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West Coast Environmental Law DEREGULATION BACKGROUNDER

Agricultural Land Commission Act (Bill 21)

Bill 21, the *Agricultural Land Commission Act* replaces the previous *Agricultural Land Reserve Act* incorporating many of the provisions of the old Act, along with a number of key structural and substantive changes, including;

- A new regionalized structure for the Land Commission
- Improved administrative powers
- Changes to the allowable non-farm uses of agricultural land plus new regulation making powers that facilitate further changes to the list of permissible non-farm uses
- Gutting of the Forest Land Reserve provisions

Background:

The Campbell government promised a new regionally sensitive Land Reserve Commission in the 2001 campaign. The Act together with administrative changes fulfills the promise as the commission is expanded and new regional decision making panels are appointed. Improvements in administrative powers to deal with determinations, orders, penalties and bonding originated within the commission. There has been no discussion of the significant changes to the Forest Land Reserve.

Impact

Commission Restructuring: The Commission has been restructured on regional lines with a minimum of 7 Commissioners representing the 6 provincial regions. The intention is to appoint 19 Commissioners – 1 CEO and 3 Commissioners. Each group of regional commissioners will have decision-making authority for their region. Applications and analysis will continue to be centralized in the head office.

Commission Powers: Bill 21 expands the ability of the Commission to delegate its powers to permit non-farm use and subdivision of agricultural land. The Commission can already delegate by agreement to local government. This Act expands that to “other authorities” such as an “agent of the government, a public body or another person.”

An example is delegation to the Oil and Gas Commissioner for decisions relating to oil and gas development on agricultural land. It raises the potential problem of delegating decisions to bodies that have little interest in or a mandate at odds with the Commission’s mandate. Delegation agreements proscribing the terms of delegation will be critical to monitoring this process.

Non-Farm Use: Bill 21 expands the oil and gas and mining activities permitted on agricultural land. More importantly, Bill 21 gives Cabinet greater authority to make regulations concerning the use of agricultural land including permissible non-farm uses of agricultural land. The Commission is currently drafting a major rewrite of regulations for consideration by Cabinet.

Forest Land Reserve: Bill 21 removes all crown land from the Forest Land Reserve, leaving only privately held forestry lands in the Reserve. Bill 21 also strips the Forest Land Reserve of its real purpose: preventing the conversion of private forest lands into urban and suburban development. Bill 21 repeals tax disincentives and other administrative avenues for the protection of privately held forest land. This is a significant issue on the Gulf Islands and east coast of Vancouver Island. The conversion of private forest land to urban development increases timber harvesting pressure on publicly held forest lands in these areas.