

May 13, 2014

Dear MLAs of British Columbia,

I've been following the Bill 24 debate closely, mostly through Hansard, and I love hearing letters from citizens. It is almost like we're *being consulted!*

I have an excellent MLA who shares many of my values, but she is the speaker. That means she's not able to speak for me in the legislature. I therefore sent this letter to the agriculture critic, who arranged for an MLA to read it. An NDP member is representing me at this pivotal time, and that is ironic: I happen to have never voted NDP in my life.

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Late last year, as a longtime *Liberal* supporter, I received a Today's BC Liberals message about "[Standing up for taxpayers through core review.](#)" (November 29, 2013).

The message states these goals for the core services review:  
"to save taxpayers' money,  
reduce the regulatory burden on the private sector,  
and make public services more focused and efficient."

"Wow!" I thought. I stand for all of that.

But it reminded me of something that happened four months earlier in East Kootenay. It was reported in the *Cranbrook Daily Townsman* as "[Agriculture minister sees local farmers' struggles.](#)" (Aug. 1, 2013) and it then got wider attention in *The Vancouver Sun*.

The agriculture minister, who was new in the job at the time, had been taken under the wing of the minister responsible for the core services review. After this, I'll call him the "core minister" for short.

The core minister had invited his protégé to tour parts of East Kootenay to see the terrible things the ALR and Agricultural Land Commission were doing to farmers and ranchers.

I should pause here to say that I'll go into a small number of matters *in detail* in this letter instead of dabbling in everything. I'll fill in gaps I've noticed from Hansard. For broad knowledge, I suggest watching the video of MLA George Heyman's speech at the end of last week. For informed passion, I suggest the early presentation by MLA Lana Popham. Many other MLAs have spoken well, so it may seem I'm left with just a few details, but they fill out the picture.

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Let's get back to the end of July 2013 in East Kootenay. As we visualize the sunny scene, the core minister, who is the MLA for Kootenay East, is tutoring the fledgling agriculture minister. According the *Cranbrook Daily Townsman*, "Bennett's tour focused on a key issue for local farmers: the seemingly arbitrary boundaries of the Agricultural Land Reserve (ALR) and how it restricts farmers' ability to make a living."

I agree that there are boundary problems, but there was one huge omission that stood out like a chasm in all the articles: the core minister never mentioned that the Agricultural Land Commission was already immersed in a solution at that very time in that very same region, Kootenay East. The omission makes all the difference between a valid observation and a confusing message from a person who should have known better. Politics is not known for fairness, but that went too far.

At that, let me pause once again in the story. We need to go into the background of the ALR boundary reviews in East Kootenay. It begins with the *Audit of the Agricultural Land Commission* by the Auditor General of British Columbia, who released [his report in September 2010](#). The very first of the Auditor General's nine recommendations is this: "Ensure that ALR boundaries are accurate and include land that is both capable and suitable for agricultural use" (page 3).

In a core review of the ALC, surely a key thing to look at is the highly relevant report by the auditor general, along with the Agricultural Land Commission's systematic *response* to the auditor general's report. If the auditor general is ignored by the government, even on the occasion of a core review, the efficiency that the auditor general aims to enable cannot possibly occur. The auditor general's staff are the experts in efficiency, and I should mention that the ALC is headed by Richard Bullock, an expert executive who is building on a distinguished career as a farmer, business leader and public servant.

[Note: I addressed the core minister's tour in [this blog article](#).]

In any case, one could assume that the core minister had not read the auditor general's report and did not know how the commission was implementing it. The appearance is that the core minister was ignorant of *at least three* factors:

- (1) the recommendations in the auditor general's report,
- (2) the strategic plan of the Agricultural Land Commission that the commission was systematically implementing, and
- (3) the comprehensive set of East Kootenay ALR boundary reviews, which were a major event in the core minister's own constituency.

Besides ignorance, the only other possibility I can think of is that the core minister was concealing his knowledge of the ALR review while criticizing the ALR boundaries and the Agricultural Land Commission, but entertaining that possibility would lead to conclusions that I don't want to believe. I therefore choose to assume that the core minister was **not** trying to influence the commission to laxly exclude too much land from the ALR in the boundary review. Similarly, I will **not** assume the minister was deliberately misleading his trusting constituents so as to make a case against the ALR.

In short, it is fair to give the core minister the benefit of the doubt that he just didn't know what was going on. That benign view also fits with the *Cranbrook Daily Townsman's* other details of the core minister's orientation tour with his agriculture-minister pupil at the end of July 2013.

According to the article, the core minister cited a particular Agricultural Land Commission decision in East Kootenay as "just plain wrong." However, the core minister missed the purpose that the applicants stated in their well-written application, which I located and read. The intent of the application, which was good for farming, was "to create a residential parcel for the owners, a retiring farm couple" so their daughter's family could succeed them in owning and farming the farm. The ALC decision showed that the applicants could *already* accomplish their stated goal under the *ALC Act*.

It happens, though, that the part of the act's ALR Land Use provision the commission had to apply is clumsy. Fortunately, the commission followed up, working with the farming family to meet the spirit of the law. (As an administrative tribunal, the ALC has more leeway than a court to collaborate like that to flexibly meet the intents of the law.) In my view, the regulation needs refining, but the ALC should have been commended for using common sense in the interim. The core minister's lambasting of the ALC's action as "just plain wrong" was at best an uninformed and unpleasant thing to do.

The problem with all this is that it doesn't matter how genuine the core minister is in not knowing what's going on. The problem is that it's doing harm in a range of important ways, and Bill 24 is extending the harm.

To stay with the damage in East Kootenay, let's look at what has happened with the set of boundary reviews there. One can do that from the home page of the Agricultural Land Commission website, since the ALC is as open as possible. We see from the ALC site that the commission completed the Elk Valley ALR Boundary Review on February 18 of this year. As of early March, the ALC was progressing well with its other four East Kootenay reviews.

By now the planning of the concurrent boundary reviews in *the Cariboo* and *the North* would have begun, but I suspect that Bill 24 has thwarted that. There is no sense in reviewing ALR boundaries in the Kootenays, Interior and North when Bill 24 would practically eliminate the ALR in those regions.

ALR boundary reviews are an efficient method, and the ALC used the Elk Valley boundary review to fine-tune the system. Instead of that modern adaptation of the tried-and-true system of ALR boundary reviews, we're headed for an avalanche of applications that will have to be handled individually. I gather that it began months ago after the core minister and former agriculture minister spurred land speculators with their comments, and the avalanche will certainly gain momentum if Bill 24 goes through.

Of course, though, Bill 24 makes it super-easy to stack the ALC panels with commissioners who will approve anything, and maybe that is the idea. Otherwise, the massive inefficiency will be exactly the opposite to what the core review was supposed to accomplish. This is a reason to take time to think about how the core review went wrong before going headlong downhill into the abyss with Bill 24, the bill to kill the ALR.

I hope the review of the core review will look at all the other inefficiency that Bill 24 would impose by law on the Agricultural Land Commission. Try finding anything anywhere in the bill that might improve efficiency. You're more likely to find that anything in the bill that's a real change is an added burden on the ALC and the citizens it works with.

According to the Today's BC Liberals message I began with, the core review was supposed to "save taxpayers' money" and "make public services more focused and efficient." In Bill 24 in my view, every one of the real changes adds a burden of bureaucracy. It is bound to cost more money while doing harm to farmland conservation, food security and the independence of the Agricultural Land Commission as a tribunal. If this perversion of core review is applied to large ministries, it will bankrupt the province. Applied to the ALC with its tiny budget, the bumbling under the cloak of a core review can't do that, but the effect on our future could be as bad.

Let's go through the Bill 24 sections that involve significant change.

Section 2 of Bill 24 divides the provincial land use zone called the ALR into two zones. Since a zone can't be two zones, this section creates two *ALRs*:

- ALR1 is a weakened version of the existing ALR.
- ALR2 is an Anything Land Reserve, which keeps agricultural land in a land bank until anything else that is wanted more comes up.

Administering two ALRs with two sets of rules is bound to cost more while largely protecting farmland for non-farming uses. (By the way, that is how there is an element of truth to the seemingly absurd talking-point that Bill 24 protects farmland. The catch is that the bill to kill the ALR would actually protect farmland *as a reserve for non-farmland uses*. That is obvious in ALR2 and less obvious at this time in ALR1.)

Section 3 of Bill 24 adds a whole lot of commissioners, eliminates the current efficient means of quality control, makes the tribunal more like six tribunals, and enables almost instant stacking of the tribunal panels with chairs and other members who think approved thoughts. That applies to ALR1 and ALR2, so forget about the supposed status quo in ALR1.

From a focused efficiency standpoint, most of the increased costs are self-evident, so I'll comment only on the stripping away of quality control by taking away the ALC chair's right and duty to consult on appointments. That greatly increases the likelihood of unsuitable appointments, and all of us who have dealt with the consequences of being stuck with bad team members knows that it's far more efficient to get the selections right to begin with. There is little cost to the quality control of the chair's involvement in hiring the chair's team members, but there's unlimited cost to the consequences of the bad choices that Bill 24 makes more likely.

Section 5 of Bill 24 is related to the panels that would become nearly independent tribunals. The review of Bill 24 by the BC Food Systems Network's expert analysts brings out

- that the routine decisions would “lack provincial context” because the ALC chair does not participate,
- that “previous experience with regional panels shows that they can be costly and awkward to manage,”
- that there would be “increased concerns about unfairness and inconsistency, both between regions and over time,”
- and that there would be “increased danger of collusion, conflict of interest or outright collusion between members of the regional panels and regional or local governments.”

In the ALC's strategic plan, the chair came up with a hybrid approach that includes representation from each region while avoiding the pitfalls, and there has been evident progress toward that efficient and regionally fair model. As I've mentioned, Chair Richard Bullock is an executive with a record of success that has been evident in his systematic modernizing of the ALC. But Bill 24 would trash that progress by Mr. Bullock and the ALC team.

The Bill 24 plan that would turn past mistakes into law is financial idiocy. If we recall the stated goals for the core services review, it certainly does not “save taxpayers' money” or “make public services more focused and efficient.”

Section 6 of Bill 24 amounts to “Bureaucracy at Any Cost.” Some key words in that section are “*the commission must submit to the minister.*” We know from a leaked memo that the intent has been to bring the Agricultural Land Commission directly under the minister of agriculture's thumb. This section is the main means. Richard Bullock, the current chair of the ALC, already does a lot of reporting on the ways the ALC is systematically improving service while limiting costs. It makes no sense to go further to the ten listed kinds of ways in which he is supposed to submit to the minister. That level of micromanaging could be prescribed for entry-level clerks on probation to get them to quit, but even then it would be unsavoury. The excellent BC Food Systems Network analysis once again provides insight with this comment: “Opens door for government pressure that could compromise regulator's independence and fairness.” In other words, this section introduces pointless cost, hampers the commission's freedom to do useful work, and compromises the independence of a supposedly independent tribunal.

For Section 8 of Bill 24, I'll conserve time by just commenting on the way the bill leaves no stone unturned when it can add to the bureaucratic load on the Agricultural Land Commission. In the current act, cabinet can make regulations that establish policies and procedures, and the amendment changes that to "policies, procedures, *rules and regulations*." Why add "rules and regulations"? The likely reason, given the previous minister of agriculture's leaked intents, is to put the ALC more firmly into the ministry without officially doing so. Cabinet would theoretically be setting rules and regulations for the ALC, but they would come from the minister of agriculture. Or possibly the core minister, but that's a problem too.

Throughout the sections of Bill 24, the powers of the chair of the Agricultural Land Commission are curtailed. Someone with the skills of a Richard Bullock would still find a way to make the best of a bad situation, and [his recent comments to Metro Vancouver leaders](#) show he is already looking ahead to doing so. However, turning a tremendous asset like Mr. Bullock into a much more limited asset is not the purpose of a core review.

As I pause to reflect about that, the phrase that comes to mind is from MLA Andrew Weaver's presentation to the legislature on this topic a few days ago. He used the expression "*decision-based evidence-making*." The evidence-making that the *Globe and Mail* sought to obtain recently was not available because 93 pages of it was redacted. [Mark Hume's article](#) summarizes the core minister's assertion that "the changes are warranted because the ALC has been keeping too much land locked up in the land reserve." The obvious solution was the ALR boundary reviews that the ALC was doing and that Bill 24 is blocking, so the assertion is false. However, it would be useful to see the 93 pages for insight into the core minister's decision-based evidence-making. I even wonder if those 93 pages have always been blank.

In lieu of the missing 93 pages, I will have to rely on evidence from the core minister at and around his media party of March 27, 2014 to celebrate what appears to be a life dream of vanquishing the ALR. At the media party, he "could not contain his excitement," [says Vaughn Palmer](#).

There are stories about how the core minister botched the supposed consulting that the B.C. Food Systems Network policy leaders tried to take part in, but, to be fair, it seems that [the core minister \*did\* get ideas](#) from his Kootenay East constituents.

At the media event, [one of them said](#) her children might build a prison or motel on ALR land. That is a valuable insight into the purpose of Bill 24, especially since the speaker had been selected and brought across the province to represent the source of the core minister's evidence.

Talking to the *Cranbrook Daily Townsman* that day, [the core minister said](#), "If I was going to point to one aspect of the ALC that people in my region really don't like, it's the fact that they apply and they get turned down by, essentially, bureaucrats who live in the Lower Mainland." That stirs local pride, but it is false evidence.

As the [Agricultural Land Commission website](#) shows, [ALC commissioners](#) live in five of the six regions. There's one apiece in the [Kootenay](#) region and [South Coast](#), which includes the Lower Mainland. The ALC panels also meet in the regions. I think there should be swift action to add a qualified commissioner from the North, but we don't need Bill 24 for that.

[The core minister implied](#) that Cranbrook, where he lives, has no local food. But the ALC's [Cranbrook commissioner](#) produces free-range beef. Even if the core minister is genuinely ignorant about other local agriculture around Cranbrook, he should at least have known that fact if he is to have any credibility about the value of having commissioners from the region. To be clear, I agree with that value — in the context of the balanced way that Richard Bullock's hybrid model values it.

[The core minister said](#) the bill would allow farmers to do "canning or making jams or cheese or wine." To that I say, "What?!!!" Within reason they've always been ALR uses, and Bill 24 doesn't change that.

[The core minister complained](#) that a constituent was stopped from mining gravel from a farm. But it was the *mines* ministry that turned it down. That's the same minister's *own* ministry. Why is Bill 24 needed to fix the minister's ministry. Can't he just take his fingers out of the ALR pie and tend to his own problems?

The core minister whined again about [bad local land](#) stuck in the ALR. But the rest of us all know that the ALC is doing an ALR [boundary review in Kootenay East](#). We all know that it implements the [Auditor General's advice](#) and that the core minister appears to have slowed it to a standstill. Bill 24 is not needed to enable the ALC to go back to solving the problems they were already solving.



At his media party on March 27, the core minister did admit confusion and mentioned he had not consulted for Bill 24. True! He didn't even consult the ALC chair, Richard Bullock. All we know is that he consulted the woman who sees motels and penitentiaries on farmland in her children's future. Even for decision-based evidence-making, that is not much evidence.

This government got accolades from people of all political persuasions for its water act consultation. Now, on this matter, there have been many calls for consultation, including a recent one from Metro Vancouver. Surely the bill to kill the ALR can be put aside until the fall sitting for that.

I have been offering this input as non-partisan view of how Bill 24 fits with the stated purposes of the core review. Since those purposes have a financial emphasis, my letter has had that emphasis too. However, I should add that I'm also the president of the Garden City Conservation Society. I am well versed in the values of the ALC act for agricultural and ecological conservation, and I have followed the ALC and ALR with first-hand involvement for many years.

I am also active in Richmond Poverty Response, and food security is important to me because it is so important to the least privileged members of society. If Bill 24 were actually good for protecting farmland for agriculture or for food security, I would be singing its praises. The unfortunate reality is that it is dreadful for protecting farmland and dreadful for protecting food security, and the day of reckoning for ignoring those values is fast approaching.

Ideally, please put Bill 24 out of its misery. If you can't bear to see it go, please at least give it a summer vacation. At the same time, please urge the Minister of Agriculture and the Chair of the Agricultural Land Commission to consult widely together.

With best wishes,



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