

Agricultural Operation Practices Act Policy Advisory Group (PAG)

TERMS OF REFERENCE AND MANDATE

Terms of Reference

The Policy Advisory Group (PAG) for the *Agricultural Operation Practices Act* (AOPA) was established under a Memorandum of Understanding (MOU) between the Natural Resources Conservation Board (NRCB), Sustainable Resource Development (SRD) and Agriculture and Rural Development (ARD). This document is based on the original 2006 terms of reference for PAG, as developed at the time PAG was established, and is intended to serve two purposes: to guide the successful implementation of PAG, and to provide necessary supporting information for the Agency Governance Secretariat.

Mandate and Accountability

Mandate

The "Policy Advisory Group" (PAG) was created in 2006 under Section 7 of the *Government Organization Act*, to provide advice related to the effective delivery of the *Agricultural Operations Practices Act* (AOPA).

PAG is referenced in the 2006 Memorandum of Understanding (MOU) between the ministers of ARD and SRD and the NRCB (represented by the NRCB chair and chief executive officer) as one of the mechanisms instituted by the MOU to promote and ensure:

- clarity and consistency of policy
- clear regulations
- standards based on science, level of environmental risk and cost effectiveness
- an open, integrated and transparent system
- building of trust and confidence
- timely decisions
- fair and impartial processes and decisions
- efficient and effective issue resolution, including increased mediation
- independence of Board review (appeals) processes
- communication and stakeholder participation.

The MOU establishes the purpose of AOPA: *"To ensure that the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner."*

PAG brings together the expertise and experience of its members to provide advice regarding the effective delivery of AOPA and amendments to the act and regulations.

Duties and Responsibilities

To meet the mandate as set out in the 2006 MOU, PAG members provide advice on:

1. the existing or proposed regulatory philosophy of the NRCB for the administration of AOPA.
2. potential improvements to processes and procedures used by the NRCB in the administration of AOPA, including policies and guidelines.
3. current issues of a general nature affecting the effective delivery of AOPA.
4. legislative and regulatory changes.
5. other matters identified by the co-chairs and/or the PAG members.

PAG will not author policies and guidelines, or amendments to the legislation and regulations.

Where the co-chairs consider it appropriate, PAG may be asked to make recommendations on strategic priorities for discussion and to provide advice on policies that support delivery of AOPA before they are released by the NRCB or ARD.

The Ministers

The Minister of Sustainable Resource Development (SRD) is accountable for the NRCB and the delivery of AOPA through the NRCB.

The Minister of Agriculture and Rural Development (ARD) is responsible for broad AOPA policy, legislation and regulations.

The Minister of ARD ratifies by ministerial order the appointment of members by each stakeholder advisory body that has representation on PAG.

The Deputy Ministers

The deputy ministers of ARD and SRD chair a regularly scheduled accountability session with PAG members on the effective delivery of AOPA. This session is coordinated by the co-chairs. The deputy ministers also monitor the operations and performance of PAG through its co-chairs, to ensure that it is fulfilling its mandate in compliance with government policies.

The Departments

The NRCB (an agency of SRD) is responsible for secretariat duties for PAG, orientation of members and PAG meeting costs, and public reporting on PAG's achievements.

ARD is responsible for development of ministerial orders to ratify member appointments and remuneration of members.

The Co-Chairs

As established by the 2006 MOU and Ministerial Order 25/06, PAG co-chairs are the Chief Executive Officer, NRCB and the Assistant Deputy Minister, Policy and Environment Sector, ARD. (The co-chair function for ARD is currently delegated to the Executive Director, Environmental Stewardship.)

The co-chairs are accountable to the deputy ministers of ARD and SRD for the operation and effectiveness of PAG, and provide updates on PAG accomplishments at regular accountability sessions and through ongoing briefings. They are also responsible for a regular review of PAG under the requirements of the Agency Governance Secretariat.

The Members

Members are expected to agree with and sign the terms of reference document, which includes a mandatory code of conduct. It is expected that PAG members represent the views of their associations.

Members interact with the ministries of ARD and SRD through the co-chairs or their designate.

Members are expected to:

- support the purpose statement of AOPA as established by the 2006 MOU: *"To ensure that the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner."*
- keep their stakeholder group informed, and share the perspective of their group at PAG meetings.

- respect the opinions and experience of other PAG members.
- attend meetings, come prepared, and participate fully in the discussions and the formulation of advice.

In instances where members are unable to fulfill their duties, the co-chairs will request a replacement from the association they represent.

Alternates are welcome to participate at PAG meetings alongside their association's designated member. A wide variety of topics are discussed at PAG, and it is useful to allow either the full member or alternate to address issues based on their knowledge and experience.

Other attendees and observers may include representatives of industry, municipalities, non-government organizations and other government departments, as invited by the co-chairs.

Appointment of PAG Members

Ministerial Order 25/06, signed by the Honourable Doug Horner, Minister of ARD and the Honourable Dave Coumts, Minister of SRD, established the following stakeholder representation for PAG:

- Alberta Agriculture and Rural Development – one member
- Alberta Association of Municipal Districts and Counties – two members
- Alberta environmental non-government organizations – two members
- Alberta Environment – one member
- Alberta Urban Municipalities Association – one member
- Confined feeding industry – eight members as follows:
 - Beef industry – 2 members
 - Poultry industry – 2 members
 - Intensive Livestock Working Group – 1 member
 - Pork industry – 2 members
 - Dairy industry – 1 member
- NRCB (Board) – one member

Appointments by stakeholder associations are forwarded to the co-chairs. ARD formalizes the appointment process through a joint ministerial order. The ministers appoint PAG members based on the associations' assessments that their appointees have the appropriate knowledge, skills, experience and values to assist PAG in achieving its mandate. The decision to appoint members to PAG ultimately rests with the ministers.

An individual's appointment is limited to a maximum of ten years of continuous service.

Associations are responsible for ensuring that appropriate replacements for members, as a result of internal elections or other organizational changes, are identified and communicated to the co-chairs in a timely manner.

Operation of PAG

PAG meetings are generally held twice a year with frequency adjusted at the call of the co-chairs with input from members.

Co-chair responsibilities:

- co-chair PAG meetings
- identify and prioritize issues for discussion at PAG
- prepare agenda for meetings.

The NRCB co-chair is responsible for:

- scheduling and introducing policy for discussion at PAG
- summarizing the advice from the membership
- updating PAG on progress related to implementing policy and delivery of AOPA.

The ARD co-chair is responsible for:

- the amendment process for AOPA
- bringing broad policy issues related to AOPA amendments to PAG for discussion
- scheduling discussions with respect to amendments to the act and its regulations.

Technical Advisory Group (TAG)

- PAG is complemented by the Technical Advisory Group (TAG), which addresses the technical means of achieving the objectives of AOPA and the outcomes described in policy documents. TAG is established under a separate terms of reference and is not listed as an entity under the Agency Governance Secretariat. It is not accountable to PAG but is responsible for ensuring that PAG is briefed.

Code of Conduct

Policy Advisory Group (PAG) members are expected to conduct their duties in all regards with impartiality, and to act in the best interests of the industry or stakeholder group they represent, PAG and its mandate.

Members are required to disclose to the co-chairs any situation involving them which is a conflict of interest or an apparent conflict of interest.

Members are in conflict of interest and in violation of the code of conduct if they:

1. take part in a decision in the course of carrying out their duties as a PAG member, knowing that the decision might further a private interest of themselves, their spouse, their adult interdependent partner or minor child
2. use their public role to influence or seek to influence a government decision which could further a private interest of themselves, their spouse, their adult interdependent partner or minor child, or
3. use or communicate information not available to the general public that was gained in the course of carrying out their duties, to further or seek to further a private interest of themselves, their spouse, their adult interdependent partner or minor child.

It is recognized that, in some cases, PAG members may, in the spirit of representing the interests of their stakeholder association, also be indirectly furthering their private interests. This is not to be seen as a conflict but rather an unavoidable consequence of association delegates representing their organization.

Accountability

PAG is accountable through its co-chairs to the deputy ministers of Sustainable Resource Development (SRD) and Agriculture and Rural Development (ARD).

Accountability Sessions on Effective Delivery of AOPA

The 2006 MOU establishes the need for regular accountability sessions on the effective delivery of AOPA. The sessions are chaired by the deputy ministers of ARD and SRD, and are attended by both ministers and all PAG members.

Accountability sessions are held approximately every two years.

PAG Effectiveness

PAG will periodically evaluate its effectiveness with members and discuss potential ways to improve. The co-chairs will provide a report on the effectiveness of PAG and submit a summary report to the deputy ministers of ARD and SRD. Most often this would be completed in conjunction with the report from the accountability session.

Members

PAG members are responsible for bringing forward to the co-chairs issues they feel need to be reviewed by PAG.

Decisions

PAG is advisory. Final decisions on NRCB policy issues will rest most often with the Chief Executive Officer, NRCB. For amendments to AOPA (legislative and/or regulations) the final decisions rest with the Minister of ARD.

Communication

The objective of PAG is to provide transparent advice that leads to timely decisions. This requires that:

- all communication is open, transparent, and shared among all PAG members.
- decision timeframes are identified and adhered to, and require that PAG members have information before meetings, and
- decision outcomes are communicated and explained.

Administration

Financial costs

The NRCB is responsible for the cost of hosting PAG meetings and all administrative expenses related to PAG meetings.

ARD is responsible for remuneration of PAG members' travelling and living expenses, in accordance with the Subsistence and Travel Allowance Regulation made by Ministerial Order 1/98, as amended, or any order made in substitution therefore, as though they were employees of the government. No further remuneration will be paid to PAG members.

Review of the PAG Terms of Reference and Mandate

ARD in collaboration with the NRCB is responsible for over-seeing the review of PAG every seven years or as required.

Transparency

Copies of the PAG Terms of Reference and Mandate document will be filed with the Ministry of Agriculture and Rural Development. In support of the principle of transparency, this document will also be easily available to the public on the website of the Agency Governance Secretariat (under Agriculture and Rural Development) and on the website of the NRCB.

