



# How to complete the LEGISLATIVE FRAMEWORK TABLE

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# Strengthening Farmland Protection Assessment Toolkit

## Purpose

The primary purpose of the Toolkit is to assess the breadth and quality of the legislative framework. Therefore, identifying the elements of the Legislative Framework is the most important – and first – thing to do. These instructions will help you to complete the Legislative Framework table.

The legislative framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local, regional (or upper-tier), and provincial levels of government. These elements are defined in the following table.

<b>Element</b>	<b>Description</b>
<b>Policy</b>	A formal statement of intent; principles, rules, or guidelines that are designed to determine or influence major decisions or actions and all activities that fall within the domain of the policy
<b>Enforceable policy</b>	Policy with clear statements of intent to enforce (often with penalty for failing to follow the policy)
<b>Aspirational policy</b>	Policy without clear statements of intent to enforce (often with penalty for failing to follow the policy); a broad statement about desired outcomes, objectives, or activities
<b>Enabling policy</b>	Policy with clear statements of intent to implement a policy (e.g., provide resources)
<b>Legislation</b>	A law (or Order in Council) enacted by a legislature or governing body; can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.
<b>By-law (bylaw)</b>	Local laws established by municipalities as regulated by the provincial government. Note: for our purposes, a by-law is considered part of legislation.
<b>Regulation</b> (pursuant to Act)	Is a form of legislation (law) designed with the intent to regulate; a rule or law designed to control or govern conduct; creates, limits, constrains a right, creates or limits a duty, or allocates a responsibility.
<b>Governance</b>	Methods, systems, or processes of governing; the act of implementing policy and legislation. For our purposes we are concerned with groups (e.g., commissions, advisory committees) that have the authority to apply, review, or enforce policy and legislation specific to agricultural land use planning.

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The table for the Legislative Framework incorporates two aspects.

- The rows are organised by geographic scale, from provincial to regional to local (municipal). The rows between the geographic scales, identified as “Required Integration,” are for sections of provincial legislation that serve to integrate provincial policies with local policies. These aspects of required integration are related to the principle of integrating priorities across jurisdictions.
- The columns recognise two types of documents: policy and legislation (as defined above). The third column is to identify governance structures.

The Legislative Framework for your area may not have elements (policies, legislation, or governance structures) that fit in all of the cells of the table. That is, some cells may be empty.

### Instructions

1. Use the LEGISLATIVE FRAMEWORK table template provided.
2. Review the elements listed at the provincial scale and under Required Integration. Make changes you believe are appropriate.
3. Identify and add elements that are relevant to your area, at both the municipal and regional scales, as appropriate.
4. Follow the formatting legend provided in order to distinguish aspirational and enforceable policies, and laws and regulations.

*Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan)*  
[italicised]

**Enforceable policy, regulations pursuant to acts [bold]**

Aspirational policy at all levels [plain text]

LEGISLATIVE FRAMEWORK

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<p>[ALC] <u>Annual Service Plans</u>                      [MAL] <u>Strengthening Farming</u>                      [ALC] ALR and Community Planning Guidelines                      [Smith] “Planning for Agriculture”</p>	<p><i>Agricultural Land Commission Act</i>  <i>Local Government Act</i>  <i>Farm Practices Protection (Right to Farm) Act</i>  <i>Forest and Range Practices Act</i>  <i>Range Act</i>  <i>Land Title Act</i>  <i>Water Act</i>  <b>Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</b></p>	<p>Agricultural Land Commission                      [ALC Act]  <i>Administrative Tribunals Act</i>                      Governance Policy for the Agricultural Land Commission</p>
REQUIRED INTEGRATION	<p><b>LGA Part 25 849 Purpose of regional growth strategy</b>                      (e) maintaining the integrity of a secure and productive resource base, including the agricultural land reserve</p>		
REGIONAL			
REQUIRED INTEGRATION	<p><b>ALC Act Section 46 Conflict with bylaws</b>                      (2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission                      (4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect  <b>ALC Act 13 Dispute resolution on community issues</b>  <b>LGA Part 25 882 (3) (OCP) Adoption procedures 882</b>                      The local government must refer the plan to the ALC for comment.  <b>LGA Part 25 946 (3) Subdivision to provide residence for a relative</b></p>		
LOCAL			

*Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [italicised]*

**Enforceable policy, regulations pursuant to acts [bold]**

Aspirational policy at all levels [plain text]