

Agricultural Products Marketing Council Mandate and Roles Document

The Mandate and Roles Document for the Alberta Agricultural Products Marketing Council (“Marketing Council”) has been developed collaboratively between the Minister of Agriculture and Forestry and the Marketing Council to reflect a common understanding of their respective roles and responsibilities.

Nothing in this Mandate and Roles Document is intended to or shall interfere with the Marketing Council’s proper exercise of any statutory powers of decision. Although the Marketing Council is part of the Ministry of Agriculture and Forestry (AF) for administrative purposes, the Marketing Council is an arm’s length agency that makes independent decisions.

The Marketing Council is a regulatory agency established under the *Marketing of Agricultural Products Act* (MAPA).

Definitions:

- “Marketing Council” is the term used to identify the Alberta Agricultural Products Marketing Council as a whole;
- “Marketing Council staff” is the term used to identify the General Manager and other Government of Alberta staff who support the Marketing Council;
- “Chair” is the term used to identify the Chair of the Marketing Council;
- “Members” is the term used to identify the members appointed to the Marketing Council;
- “Vice Chair” is the term used to identify the Vice Chair of the Marketing Council;
- “Department” is the term used to identify the Department of Agriculture and Forestry;
- “Governance Committee” is the term used to identify a committee of the Marketing Council chaired by the Vice Chair, with members from the Marketing Council and Marketing Council staff;
- “Minister” is the term used to identify the Minister of the Department of Agriculture and Forestry.

1. Marketing Council Mandate

The Marketing Council is a regulatory agency established by MAPA providing regulatory oversight and facilitating effective governance and leadership for the agricultural Marketing Boards and Commissions in the province. It also provides administrative support to the Appeal Tribunal, which is formed under the *Review and Appeal Regulation* and provides adjudicative jurisdiction over Alberta’s agricultural Marketing Boards and Commissions to hear applications and appeals under a number of statutes and regulations.

Applicable Legislation and Regulations

The Marketing Council has responsibilities under, and is subject to, a number of statutes and regulations, including:

- *Financial Administration Act* (FAA)
- *Government Accountability Act*

- *Freedom of Information and Protection of Privacy Act (FOIP)*
- *Public Service Act*
- *Marketing of Agricultural Products Act*
- *Alberta Public Agencies Governance Act*

Mission

The mission of the Marketing Council is to empower Marketing Boards and Commissions by advancing governance excellence, providing integrated policy advice, and administering effective legislation for the benefit of the agricultural industry and government.

Regulatory Matters

A. The Marketing Council exercises general supervision over the following 20 Agricultural Marketing Boards and Commissions within the Province of Alberta:

- Alberta Barley Commission
- Alberta Beef Producers
- Alberta Beekeepers Commission
- Alberta Canola Producers Commission
- Alberta Chicken Producers
- Alberta Elk Commission
- Alberta Hatching Egg Producers
- Alberta Lamb Producers
- Alberta Milk
- Alberta Oat Growers Commission
- Alberta Peace Region Forage Seed Growers
- Alberta Pork
- Alberta Pulse Growers Commission
- Alberta Sugar Beet Growers
- Alberta Turkey Producers
- Alberta Vegetable Growers (Processing)
- Alberta Wheat Commission
- Alfalfa Seed Commission
- Egg Farmers of Alberta
- Potato Growers of Alberta

B. The Marketing Council is responsible for making regulations, with the approval of the Minister, relating to any matter necessary or advisable to carry out the intent and purpose of MAPA, for providing policy advice to the Minister on issues related to MAPA, and for ensuring effective governance practices and regulatory compliance among the 20 Agricultural Marketing Boards and Commissions.

Specifically, in accordance with MAPA, the Marketing Council has regulatory-related responsibilities to:

- Advise the Minister on matters relating to the establishment, operation, and control of Marketing Boards and Commissions;
- Review each proposed plan submitted to the Marketing Council, and decide whether to hold public hearings or meetings in respect of a proposed plan;

- Make recommendations to the Minister respecting the establishment, amendment, and termination of a plan;
- Conduct votes on plans for the establishment, amendment, or termination of plans and of Marketing Boards and Commissions;
- Supervise the operation of the Marketing Boards and Commissions;
- Administer the regulations made under MAPA;
- Perform any other duties and functions necessary in exercising the authority given to the Council under MAPA and the regulations; and
- Carry out any other duty assigned to the Marketing Council by the Minister or the Lieutenant Governor in Council.

2. Duties and Responsibilities

Meetings

Marketing Council meetings will be held as required. The Marketing Council and its committees can and will meet independent of management.

Legal Compliance/Statutory Requirements

The Marketing Council is responsible for overseeing compliance with all relevant policies and procedures by which the Marketing Council operates and ensuring that it operates at all times in compliance with all applicable laws and regulations, and to the highest ethical standards. The Marketing Council is responsible for approving all matters that require the Marketing Council's approval, as prescribed by applicable legislation and regulations. The Marketing Council ensures that such matters are brought to the attention of the Minister if necessary.

Selection of Management

The General Manager (GM) is a Government of Alberta employee; however, the Marketing Council is responsible, in partnership with the Minister, for providing input in the selection of the GM, and for monitoring and evaluating the GM's performance.

Evaluation

The Marketing Council, through a process led by its Governance Committee, conducts an annual evaluation and review of the performance of the Marketing Council, its committees, and the Chair. The Governance Committee reviews the results of such evaluations and together with the Marketing Council Chair discusses potential ways to improve the Marketing Council's effectiveness. The Governance Committee also discusses the results of the evaluations and the recommended improvements with all the Members.

The Government of Alberta is responsible for the legislative, regulatory, and policy framework under which the Marketing Council operates.

Minister's Roles

The Minister is accountable to the Legislature for the operation of the Marketing Council as outlined under MAPA. The Minister reports to the Legislature on the affairs of the Marketing Council and answers questions about the Marketing Council.

The Minister is responsible for:

- recommending to Cabinet the appointment and/or removal of any Member;

- recommending to Cabinet the appointment and/or removal of the Chair and the Vice-Chair;
- approving the hiring and/or dismissal of the General Manager of the Marketing Council in consultation with the Marketing Council and in accordance with the *Public Service Act*;
- reviewing, on an ongoing basis, the need for the continued existence of the Marketing Council as a Provincial corporation under the *Financial Administration Act*;
- ensuring through the Chair that all Members are informed of their role;
- making recommendations to the Lieutenant Governor in Council regarding the terms and conditions (which may include remuneration and full disclosure in financial statements) for the appointment of Members;
- establishing the mandate and purpose of the Marketing Council, and ensuring the mandate and purpose is communicated to Members and the public;
- exercising any powers granted by the Marketing Council's constituting instrument (such as by statute or Ministerial Order);
- approving policies and changes to policies for matters under the Minister's administration;
- reporting annually to the Legislature on the affairs of the Marketing Council, including the tabling of the Marketing Council's annual report and answering questions regarding the Marketing Council;

and in relation to MAPA:

- approving or recommending to Cabinet legislation concerning changes to MAPA;
- approving or recommending to Cabinet any new Marketing Board or Commission plan regulation or other regulation as needed under MAPA;
- approving or recommending to Cabinet any plan amendment regulation under MAPA;
- monitoring the operations and performance of the Marketing Council to ensure that it is fulfilling its mandate in compliance with government policies, while respecting the need of the Marketing Council for independence in conducting its adjudicative function;
- participating in the process of setting and monitoring the Marketing Council's strategic direction and targets, if applicable; and
- informing the Marketing Council of government policies and directions affecting the work of the Marketing Council.

Deputy Minister's Roles

The Deputy Minister supports and acts under the general direction of the Minister. The Deputy Minister is responsible for the following activities, which have been delegated by the Minister:

- ensuring MAPA legislation and regulations are current and facilitate industry profitability;
- establishing a broad framework for financial, administrative, and operational controls (including but not limited to exemptions from the *Financial Administration Act*);
- approving the Marketing Council's strategic plan and supporting budget;
- communicating GoA policies to the Members and Chair;
- monitoring the activities of the Marketing Council to ensure that its mandate is being fulfilled in compliance with GoA policies; and

- reviewing regularly the Marketing Council's mandate and purpose.

Department of Agriculture and Forestry (Department) Roles

In order to meet the responsibilities delegated to the Marketing Council, the government and the Department are responsible for supporting the Marketing Council in the following areas:

- ensuring MAPA legislation and regulations are current and facilitate industry profitability;
 - establishing a broad framework for financial, administrative, and operational controls (including but not limited to exemptions from the *Financial Administration Act*);
 - approving Marketing Council's strategic plan and supporting budget;
 - monitoring the financial performance of the Marketing Council, ensuring that, with the advice of the external auditors, the financial results are reported on a timely and regular basis and in accordance with any legislated requirements [if applicable] and Generally Accepted Accounting Principles (GAAP);
 - communicating Government of Alberta (GoA) policies to the Members and Chair; and
 - monitoring the activities of the Marketing Council to ensure that its mandate is being fulfilled in compliance with government policies.
- Financial Resources
 - The Marketing Council's general funding is sourced from the Department budget.
 - The Marketing Council's staff works directly with the Department financial division on all matters relating to finance.
 - Human Resources
 - The Marketing Council's staff are GoA employees and are hired through the Department human resource division.
 - The Marketing Council's staff currently includes one GM, three staff, and one Administrative Assistant.
 - Administration
 - The Marketing Council's staff utilizes the administrative processes prescribed by the Department.
 - Communications
 - The Marketing Council's staff works directly with Department communication personnel for all correspondence relating to Marketing Council matters.
 - Orientation and Training
 - The Government of Alberta provides governance orientation for all agency, board, and commission members that have been appointed by government.
 - The Marketing Council provides orientation materials for all Members and regularly offers board governance workshops (at a cost) for any agricultural organization that wishes to attend. Typically, the 20 agricultural Marketing Boards and Commissions have participated in these training opportunities, as have Members, Marketing Council staff, and Department staff.

Marketing Council's Role

The Marketing Council is responsible for their governance and overseeing the management of the Marketing Council's business and affairs. The Marketing Council guides the strategic direction; contributes to the evaluation and hiring of the Marketing Council's GM; approves and monitors the Marketing Council's business plan, operational plan, and financial results; and is ultimately accountable to the Minister. The Marketing Council must act honestly, in good faith, leaving aside personal interests to advance the public interest and the mandate of the Marketing Council. Specifically, the Marketing Council is responsible for:

- identifying appropriate business processes to assist in fulfilling its mandate, including:
 - frequency of meetings, and
 - use of teleconference participation;
- ensuring that all Members comply with the Marketing Council's Code of Conduct;
- participating in the selection process for the GM and monitoring and evaluating the GM's performance, in partnership with the Department;
- ensuring that adequate plans are in place for management development and succession, and conducting an annual review of such plans;
- ensuring that all material developments and significant emergent issues of the Marketing Council are disclosed to the Minister on a timely basis;
- overseeing compliance with all relevant policies, procedures, and standards by which the Marketing Council operates, and ensuring that the Marketing Council operates at all times in compliance with all applicable laws and regulations, and to the highest ethical standards;
- establishing a schedule for mandatory regulatory review, and reviewing all regulations made under MAPA, within the required time periods;
- approving all matters that require Marketing Council approval, as prescribed by applicable legislation and regulations. The Marketing Council ensures that such matters are brought to the attention of the Minister if necessary;
- providing an orientation to the particular practices of their organization, including their governance practices;
- providing ongoing development opportunities for Members;
- ensuring that the Marketing Council, through a process led by the Governance Committee, conducts an annual evaluation and review of the performance of the Marketing Council, its committees, the Chair, and individual Members.
- reviewing results of the evaluations and discussing opportunities to improve Marketing Council effectiveness. Member evaluations are used to identify opportunities to improve the individual members' competence and to inform the re-appointment process;
- preparing and providing to the Minister a strategic plan and annual report for each fiscal year, in the form and at a time acceptable to the Minister. These documents are made available to the public through the Ministry;
- addressing how the Marketing Council interacts with the public, and establishing policies that clearly identify roles and responsibilities in the area of communication with the public;
- developing mechanisms to communicate with the Minister and the Department on items of mutual concern; and
- engaging in a strategic planning process that includes the consideration of the principal risks associated with the Marketing Council's business. The management of these risks is assigned to the GM, and the status is periodically reviewed by the

Marketing Council. The GM is charged with the responsibility to ensure that the Marketing Council and its committees are kept well informed on a timely basis of changing risks.

Members' Roles

Members are responsible for the governance of the Marketing Council and overseeing the management of the Marketing Council's business and affairs. In doing so, they must act honestly, in good faith, and in the best interests of the Marketing Council, the overall agricultural industry, and the people of Alberta. Specifically, the Members will:

- consider their duties as members within the broad policy objectives defined by the government, Legislative Assembly, Treasury Board, Ministers, and the Marketing Council;
- exercise the care, diligence, and skill that a reasonable and prudent person would exercise in comparable circumstances;
- support, implement, and advocate for good governance behaviours and practices;
- ensure that all members are made aware of the need to declare any conflicts of interest and of the consequences that may result from failure to do so;
- follow the Marketing Council's approved Code of Conduct;
- disclose the nature of that conflict to the members in a meeting or in writing at the first opportunity, and refrain from participation in the discussion and voting on the matter in any case where a member has a conflict of interest in a matter under consideration by the Marketing Council;
- resign from the Marketing Council in circumstances where the Member perceives that they have been involved in a violation of legislation or regulations that would have a material adverse impact on the Marketing Council; and
- represent the Marketing Council to the community, and listen to the views of the community.

Members guide the Marketing Council's strategic direction, evaluate the performance of the GM, and are ultimately accountable to the Minister. Specifically, the Members will:

- keep the Minister informed of issues or events that concern or can reasonably be expected to be important in the exercise of the Minister's responsibilities;
- advise the Minister on policies and issues that arise from the Marketing Council's mandate and expertise;
- develop and approve the Marketing Council's strategic plan;
- establish clear goals and measurable results, for which the Marketing Council will be held accountable;
- operate within the mandate, policies, and budgets approved by the government;
- maintain a conflict of interest policy consistent with GoA policies;
- contribute to the performance assessment of the GM;
- update and maintain Marketing Council's Member Orientation Guide and Policy and Procedures Manual;
- review its own performance through the solicitation of feedback from Marketing Council staff, industry, management, auditors, and the Minister; and
- conduct regular evaluations of the overall Marketing Council, individual Members, and the Chair.

Chair

With direction from the Marketing Council, the Chair represents the Marketing Council and its interests, as well as the interests of the Marketing Council, in dealing with the Minister, the Department, the GM, stakeholders, and the community. The Chair is responsible for providing leadership for the Marketing Council and for effectively facilitating the work of the Marketing Council.

The Chair is responsible for:

- planning and managing Marketing Council meetings;
- providing the Minister with regular updates on the Marketing Council's operations and informing the Minister regarding emergent issues;
- ensuring that the Marketing Council, and its committees, have opportunities to meet independent of the GM and Marketing Council staff;
- ensuring that the Marketing Council conducts an annual evaluation of its performance, the work of individual Members, and the performance of the GM; and
- administering the Code of Conduct, and ensuring that conflict of interest matters are addressed.

The General Manager (GM)

The GM is responsible for leading management, developing recommendations for and implementing the organization's strategy, and reporting to the Marketing Council.

The GM is responsible for:

- the day-to-day management of the Marketing Council;
- ensuring that programs and services are being delivered within the standards and policies of the Marketing Council and the GoA;
- establishing appropriate systems for the general administration and financial management and control of the Marketing Council;
- monitoring performance, and taking corrective action when problems are identified;
- ensuring the proper management of the Marketing Council's risk in providing services and care of the organization's assets;
- providing support to the Marketing Council to allow it to carry out its governance responsibilities;
- working with the Marketing Council to prepare an annual strategic plan and annual report in accordance with the guidelines provided by the Minister;
- maintaining effective communications with the Chair, the Deputy Minister, senior staff in the Ministry, other Ministries as required, stakeholders, and other business partners; and
- operating within the mandate, policies, standards, and budget approved by the Marketing Council and the GoA.

3. Recruitment and Appointment of Members

Individuals are recruited according to the Government of Alberta's Public Agency Secretariat Recruitment and Appointment Guidelines. Members are appointed by the Lieutenant Governor in Council, and collectively constitute the Marketing Council. Individuals appointed to the

Marketing Council will be subject to the Marketing Council's Code of Conduct and act in the best interest of the Marketing Council. Appointment to the Marketing Council is for a fixed term of up to three years, with the potential of reappointment, for one additional term. An individual's appointment, including the Chair, is limited to a maximum of six years of continuous service.

Competency Matrix

The Marketing Council will utilize a competency matrix when determining Members' needs.

Member

When a vacancy for a Member occurs, the Marketing Council will recommend a set of desired competencies in accordance with the competency matrix to the Minister to form the basis for the recruitment of a new Member. The Marketing Council will determine these competencies by following the Government of Alberta's Public Agency Secretariat Recruitment and Appointment Guidelines, the *Alberta Public Agencies Governance Act*, and related legislation.

A Human Resource recruitment service will manage the recruitment process (e.g. Government of Alberta's Corporate Human Resource Executive Search). The position will be publicly advertised, and all identified candidates will be screened against the specified requirements. Marketing Council Member(s) will be included in the selection process.

A review of all the applicants, as well as a list of candidates recommended for interview will be provided to the Minister for consideration. The Minister will choose which candidates to interview, and may designate individuals to the interview panel. The Minister will select the final candidate(s) from the qualified candidates and recommend Members for appointment to Cabinet. Following Cabinet approval of the Members recommended for appointment, Members are appointed by Order in Council in accordance with section 3 of MAPA.

Department Representative

The Marketing Council shall include a Department Representative appointed in accordance with section 3 of MAPA. Together the Marketing Council and Marketing Council staff will select candidate(s) from within the Department and make the recommendation to the Minister for the appointment of the Department Representative. The role of the Department Representative is to provide input to the Marketing Council regarding the Department's priorities and business, and to communicate the Marketing Council's priorities and business back to the Department.

Remuneration

All Members, except the Department Representative, are paid an honoraria and travel expenses as prescribed by the Lieutenant Governor in Council, in accordance with Schedule 1, Part A.

4. Interaction between the Marketing Council and the Department

Communication and Reporting

The Marketing Council will ensure that all material developments of the Marketing Council are disclosed to the Minister on a timely basis. The Marketing Council communicates to the Minister through the Chair or through the GM. The Marketing Council will deliver to the Minister the following documents according to the dates and in the format agreed to by the Minister:

- strategic plan;
- regular post-Marketing Council meeting summaries and industry updates;
- annual reports in time frames as required by the GoA; and
- other information, specific documents, or reports as requested.

All correspondence will be copied to the Ministry's Executive Team to ensure that all parties are kept informed.

5. Code of Conduct

The process for administering the Code of Conduct is set out in the Code itself.

6. Administration

Review of the Mandate and Roles Document

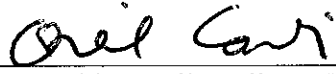
The Mandate and Roles document shall be in effect for not more than three years. It must be renewed or revised by the expiry date. The Mandate and Roles document must be affirmed annually by the Minister and the Chair, or on a change in either the Minister or Chair. The Policy Coordination Office must be advised in writing of any changes to the Mandate and Roles document affecting the review of regulations under MAPA.

Transparency

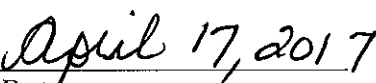
Copies of the Mandate and Roles document will be filed with the Minister, the Marketing Council, and the Marketing Council's Governance Committee. In support of the principle of transparency, this document will also be easily available to the public on the Public Agency Secretariat website (<http://alberta.ca/public-agencies.cfm>) and on Marketing Council's website (www.agric.gov.ab.ca/marketingcouncil).



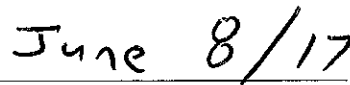
 Norine Moore, Chair
 Agricultural Products Marketing Council



 Honourable Oneil Carlier, Minister
 Agriculture and Forestry



 Date



 Date