IN THE HOUSE
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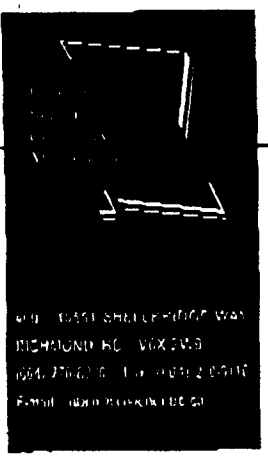

Treaty Related ALC Act Amendments; New Bylaw Adjudication Process Launched

Bill 27, the Agricultural Land Commission (ALC) Amendment Act was introduced in the Legislature on April 26, 2004. The intent is to provide First Nations that have ratified Agreements in Principle (AIPs) with the federal and provincial governments (currently four), with similar rights and obligations as local governments under this Act. First Nations will be the owners of and have jurisdiction over their "Treaty Settlement Lands" once the final treaty comes into effect. The existing AIPs provide that First Nations Treaty Settlement Lands are subject to Agricultural Land Reserve (ALR) designations.

While the proposal is that all sections in the ALC Act will apply to First Nations governments post-treaty, only the provisions concerning application to exclude land from the ALR may be used by the First Nation between AIP and Final (treaty) Agreement.

The amendments to the Act allow a First Nation with an approved AIP to apply to the ALC (prior to finalizing a treaty) to exclude *proposed* Treaty Settlement Land from the ALR, as an owner and as a government with jurisdiction. This means that the application would not need to be submitted to the local government (if they were like any other owner they would need to, but since they are also the anticipated government with jurisdiction, they do not). It also means no public hearing would be required, (unless required by special order under section 40).

If the ALC allows the exclusion of proposed Treaty Settlement Land within the ALR, it would not take effect until the Final (treaty) Agreement is in force and until it has been authorized by a law of the First Nation government. The First Nation will have no other jurisdiction or rights with respect to the proposed Treaty Settlement Lands other than to apply to the Land Commission. Post-treaty, a First Nation would be able apply for ALR exclusions as a government or as an owner (since it is both); the former process requires that they hold a public hearing, the latter process does not (again unless required by the ALC under section 40).

Section 879 of the *Local Government Act* requires all local governments that develop, repeal or amend an Official Community Plan to consult with parties it considers will be affected (in addition to the public hearing requirement), and these parties specifically include First Nations. Based on existing UBCM policy, UBCM will likely be looking for the ALC regulations associated with this Act to require the same things of First Nations governments as are required of local governments, in relation to public process and consultation with adjacent local governments.

The UBCM Executive will be considering Bill 27 amendments at their upcoming meeting on May 7 and the UBCM office will keep members informed of further UBCM action on this issue.

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