

**A STAKEHOLDER SUBMISSION  
TO  
THE GOVERNMENT'S REVIEW  
OF  
THE PROVINCE'S PROFESSIONAL RELIANCE MODEL**

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**WHAT IS WORKING WELL AND WHAT IS NOT WORKING**

As a direct consequence of deregulation, the concerns with the professional reliance model are not so much about the performance, competence and qualifications of professionals but rather about the legislative framework -- the design, function and delivery of current resource statutes, regulations and policy -- within which their work is bounded. Deregulation has resulted in reliance on professionals in the private and public sectors without the legal authority to support some of their decisions. Resource development, planning and management need to be governed by good laws -- these laws are in many instances absent or out-dated.

As a direct consequence of shifting reliance on professionals in the public sector to professionals in the private sector, the government amended resource statutes and regulations to shift statutory decision-making powers from field professionals in government to the Minister responsible allowing him/her to devolve decision-making authority to private-sector professionals. This has resulted in inadequate government involvement in, and oversight of, resource decisions and in inevitable bias in the absence of law toward industry interests by the private sector professionals charged with decision-making authority.

This shift to reliance on industry professionals has also enabled the government to rely less on in-house professionals and to downsize their numbers. Downsizing, attrition and hiring freezes have resulted in a paucity of qualified professionals in government. In particular, attrition of senior professionals coupled with downsizing targets and hiring freezes has resulted in many positions being filled by junior professionals not qualified to perform the tasks, duties and responsibilities required of the position. A significant amount of incompetence has consequently crept into the professional ranks of government.

Laws have been written so as to allow developers to minimize the amount of information disclosed in plans available for public input. In some instances, the public is completely excluded from the planning function for resource use. Just one consequence of this approach is the serious negative impact such a legal framework has on the cumulative effects of resource development on the landscape; something under present law that professionals are helpless in managing.

On the ethical premise that qualified professionals will do the "right thing", many government regulations were downgraded or written as guidelines that are not enforceable in law. Without the oversight of government professionals, industry professionals are free to ignore such guidelines because they are not a legal requirement for development. As a result, we see the ineffectiveness of wildlife management across the province and the destruction of its habitat. One example is excessive road density above recommended guidelines in wildlife habitat areas as recently pointed out by the Forest Practices Board and attributed to a failure of professional reliance.

The professional associations appear not to be doing what is expected of them in terms of holding their members to account for poor practices. One example is forest roads. The Forest Practices Board has found many instances where roads have not conformed to standards yet there is no corresponding number of professionals responsible for those poor roads being disciplined or otherwise being held accountable by their association.

I am afraid that with any flawed model it is hard to point out anything that works well in the public interest because what might work well with one company in one particular region of the province may not be working well with other companies in other regions.

For professional reliance to work effectively, government needs to set the natural resource management objectives to be achieved, to set clear standards, and to provide a transparent, trustworthy and legally enforceable process to monitor those objectives, which doesn't currently exist. As an example, the forests ministry has been operating since 2001 without any timber objectives -- it took an audit by the Auditor General to point this out. It has also been setting logging rates since 2002 without any legal requirement to maintain an inventory of the province's lands.

## **CHANGES NEEDED**

The problem with the professional reliance model will not be corrected simply by drafting natural resource management objectives and legally enforceable standards. The entire legal framework (statutes and regulations) for all natural resource planning, management and use needs to be newly drafted to take us forward for the next 50 years.

Some laws have served us well such as the 1978 *Forest Act* but are now altered beyond recognition and past their expiry date; others were poorly conceived in the first place and should not have lasted more than a political term of office but have been on the books far too long, such as the *Forest and Range Practices Act* and Regulations.

**What is needed is new natural resource legislation based on a *model of sustainable resource management* in which professional reliance is not the model but simply part of the process of attaining sustainability – See attachment.**

Such a model is based on the Earth's natural capital: its natural resources and solar energy. Of these resources, air, water and soil are the life-sustaining ecological elements

that support the web of life (biodiversity or genes, species and ecosystems) and its sustaining processes (hydrological cycle, wildfire, pollination, photosynthesis, etc).

The human interface with this natural world is through science and technology. By applying conservation and science-based ethics, we need to undertake conservation and land-use capability planning.

Societal values and beliefs, including those of First Nations, determine resource-use decisions and choices.

Some resource use is potentially sustainable and renewable: energy (wind, solar, geothermal); agriculture (organic and intensive); ranching (beef); forestry (timber and non-timber); fishery (wild); and tourism (wilderness, fishing, parks, hunting, recreation and resorts).

Other resource use is unsustainable and non-renewable: energy (oil and gas); and mining (minerals and aggregates).

How we develop these resources, sustainable and unsustainable, needs to be premised on sustainable-use and stewardship ethics to meet societal objectives.

Societal objectives in the broadest sense are: (1) Economic prosperity; (2) Sustained ecological elements, processes and biodiversity; and (3) Social well-being.

Attaining the three societal objectives creates genuine wealth, which can be measured by a genuine wealth index.

To have our natural resource laws conform to a model for sustainable resource management, would mean that all the resource-use statutes and regulations for each natural resource -- sustainable and unsustainable – would need to be subordinate to, and aligned with, over-arching legislation for the sustainability and conservation of the ecological elements (air, soil, and water), life-sustaining processes and biodiversity, as well as over-arching legislation for local and regional land-use planning. We need to write this over-arching legislation.

Also, we need to write new resource-use laws and regulations for energy, mining, agriculture, ranching, forestry, fisheries and tourism that are subordinate to, and aligned with, the over-arching legislation for sustainability and for land-use planning.

Then, how we administer the different resource-use statutes remains a matter of administrative efficiency and political optics but at a local level. For sure, guided by a land ethic, professional reliance as one process within a larger legislative model of sustainable resource management, with clear resource objectives and standards, would have a role to play but it would not be the model by which we develop and manage natural resources.