



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

FARM PRACTICES ACT REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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FARM PRACTICES ACT
Chapter F-4.1
REGULATIONS

Pursuant to section 17 of the *Farm Practices Act* R.S.P.E.I. 1988, Cap. F-4.1, Council made the following regulations:

FARM PRACTICES REVIEW BOARD

1. Definition, public

In these regulations, “**public**” includes the media. (EC505/99)

2. Oath

Every member of the Farm Practices Review Board shall, prior to taking on the responsibilities of a member of the board, take an oath or affirmation of office in the following form:

“I (A.B.) Do solemnly swear (or affirm) that I will faithfully, truly and impartially to the best of my judgement, skill, and ability, execute and perform the office of member of the Farm Practices Review Board and will not, except in the discharge of my duties, disclose to any person any of the evidence, information or other matters which are brought before the board.”

(EC505/99)

3. Recommendations of board members

- (1) The chairperson of the board shall ensure that a letter requesting recommendations for replacement of a board member, where the board member was appointed upon the recommendation of farm organizations pursuant to clause 3(1)(b) of the Act, is sent to all farm organizations listed in the Farm Organizations Regulations thirty days prior to expiration of the board member’s term.

Vacancies

- (2) Where a board member’s position becomes vacant prior to the expiry of the board member’s term, the chairperson of the board shall ensure that a letter requesting a recommendation for the replacement of the board member is sent to the farm organization listed in the Farm Organizations Regulations which originally recommended the board member, within thirty days of notice of the vacancy. (EC505/99)

4. Meetings of the board

The board shall meet at least once in every calendar year

- (a) to deal with the general business of the board;
- (b) to consider matters of procedure and practice before the board; and
- (c) to deliberate or act upon any other matters the board may deem necessary. *(EC505/99)*

5. Attendance at board meetings

Where a member's failure to attend board meetings hinders the proper and timely discharge of the board's responsibilities, failure to attend shall constitute improper conduct and shall be reported to the Lieutenant Governor in Council. *(EC505/99)*

RULES OF PRACTICE AND PROCEDURE

6. Written rules

- (1) Where the board makes rules of practice and procedure pursuant to subsection 3(6) of the Act, the rules shall be in writing.

Opportunity to be heard

- (2) In determining its rules of practice and procedure, the board shall ensure full opportunity is provided to all interested persons to present any evidence or information that is, in the opinion of the board, relevant.

Access to rules of practice and procedure

- (3) All parties and all persons representing parties shall, upon request, have access to the written rules of practice and procedure. *(EC505/99)*

7. Records of board decisions

A record of board decisions made pursuant to subsections 7(1), 9(4), 11(2), and 13(3) of the Act, together with written reasons for each decision, shall be maintained at the offices of the board and shall be made available to the public on request to the chairperson. *(EC505/99)*

COMPLAINTS

8. Notice to farmer or other person

The board shall provide a copy of the application to the farmer named in the application and any other person added as a party by the board within 30 days of receipt of the application. *(EC505/99)*

MEDIATION

9. Mediator's list

- (1) The board shall create and maintain a list of mediators, approved by the board, to perform mediation of complaints pursuant to section 9 of the Act.



Review of qualifications

- (2) The board shall review the credentials, training and experience of each mediator prior to approving the mediator.

Approval

- (3) Where, in the opinion of the board, a mediator possesses an acceptable level of training and experience in mediation, the mediator shall be approved and the mediator's name shall be placed upon the approved list.

Request for appointment

- (4) Where all parties to a complaint made pursuant to the Act wish to use the services of a mediator whose name is not on the list created pursuant to subsection (1), the parties may apply to the board for

- (a) approval of the mediator; and
(b) placement of the mediator's name on the list created pursuant to subsection (1)

by making a written request to the board, signed by all parties to the complaint, for approval of the mediator. (EC505/99)

10. Assistance of expert

Unless the board determines otherwise in the terms and conditions of a mediation, any party to a mediation may obtain the services or assistance of persons with technical, scientific, legal or other forms of expertise in the mediation, at the party's own expense. (EC505/99)

PROCEEDINGS BEFORE THE BOARD

11. Evidence

The board may receive any evidence by way of oath, affirmation, declaration or affidavit, where in the opinion of the board the evidence appears relevant to the matter being heard, without regard to whether or not the evidence would be admissible as evidence in a court of law. (EC505/99)

12. Recording

All hearings before the board shall be recorded by a person retained by the board for that purpose. (EC505/99)

13. Prohibition against cameras, recording equipment

Except as provided in section 12, no person shall be permitted to record proceedings before the board using any form of audio or video recording equipment or technology. (EC505/99)

14. Maintenance of records

Records of all hearings shall be maintained by the board for at least three years from the date of completion of the hearing. (EC505/99)

15. Reasonable limit

The board may impose a limit that is, in the opinion of the board, reasonable upon the length and number of submissions by any party or person at a hearing. *(EC505/99)*

16. Order

Every order issued to a farmer by the board shall indicate a specific date for compliance with the order. *(EC505/99)*

PANEL HEARINGS

17. Panel chair

The chairperson or vice-chairperson of the board shall act as chairperson for the panel, unless the chairperson or vice-chairperson has designated another panel member to act as the panel chair. *(EC505/99)*

18. Notice of hearing

The panel shall provide written notice of the hearing to all parties which shall indicate the date, time and location of the hearing, and identify the matter to be heard. *(EC505/99)*

19. Hearings open to public

- (1) Subject to section 13, hearings shall be open to the public, unless the panel determines otherwise pursuant to subsection (2).

Exception

- (2) Notwithstanding subsection (1), a panel may exclude the public from a hearing where the panel is of the opinion that the possibility of serious harm or injustice to any person outweighs the public interest in disclosure and justifies a departure from the general principle that hearings are to be open to the public. *(EC505/99)*

20. Panel to hear all evidence

Every member of a panel selected to hear an application shall be present at all times throughout the hearing. *(EC505/99)*

21. Request by panel

The panel may request additional evidence or submissions from any party prior to disposing of an application, including

- (a) a written summary or brief of any oral submissions which were made to the panel by a party; and
- (b) any additional evidence, information or written submissions on any matter which the panel deems relevant to the application. *(EC505/99)*



22. Notice of request

- (1) Where a panel requests additional evidence or submissions from a party after the completion of a hearing, the panel shall provide written notice of the request to all parties to the application.

Time for compliance

- (2) A party shall comply with any request by the panel made pursuant to subsection (1) within 30 days from the date of receipt of the request, unless the panel directs otherwise.

Non-compliance

- (3) Where a party does not comply with the request of the panel within the applicable time frame, the panel shall render a decision based on all the evidence then before the panel. *(EC505/99)*

23. Costs

Any party seeking an award of costs in relation to an application shall make a request to the panel for an award of costs. *(EC505/99)*

PROCEDURE FOR DETERMINATION OF NORMAL FARM PRACTICE

24. Written application

- (1) An application for the designation of a normal farm practice pursuant to section 13 of the Act shall be in writing and shall clearly identify the farm practice to which the application relates.

Identification

- (2) Every application made under subsection (1) shall clearly indicate the applicant or applicants, and
- (a) where the applicant is a group of farmers or other persons, all persons who are members of the group of farmers or other persons shall be identified in the application, unless the board determines otherwise;
 - (b) where the applicant, or member of a group of applicants, is a corporation, the officers and directors of the corporation shall be identified in the application. *(EC505/99)*

25. Designation hearing

- (1) Every hearing for the designation of a normal farm practice shall be identified as a “designation hearing”.

Public hearings

- (2) Every designation hearing shall be open to the public.

Notice of hearing

- (3) The board shall provide public notice of a designation hearing by an advertisement placed in at least one Island newspaper in circulation in each county in the province at least 21 days before the hearing.

Contents of notice

- (4) The notice of a designation hearing provided pursuant to subsection (3) shall indicate the subject matter of the application and the date, time and location of the hearing.

Presentation by public

- (5) Any member of the public may request the permission of the board to make presentations or submissions to the board at a designation hearing. *(EC505/99)*

