developed, implemented and reviewed the Board's policies and procedures to clearly articulate to stakeholders how to engage with the Board.

Issue 2: Effective, Fair and Independent Resolution of Inquiries and Disputes

The Board provides support for both producers and the general public of the Province in instances where they are aggrieved by commodity board decisions, or general farm practices. Another service provided by the Board involves keeping a registration of agricultural producers and associated maintenance of the farm registration system. Ensuring these services continue to serve stakeholders appropriately and effectively will be a key focus for the Board.

Objective: By March 31, 2024, the Board will have ensured that issues and disputes arising within its jurisdiction are resolved in a fair and timely manner, with clearly articulated processes and guidelines to follow.

Indicators:

- Developed, implemented and reviewed the Board's appeal procedures and guidelines to facilitate stakeholder engagement and use of the Board's appeals process.
- Developed, implemented and reviewed criteria and guidelines for the registration process for agriculture producers.

Issue 3: Monitoring and Support of the Provincial Supply Management System

Under the NPMA, the schemes for the supply-managed commodity boards form the basis for how the commodity groups will market their respective commodities. The Board continues to provide support and direction to the commodity groups implementing their respective schemes; this monitoring provides support and structure for supply management in this Province.

Objective: By March 31, 2024, the Board will have monitored and provided supports for the supply managed commodities system where appropriate.

Indicators:

- Attended meetings of the National Association of Agricultural Supervisory Agencies and exchanged information with Federal and provincial supervisory boards regarding their respective marketing boards.
- Actively monitored issues and trends on provincial, national and international levels that affect the Province's supply management environment; and facilitated information transfer among commodity boards, the Provincial Government, national supply management partners and other stakeholders, as appropriate.
- Provided supports to commodity boards in addressing the ever-evolving environment of the supply management system and its requirements.