Governance Policy

Agricultural Land Commission

Policy G-01
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1. Introduction

1.1 The Provincial Agricultural Land Commission (the "Commission") is an administrative tribunal established under the *Agricultural Land Commission Act* ("ALCA"). Section 6 of ALCA outlines the following purposes of the Commission:

(a) to preserve agricultural land;

(b) to encourage farming on agricultural land in collaboration with other communities of interest; and

(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

1.2 Section 4.2 of ALCA provides for the establishment of the following zones:

(a) Zone 1, consisting of the Island Panel Region, the Okanagan Panel Region and the South Coast Panel Region;

(b) Zone 2, consisting of all geographic areas of British Columbia not in Zone 1.

1.3 Section 4.3 of ALCA provides as follows:

When exercising a power under ALCA in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

(a) the purposes of the commission set out in section 6;

(b) economic, cultural and social values;

(c) regional and community planning objectives;

(d) other prescribed considerations.

1.4 As an administrative tribunal, the Commission is required to exercise its statutory decision-making functions independently. As a publicly funded body, the Commission is required to ensure that its financial operations are publicly accountable and responsible. All Commission members are required by law to "faithfully, honestly and impartially perform their duties": ALCA, s. 5(6).

1.5 This Governance Policy replaces the Commission's Governance Policy, adopted October 29, 2014.

2. Interpretation

2.1 This Governance Policy:

(a) where applicable, uses the same definitions as are used in the ALCA;

(b) does not supersede or take precedence over legislation, regulations or any resolution, bylaw or order of the Commission or an order of an official;

(c) does not fetter the decision-making authority of the Commission or an official, including its authority to develop more detailed policies and procedures arising from any aspect of the Commission's work;

(d) is public; and

(e) is adopted by resolution of the Commission and is effective on the date of that resolution.

3. Commission Structure and Responsibilities

Commission

3.1 The Commission is a corporation consisting of at least 13 individuals appointed under the ALCA (consisting of a Commission Chair, Vice Chairs and members) who are knowledgeable in matters relating to agriculture, land use planning, local government or first nations government: ALCA, s. 5(1).

3.2 Collectively, the Commission Chair, Vice Chairs and members are the board of directors of the Commission. The Commission may pass resolutions and bylaws it considers necessary or advisable for the management and conduct of its affairs, the exercise of its powers and the performance of its duties or functions: ALCA, ss. 5(4), 9.

3.3 The Commission exercises adjudicative and other decision-making functions under the ALCA and the regulations thereunder.

3.4 The Commission's non-adjudicative functions include reviewing and deciding on policies governing the Commission as recommended by the Executive Committee, the Commission Chair or Commission staff, delegating certain functions to the Executive Committee, recommending legislative or regulatory initiatives to government through the Commission Chair and deciding whether to enter into a delegation agreement under section 26 of the ALCA.

Commission Chair

3.5 The Commission Chair is appointed by the Lieutenant Governor in Council after a merit based process: ALCA, s. 5(2)(a). The Commission Chair is responsible for the effective management and operation of the tribunal and the organization and allocation of work among its members: ALCA, ss. 5(2)(a), 5.1; *Administrative Tribunals Act*, s. 9.

3.6 The Commission Chair sets and chairs full Commission meetings and meetings of the Executive Committee, assigns application files to regional panels or the Executive Committee, participates on reconsideration decisions undertaken by the Executive Committee, and is the primary point of contact and liaison with stakeholders, local governments, first nations and provincial governments with respect to the Commission's policy, planning and delegation functions. The Commission Chair is responsible for ensuring appropriate contact with government concerning administration, budget and business plans, training and quality assurance regarding member performance, and for speaking publicly about the work of the Commission.

Vice Chairs

3.7 The Lieutenant Governor in Council appoints six Vice Chairs of the Commission, each of whom must be resident in a different panel region, after a merit based process: ALCA ss. 5(2)(b), 5.1.

3.8 Each Vice Chair is chair of the regional panel for the region in which he or she is resident. Each Vice Chair also sits as a member of the Executive Committee.

Executive Committee

3.9 The Executive Committee is a standing committee of the Commission, recognized under the ALCA, which consists of the Commission Chair and each of the six Vice Chairs appointed for each panel region. The Commission Chair is the chair of the Executive Committee: ALCA, s. 10(2).

3.10 The Executive Committee is responsible for deciding certain applications referred by the Commission Chair or a regional panel, making reconsideration determinations referred by the Commission Chair, and exercising any other functions delegated by the Commission: ALCA, ss. 10, 11.2, 33.1.

Member Commissioners

3.11 The Minister appoints the remaining members of the Commission after a merit based process: ALCA ss. 5(3), 5.1.

3.12 Commissioners participate on regional panels for the panel region in which they reside, and participate on enforcement appeals (unless delegated to the Executive Committee) and full meetings of the Commission.

Regional Panels

3.13 Responsibility for certain application decision-making under the ALCA is assigned to six regional panels. Three regional panels operate in each zone. Zone 1 consists of the Island Panel Region, the Okanagan Panel Region and the South Coast Panel Region. Zone 2 consists of all the geographic areas of British Columbia not in Zone 1 (the Interior Panel Region, the Kootenay Panel Region and the North Panel Region). Each regional panel is chaired by a Vice Chair and consists of members who are resident in that geographic region.

Chief Executive Officer

3.14 The Chief Executive Officer (sometimes called the “CEO”) is a statutory officer appointed at pleasure by the Lieutenant Governor in Council: ALCA, s. 8. The CEO is charged by statute with making certain application-related statutory decisions (notices of intent related to the removal or placement of fill on agricultural land (ALCA, ss. 20(4)-(6)) and certain enforcement decisions (stop work orders, remediation orders, administrative penalties: ALCA, ss. 50, 51, 52, 54). The CEO may also refuse a person permission if a previous application was made after November 24, 2011, refused within the previous 5 years and the application is substantially the same: ALCA, s. 30.1.

3.15 The CEO may exercise other functions and duties as determined by the Commission: ALCA, ss. 8(2), 27. The CEO may retain consultants considered advisable and may set their remuneration: ALCA, s. 8(5).

3.16 When the Commission Chair and the CEO positions are occupied by the same person, special attention is given to ensure administrative fairness and accountability of their respective functions.

Public Service Act Staff

3.17 The Commission may appoint other officers and employees, to which the *Public Service Act* applies, that are necessary for the purposes of the Commission, determine their duties and set their remuneration: ALCA, s. 8(3), (4). Some of those staff are "officials" who may issue stop work orders under section 50 of the ALCA.

4. Administrative Accountability

4.1 The Commission is administratively accountable to government. The Commission must, at the times, and in the form and manner set out by regulation, submit to the Minister a review of its operations during the preceding period: ALCA, s. 12(2), (2.1). The Commission must, nonetheless, remain independent and impartial in reaching its adjudicative decisions.

5. Standards of Conduct for Commissioners

Code of Conduct

5.1 All members of the Commission must "faithfully, honestly and impartially perform their duties, and must not, except in the proper performance of those duties, disclose to any person information obtained as a member": ALCA, s. 5(6).

5.2 The Commission has established a Code of Conduct for Members of the Provincial Agricultural Land Commission attached as Schedule "A" to this Governance Policy (the "Code of Conduct"). All members of the Commission are bound by and must observe all the provisions of the Code of Conduct.

Potential Breaches of Code of Conduct

5.3 The following governance procedures apply to the investigation of any potential violation of the Code of Conduct:

(a) if a potential breach is identified, the Chief Executive Officer, in consultation with the Commission Chair and the Vice Chair of the applicable regional panel, will take actions they deem to be reasonable and necessary to determine the circumstances of the potential violation;

(b) if the potential violation involves the Commission Chair, the CEO will consult with the Executive Committee, excluding the Commission Chair. Where the Commission Chair and CEO is the same person, a senior member of management or a person appointed by the Executive Committee shall investigate the

circumstances of the potential violation, in consultation with the Executive Committee, which will report to the Minister;

(c) the actions taken to determine the circumstances of the potential violation may include, but are not limited to:

(i) an internal investigation into the circumstances of the violation, and/or

(ii) consultation with an independent conduct review advisor appointed by the Executive Committee.

6. Commission Meetings

6.1 The following policies apply to full meetings of the Commission.

Agenda and Materials

6.2 Agendas for Commission meetings are drafted by Commission staff, in consultation with and subject to approval by the Commission Chair.

6.3 The agenda and a complete package of meeting material will be made available,

(a) for scheduled meetings, not later than the third business day prior to the date of the meeting; and

(b) for other meetings, as soon as practicable.

6.4 The package of supporting material will identify items which require a decision. The supporting material for items requiring decision will include staff analysis if appropriate.

Quorum and Majority

6.5 For the purpose of a meeting of the full Commission, a quorum constitutes at least one half the number of members in office, as long as the number of members in office is within the minimum number (13) required by section 5(1) of the ALCA.

6.6 Where a meeting quorum is present, a decision supported by a majority of the members present constitutes a decision of the Commission: *Interpretation Act*, s. 18. Where a Commissioner has removed himself or herself due to a conflict, that Commissioner "counts" for the purposes of establishing a meeting quorum, but not for the purposes of determining a majority vote on the particular decision from which he or she has recused himself or herself.

6.7 A member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter, only if a summary of the meeting is given to the member before the vote: ALCA s.14.

6.8 It is the Commission's general practice to reach decisions by a high degree of consensus when possible. In respect of the following matters, it is particularly desirable that a high degree of consensus exists among members:

(a) recommendations to the government respecting amendments to the legislation; and

(b) amendments to this Governance Policy or other policy instruments of the Commission.

The foregoing statement of intent does not change the rule that decisions are made by a majority vote.

6.9 For the above items in respect of which a decision is sought, a show of hands vote or other suitable polling procedure shall be taken following a motion duly made and seconded. If the result of a vote taken with a suitable quorum is a tie, the motion fails. Items may be tabled by a vote following a motion duly made and seconded. Motions to table an item are not subject to debate.

Telephone, Video Conference, Electronic Voting

6.10 Commission meetings (or the participation of a Commissioner at such a meeting) may be held by secure telephone, videoconference or other communications facilities that permit all participants in the meeting to hear each other. A Commissioner who participates in the meeting by one of those means shall be counted as present at the meeting. Commissioners who have received and reviewed the material relevant to a decision may vote through secure electronic means.

Minutes

6.11 Minutes shall be kept of all decisions of the Commission. Minutes shall state the Commission's decision and indicate which members were opposed and be signed by the Commission Chair.

Rules of Order

6.12 If a question of order or procedure arises at a Commission meeting, a regional panel meeting or an Executive Committee meeting that is not addressed by this Governance Policy, Robert's Rules of Order will govern.

7. Regional Panel Meetings

7.1 The following policies apply to meetings of regional panels responsible for making certain application decisions referred by the Commission Chair, reconsideration decisions referred to a regional panel by the Commission, and any other decisions referred to the regional panel by the Commission Chair: ALCA, ss. 11.1, 33.

Agenda, Materials and Referrals

7.2 Agendas for regional panels will normally consist of the referral by the Commission Chair of various application files for decision.

7.3 The Commission Chair, in consultation with the Chief Executive Officer, may from time to time issue one or more Internal Directives relating to referrals to panels and the Executive Committee.

Panel Chair, Majority and Quorum

7.4 The Vice Chair appointed for the regional panel is the chair of the regional panel: ALCA, s. 11(2).

7.5 If the Vice Chair is absent, or recuses himself or herself, the Commission Chair may designate a member of the panel as acting chair of the panel: ALCA, s. 11(4).

7.6 Where there is no member of the Commission other than the panel chair or Vice Chair who is resident in a particular panel region (i.e., if there is only one member of the regional panel), the Commission Chair shall notify the Minister for the purpose of adding one or more members: ALCA, s. 5(3.1). Until a replacement member(s) is appointed either by the Minister or by the Commission Chair (see section 6 of the *Administrative Tribunals Act*, by virtue of section 5.1 of the ALCA), there is no quorum capable of making application decisions for that region, and no panel capable of referring the matter to the Executive Committee for decision. An exception arises where the substance of the application meets the criteria in section 11.2 of the ALCA, in which case the Commission Chair may refer the application to the Executive Committee.

7.7 Where a regional panel consists of three appointed members:

(a) the quorum to make a decision is two: *Interpretation Act*, s. 18;

(b) where all three members are present, the decision of the majority governs the decision: *Interpretation Act*, s. 18;

(c) if only two members are present and there is a "tie", the vote of the chair of the panel will govern: *Administrative Tribunals Act* s. 26 (6). If the chair is absent or recuses himself or herself, the vote of the acting chair will govern.

Note that, without deciding an application referred to it by the Chair, a regional panel may refer any application to the Executive Committee: ALCA, s. 11.2(2).

Conduct of Regional Panel Meetings

7.8 The Vice Chair, (as chair of the regional panel) is responsible for chairing the meeting and deliberations of the regional panel. The chair of the regional panel is responsible for liaising with Commission staff before and after the meeting and deliberations, ensuring that all panel members have received and reviewed application materials, facilitating an impartial, open and frank discussion by panel members, and recording the results of a free vote concerning the panel's decision on the application.

7.9 The Vice Chair, or if the Vice Chair is absent or recuses himself or herself, the person designated by the Commission Chair as acting chair under section 7.5, is responsible for complying with the Code of Conduct (Schedule "A") and ensuring compliance by other panel members and reporting to the Commission Chair if the Vice Chair or a panel member appears to have breached the Code of Conduct.

7.10 Where a regional panel requires legal advice, such advice shall be sought through the CEO.

7.11 The Vice Chair is responsible for approving and signing the written reasons of the panel where the decision is unanimous. Where the decision is not unanimous, each panel member shall be responsible for ensuring that his or her reasons, whether in majority or dissent, are accurately set out and signed by that person. Signing may be by way of electronic or facsimile signature.

Location of Panel Meetings and Telephone, Video Conference and Electronic Voting

7.12 Subject to a requirement by the Commission Chair that a regional panel meet in Burnaby, regional panel meetings may be held in person, by secure telephone or videoconference at a geographic location in the province identified in advance with Commission staff or other communication facilities that permit all participants in the meeting to hear each other.

7.13 A member who participates in the meeting by one of these means shall be counted as present at the meeting. Panel members who have received and reviewed the material relevant to a decision may vote through secure electronic means.

Exclusion Applications

7.14 Given the volume of applications, the geography of the province and the location of regional panel members, a regional panel may from time to time designate one or two of its members to conduct a meeting referred to in Part 8 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the "Regulation"). Where less than the full regional panel conducts the meeting, a panel member who participated at the meeting will provide a summary of the meeting to the remaining panel members prior to a decision being made on the application: ALCA s. 14.

Site Visits

7.15 Site Visits will be conducted in accordance with the Commission's Site Visit Policy.

8. Executive Committee Meetings

8.1 The following policies apply to meetings of the Executive Committee, which is responsible for:

(a) making first instance application decisions referred by the Commission Chair or a regional panel: ALCA, s. 11.2;

(b) making reconsideration decisions directed by the Commission Chair: ALCA, s. 33.1;

(c) exercising any functions the Commission delegates to the Executive Committee (ALCA, s. 10(3)), including providing advice and recommendations to the Commission on matters relating to strategic planning and priorities, legislative or policy changes, or other matters related to the operation of the Commission other than day to day management.

Agenda and Materials

8.2 Agendas for Executive Committee meetings are drafted by Commission staff, in consultation with and subject to approval by the Commission Chair.

Chair, Majority and Quorum

8.3 The Commission Chair is chair of the Executive Committee: ALCA, s. 10(2).

8.4 Since the Executive Committee consists of the Commission Chair plus six Vice Chairs (total seven), the quorum for a meeting is four. Where a meeting quorum is present, a decision supported by a majority of the members present constitutes a decision of the Executive Committee: *Interpretation Act*, s. 18. Where a Commissioner has recused himself or herself due to a conflict, that Commissioner "counts" for the purposes of establishing a meeting quorum, but not for the purposes of determining a majority vote on the particular decision from which the Commissioner has recused himself or herself.

Telephone, Video Conference, Electronic Voting

8.5 Executive Committee meetings (or the participation of an Executive Committee member at such a meeting) may be held by secure telephone, videoconference or other communications facilities that permit all participants in the meeting to hear each other. An Executive Committee member who participates in the meeting by one of those means shall be counted as present at the meeting. Executive Committee members who have received and reviewed the material relevant to a decision may vote through secure electronic means.

Conduct of Meetings – Application Decisions

8.6 Where the Executive Committee meeting involves an application decision referred by the Chair or a regional panel, a reconsideration decision directed by the Commission Chair, or another adjudicative matter, the Executive Committee must, as adapted to the context, conduct itself in accordance with the policies governing regional panel meetings (Part 7 above), and all references to the Vice Chair refer to the Commission Chair. Section 6.12 (above) will apply to Executive Committee meetings.

Conduct of Meetings – Other Functions

8.7 Where the Executive Committee is considering a non-adjudicative matter, it shall conduct itself in accordance with the process governing Commission meetings, set out Part 6 of this Governance Policy, as adapted to the context.

Executive Committee In-Camera Meetings

8.8 The Executive Committee may from time to time at the request of the Commission Chair meet in-camera to discuss and consider (a) internal Commission operational and administrative matters and (b) matters of general policy. The participants at the in-camera meetings must not discuss or consider at such a meeting any particular application, decision, reconsideration, referral, appeal or other adjudicative matter that is or may be before the Commission, the Executive Committee or any regional panel or a decision of the Chief Executive Officer under sections 27 and 30.1 of the ALCA.

8.9 The Chair may invite one or more members of the Commission, the Chief Executive Officer and/or one or more officers or employees of the Commission to attend an in-camera meeting.

8.10 Except in exceptional circumstances as determined by the Commission Chair, minutes shall not be kept for in-camera meetings and no votes will be taken on matters discussed and considered at in-camera meetings.

9. Boundary Reviews

9.1 Under sections 17(1)(a) and 29(1)(a) of the ALCA, the Commission may (i) on its own initiative or (ii) on application of a local government or first nation government add lands to or exclude lands from an agricultural land reserve ("ALR"). Under section 32 of the ALCA, the Commission must amend the land reserve plan if land is excluded. These additions or exclusions at the Commission's own initiative and those on application by local governments or first nation governments are referred to as boundary reviews. The Commission undertakes this process periodically to fine-tune the ALR.

9.2 The ALCA differentiates between inclusions or exclusions on the Commission's own initiative and "applications". "Applications" refer to requests for boundary review inclusions and exclusions by local governments and first nations governments and also to other inclusion, exclusion, non-farm use, subdivision or other applications under the ALCA made by or on behalf of land owners.

9.3 Under section 11.1 (2) of the ALCA the chair must refer an "application" (for various matters set out in section 11.1(2)) to the panel established for the region in which the lands referred to in the application are located. This would therefore include boundary reviews brought by an "application" by a local government or a first nation government. The section 11.1(2) requirement would not include, however, boundary reviews brought by the Commission on its own initiative because these are not "applications".

9.4 All boundary reviews undertaken by the Commission on its own initiative should be decided by the Commission as a whole, subject to a process which will include input and recommendations from Commission staff, as well as the participation of the Executive Committee and the regional panel in which the land subject to the boundary review is located. The public hearing required under sections 17(2) and 29(2) will be conducted by the applicable regional panel in accordance with the requirements of the ALCA and the Regulation.

9.5 Lands subject to a boundary review may not be excluded except with the consent of each owner of lands, in accordance with sections 29(1.1), (1.2), (1.3) and 58(2) of the ALCA.

10. "Ex-Parte" or Other Private Contacts

10.1 Members of the Commission whether they sit as members of the Commission as a whole, as members of the Executive Committee or as members of a regional panel, must not initiate any private communication with, and shall not respond to any private communication or attempt at private communication by, any outside individual or organization, with regard to an adjudicative decision-making matter that is or may come before the Commission as a whole, the Executive Committee or a regional panel. A member shall immediately report any such contact or attempted contact to the CEO and/or the Commission Chair.

10.2 If an outside person asks a member of the Commission a question about the application process or any other adjudicative decision-making process, the member must refer the person to the CEO

and/or the Commission Chair for response unless the question arises at a site visit or staff-scheduled meeting and can be easily addressed by the member.

11. Chief Executive Officer

Accountability

11.1 The CEO exercises the powers assigned under the ALCA and other duties as assigned by the Commission.

Responsibilities

11.2 In addition to the statutory functions summarized in Section 3.14 above, the Commission, pursuant to section 8(2) of the ALCA, hereby assigns the following other duties to the CEO:

(a) directs the formulation, implementation, interpretation and evaluation of strategic land use plans, business plans, goals, objectives and policies to meet and enhance the Commission's mandate;

(b) in consultation with the Commission, develops or restructures programs, services and policies which meet and strengthen the Commission's mandate;

(c) develops and recommends to the Commission Chair and Executive Committee the overall structure and staffing of the Commission as required;

(d) oversees the daily operations, functioning and resourcing for the Commission, in accordance with *Public Service Act* employee compensation guidelines and any employment contracts or collective agreements in force, so that the Commission's purposes, policies and priorities are achieved;

(e) supervises senior management staff, including recruitment, delegation of work, developing and evaluating performance plans and approval of leave, and responds to grievances and initiation of discipline processes;

(f) develops, manages and authorizes spending for the Commission's budget;

(g) provides administrative support, strategic advice, counsel to and obtains legal interpretation for the Commission Chair and board of directors on procedures, policies, points of fact and emerging issues and develops or recommends alternate courses of action;

(h) to ensure the directions of the Commission Chair, Executive Committee and the Commission are recorded;

(i) to report to the Commission Chair, the Executive Committee and the Commission as required, including keeping them current on major developments and ensuring the Commission has sufficient information to permit it to address potential issues and to make decisions;

(j) to advise the Commission Chair concerning the interactions among the Executive Committee, panels, governments and other stakeholders;

(k) to liaise with other organizations and ministries which may have interactions with the Commission; and

(l) to assign any of these duties to senior staff.

12. Freedom of Information and Protection of Privacy Act

12.1 The Commission Chair as the head of a public body (the Commission) under the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") may from time to time pursuant to Section 66 of FOIPPA delegate some or all of his or her powers under FOIPPA to the Chief Executive Officer and/or any employee of the Commission. The Commission Chair may from time to time rescind or vary any such delegation in whole or in part.

SCHEDULE "A"

Code of Conduct for Members of the Provincial Agricultural Land Commission (the "Code")

A. Introduction

Purpose

1. This Code establishes the standards of conduct that govern the professional and ethical responsibilities of members of the Provincial Agricultural Land Commission (the "Commission") in the exercise of the statutory functions under the *Agricultural Land Commission Act* (the "ALCA").

2. The standards of conduct set out in this Code are based on and recognize two fundamental principles: (i) that public confidence and trust in the integrity, objectivity and impartiality of the Commission must be conserved and enhanced; and (ii) that independence in decision-making is essential.

3. This Code is based on the Commission's dedication to the following values – high ethical standards, honesty, good faith, fairness, accountability, dignity, respect, openness, discretion and cultural sensitivity.

4. These standards address members' responsibilities to the Commission itself, including colleagues and staff, to the parties who appear before them, and to the public.

5. This Code is intended to supplement, and should be read in conjunction with, any applicable conduct requirements that are established from time to time by statute, common law, or otherwise to govern Order in Council (OIC) appointees and administrative tribunal members generally or members of the Commission in particular.

Application

6. This Code applies to all full-time and part-time members of the Commission.

7. In this Code, "member" includes the Commission Chair and any Vice Chair, except where the context otherwise requires.

8. Any reference to the Commission Chair in this Code means the Executive Committee (without the Commission Chair) where the matter involves the conduct of the Commission Chair.

9. This Code may be revised and expanded as necessary, and any such revisions apply immediately to all Commission members unless otherwise specified.

10. If a member has a question concerning the interpretation or application of this Code, the member must seek clarification from the Commission Chair.

Member compliance and good judgment

11. Members must at all times comply with the standards of conduct set out in this Code. Members have a responsibility to bring to the Commission Chair's attention the conduct of a colleague which they reasonably believe is in breach of this Code or which may threaten the integrity of the Commission.

12. Although this Code cannot anticipate every possible situation, in all cases, members are expected to act honestly and in good faith, in a professional and ethical manner, and exercise judgment regarding appropriate conduct on matters or in situations not specifically mentioned in this Code.

Administration

13. The Commission Chair is responsible for the administration of this Code, including any matters regarding its interpretation. Members are accountable to the Commission Chair for their compliance with this Code.

B. Members' Responsibilities to the Commission

Compliance with Laws

14. Members must at all times and in good faith seek to comply with the provisions of the ALCA, all applicable regulations and rules established under the ALCA, and all other relevant laws, legislation and policy instruments that apply to the work of the Commission.

Notification if ceases to a resident of the region

15. A member must immediately notify the Commission Chair if he or she ceases to be a resident of the panel region for which he or she was appointed. Such change in residence automatically terminates the appointment.

External influence

16. Members must guard against and take all necessary and reasonable steps to avoid any improper external influence which may attempt to be brought to bear on their decision-making.

Non-disclosure

17. Members must at all times maintain confidentiality and not divulge confidential information obtained by the member in the performance of his or her duties, except in the proper performance of his or her duties or as required by law. This prohibition includes disclosure to elected officials, employees, agents or representatives of the government, government ministries or departments, the general public or persons at another workplace.

18. Members shall not disclose or release the outcome of any Commission, Executive Committee or regional panel decision, reconsideration or determination on any matter

prior to the date of the transmittal of the outcome of the decision, reconsideration or determination. For a decision on an application, a reconsideration or any other determination, the date of transmittal shall be the date of the transmittal letter to the applicant, the applicant's agent or any affected person. For an inclusion or exclusion of land to or from agricultural land reserve on the Commission's own initiative, the date of transmittal shall be the earlier of the date of the transmittal letter to an affected person or the date that the inclusion or exclusion is posted on the Commission's website.

19. Members shall not use directly or indirectly information obtained in the performance of their duties for any purpose other than the work of the Commission.

20. Any inquiries from the media or members of the public shall be referred to the Commission Chair or where the Commission Chair directs to a Panel Vice Chair and/or the Chief Executive Officer. Public expressions of opinion regarding any matter relating to the work of the Commission or any other matter should not create a perception of bias.

21. Members shall not publicly criticize or comment on the decisions, exercise of discretion, policies, procedures or organization of the Commission, including any regional panel, or the conduct or the decision of or exercise of discretion by other members on the same or another regional panel. Questions relating to any policy, procedure or standard must be raised with the Commission Chair.

Expertise

22. Members have a responsibility to maintain a high level of professional competence and expertise required to fulfill their duties and responsibilities.

23. Members are expected to thoroughly read and acquaint themselves with the orientation and training materials provided and Commission policies, as updated from time to time, prior to participation in meetings or hearings.

24. Members are expected to pursue the development of knowledge and skills related to their work, including participation in ongoing training provided by and through the Commission concerning administrative justice or any other matter related to the work of the Commission.

Collegiality

25. Members have a responsibility to perform their duties in a manner that fosters collegiality among members and with staff and to treat them with courtesy and respect.

26. Members are expected participate fully and frankly in proceedings of the Commission, to assist their colleagues through the respectful exchange of views, information and opinions, and to respect the rights of staff and other Commissioners to express their views freely and openly.

Attendance

27. Members must maintain an excellent attendance record at regular meetings and will advise the Commission Chair and the applicable regional panel Vice Chair in advance if they will be absent.

C. Members' Special Responsibilities in Adjudicative Decision-Making and Appeals

Conduct

28. Member interactions with parties or the public in a hearing or meeting concerning an appeal, application or other adjudicative matter must be conducted in a courteous and respectful manner while ensuring that the proceedings are fair, orderly and efficient.

Impartiality

29. Members are expected to approach each adjudicative matter with an open mind and, at all times, must be, and must be seen to be, impartial and objective. A member shall recuse himself or herself on any matter whatsoever on which the member's participation would raise a reasonable apprehension of bias.

30. Where a member is in doubt as to whether the member or another member should recuse himself or herself, the member shall notify the Commission Chair and request advice and, where the matter concerns a member and an application, reconsideration or any other adjudicative matter before a regional panel, also notify the regional panel Vice Chair.

Conflict of Interest

31. For the purpose of sections 33 to 37 inclusive, the following definitions apply:

    "Associate" means:

    (a) a spouse of the member;

    (b) a son or daughter of a member or of the spouse of a member if the son or daughter is under 19 years of age or is living in the family residence of the member;

    (c) a relative of the member who is living in the family residence of the member;

    (d) a corporation of which the member beneficially owns, directly or indirectly, more than 10% of the voting rights attached to all outstanding voting securities of the corporation;

    (e) a trust of estate in which the member has a substantial beneficial interest or for which the member serves as trustee;

    "Friend" includes an individual whom the member is connected by frequent or close association;

    "Relative" means relative by blood, adoption or marriage;

"Spouse" means a person to whom the member is married to or with whom the member is living in a marriage-like relationship, including a person of the same gender, but does not include a person from whom the member is separated or living apart and with whom the member has entered into an agreement to live apart or who is subject of an order of a court recognizing the separation.

32. Members shall disclose to the Commission Chair and the applicable regional panel Vice Chair any past or present, direct or indirect personal financial interests, affiliations, memberships, directorships, voluntary or paid positions or activities separate assets and holdings that they or any Associate or Friend has which may be affected by any adjudicative matter.

33. Members shall keep any present direct or indirect personal financial interests, assets and holdings and those of any Associate or Friend distinct from and independent of any adjudicative matter that will be heard or acted upon by the Commission.

34. Members shall keep their personal interests, affiliations, memberships, directorships, voluntary or paid positions or activities and those of any Associate or Friend separate and distinct from any responsibilities as a Commissioner.

35. Members shall not participate in site visits, deliberations or decisions related to an adjudicative matter involving a property sharing a common boundary, a property separated by a public road right of way or a property in the immediate vicinity of a property (the "neighbouring property") where the member is aware that an Associate, Friend or business associate has an interest in or owns the neighbouring property.

36. Without limiting the generality of section 35, members shall not participate in site inspections, deliberations or decisions related to an exclusion application where a member is aware that the member, an Associate, Friend or business associate has received notification of the application as prescribed by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. Where the application involves a past business associate or former Associate or Friend (e.g. former in-law or ex-spouse), the member shall immediately notify the Commission Chair and request an opinion.

37. Where a member has reasonable grounds to believe that, for any reason not specifically addressed in this Code, he or she may have a conflict of interest or there may be a reasonable apprehension of bias, the member shall immediately notify the Commission Chair and the applicable regional panel Vice Chair and request an opinion. If the opinions differ, the opinion of the Commission Chair shall govern.

38. Where the Commission Chair is also the Chief Executive Officer, the Commission Chair must disclose any potential conflicts of interest that he or she may have to the Executive Committee.

39. If a potential apprehension of bias or conflict of interest arises during the course of a meeting of the Commission, the member must remove him/herself from the meeting room, and not discuss the matter with other Commissioners or vote on the matter. (Commissioners may vote on matters in which they have an interest, if the decision relates to the regulation of a large class of persons and will not affect the member in a different manner than any other member of the class – e.g. a Commissioner who owns

lands within the ALR may vote on a policy regarding specific uses on all lands within the ALR or regarding local government planning matters.)

40. If a potential apprehension of bias or conflict of interest arises at any other time, the member must not participate in or exercise any of the powers or duties of a Commissioner in relation to the matter which could be affected or be perceived to be affected by the apprehension of bias or conflict of interest.

41. If there is any doubt that a potential apprehension of bias or conflict of interest may exist, the member must consult with the Commission Chair.

42. The member must immediately disclose to the Commission Chair an apprehension of bias, or perceived or actual conflict of interest. The Commission Chair will disclose any potential conflicts of interest to the Executive Committee.

Accommodation

43. Members must take reasonable measures to accommodate all participants at a meeting or other proceeding so that they may participate effectively in the meeting or other proceeding. In the conduct of meetings and other proceedings, members are expected to take into account social and cultural differences and to consult with Commission staff if an issue arises concerning accommodation.

Communications with Participants in a Proceeding

44. Members shall not communicate directly or indirectly about the substance of a meeting or other proceeding with any party, counsel, witness or other non-Commission participant appearing before them in a meeting or other proceeding, including on a site visit, except in the presence of all parties who are participating in the proceeding, or their counsel.

45. Members shall not, during the course of a meeting or other proceeding, have any social contact with a party, counsel, witness or other non-Commission participant, if such social contact would create a reasonable apprehension of bias.

Decision-Making

46. Members shall make each decision on the merits of the case.

47. Members shall not be influenced by extraneous or improper considerations in their decision-making. Members shall make their decisions free from the improper influence of any other persons, institutions, interest groups or the political process.

48. Members are expected to render their reasons in accordance with any standards or format that may be established by the Commission regarding decision-making and timeliness.

49. Members have a responsibility to consider the privacy interests of individuals in the conduct of meetings and other proceedings and the writing of decisions, ensuring that decisions contain only the personal information that is necessary to explain the reasoning of the decision.

D. Members' Responsibilities to the Public

Integrity

50. Members shall conduct themselves with integrity.

Gifts or Other Benefits

51. Members shall not accept gifts or other benefits from any person if the gifts or benefits are in any way in relation to their membership on the Commission. Offers of any such gifts or benefits shall be brought to the Commission Chair's attention.

Outside Activities

52. Members may take part in outside activities that are not inconsistent or incompatible with their official duties and responsibilities, and that do not cast doubt on their ability to perform their duties objectively. Outside activities means activities outside a member's official duties in which they participate in their personal capacity, such as conferences and training seminars, volunteer activities, teaching assignments, non-political fundraising, public speeches and interviews.

Code not Exclusive

53. This Code of Conduct is in addition to and not in substitution for any obligations imposed on members by the common law, equity or statute. Compliance with this Code of Conduct will not relieve a member from any such obligation.