

Approaches to Legislation Change to Support Natural Resource Permitting Initiatives

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Executive Summary

Introduction

This paper is intended to provide a decision-making framework for how to approach legislative change in the Natural Resource Sector, in particular, the approach to legislation that the Natural Resources Permitting Project should consider to most efficiently achieve the objectives of its Business Case. It is hoped that this research will also provide a more general overview for the considerations to think about when trying to use legislation, or address legislation, as part of large-scale transformational changes in a public sector context, particularly in the jurisdiction of British Columbia.

Background

The Natural Resources Permitting Project is a seven-year long project with a goal to streamline natural resource authorizations across all of the different natural resource sectors in B.C. When this project was approved and given funding, this was based on the assumption that the legal framework of the Natural Resource sector would have to be changed. This research looks at how feasible these changes are, and what considerations need to be taken into account in order to develop comprehensive legislation change requests.

Methodology and Methods

The primary sources of this research come from interviews with key informants, a group of Public Service employees in British Columbia who have experience with legal change and the Natural Resource Sector. A jurisdictional scan of similar changes was also completed, as well as a review of internal policy documents and a brief overview of the literature on the theory of public sector reform.

Key Findings

This research led to three main findings:

- Legislation change in any form is incredibly complex, and an extreme level of detail is required even for small changes;
- The key objectives of why the legislation is being changed must be defined; and
- Thinking through the transition from old state to new state is an important piece of the Request For Legislation (RFL).

Options to Consider

These respondents were asked to provide their thoughts on the feasibility of three main legislative change approaches:

- *Case by Case Approach* - in which changes to legislation are addressed as problems occur;
- *Incremental/Phased Approach* - in which particular aspects of the Natural Resource Sector are dealt with in a group or in legislation together (such as common aspects of permitting that run across the entire sector); and

- *Unified Theory Approach* - in which the whole legal framework in the Natural Resource Sector is addressed all at once without thinking of the constraints of the old system.

Recommendations

Legislation changes are a means to an end. Whichever implementation theory is chosen, the level of detail required for why the current state is not working needs to be extremely precise. Regardless of what approach is chosen, in order to be an effective tool the objectives for why the legislation needs to be changed must be extremely clear. This work can be done before an RFL is developed, and it is integral to success. For the case of the Natural Resource Permitting Project, three main recommendations are suggested:

1. A dedicated staff should be assigned to research the implications of legal change, working in conjunction with the existing project teams in the NRPP to assess which aspects of the legislation are currently problematic for implementation of the project.
2. Standardize certain aspects of natural resource operations
3. Separate what can be done and what can't be done

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1.0 Introduction

The Natural Resources Permitting Project is a long-term, large-scale transformational change that was announced in 2013. The purpose of this project was to make the Natural Resource Sector, currently a hodgepodge of different processes and systems, more client-oriented. This is intended to streamline processes and make Natural Resource planning and administration easier, more sustainable, and more in line with environmental, First Nations, and economic concerns (“What is the NRPP?”, 2015).

The Business Case of the NRPP project states that British Columbia’s Natural Resource Sector (NRS) currently operates in a legislative and regulatory environment where natural resource activity authorizations are issued in isolation of one another, are governed by separate statutes and regulations, and have their own distinct on-going management requirements (Natural Resource Transformation Secretariat [NRTS], 2015). The background research as part of the request for this project asserts that this legal framework has resulted in a disconnect between private sector organizations and the government permitting offices viewing a gravel pit, for example, as a single project, where the NRS business processes are organized around authorizations regardless of their relationship around a project (NRTS, 2015). This disconnect has may have resulted in duplication of requirements for proponents through the application, decision-making, assignment and renewal processes, and a corresponding duplication of effort by government staff to administer those needs (NRTS, 2015). Most natural resource proponents have to fill out the same information for multiple different permitting applications, and there is not always a connection between different offices from different natural resource Ministries – or even offices within the same industry.¹

This lack of integration could be a factor affecting three main issues in the BC Natural Resource Sector: the amount of time that it takes to administer decisions and authorizations is sometimes frustrating to proponents; landscape level management, or having a fulsome view of all of the natural resource activities taking place on the land base, is difficult to consider in the current legislative framework; and, lack of project based authorizations can lead to duplication of effort, particularly in the realm of public and First Nation Consultation. Table 1 shows the various challenges that have been assumed, but not necessarily proven to be the case throughout the entire sector, by the current legal framework.

¹ It is important to note at this point that the above rationale is from the original Business Case for the Natural Resource Permitting Project. The research for this paper has found that the issues above are not necessarily consistently true across the entire sector: disproportionately, smaller-scale projects complain about administrative burden of the applications process; while larger-scale operators are not concerned.

Table 1 - Current NRS Business Challenges

Business Challenges	Impacts
<p>The decision making process is lengthy, inconsistent and lacks transparency</p>	<ul style="list-style-type: none"> • Delays and uncertainty create barriers to investment, cause frustration for proponents and clients, and limit the ability of the NRS to support economic growth and job creation • NRS workforce productivity is limited by the manual and duplicative effort involved in the authorization process • \$38M in contingency funding has been requested since 2011² to address the authorizations backlog generated as a result of lengthy approval timelines; when the contingency funding ends, it is likely that backlogs will again begin to accumulate
<p>The lack of self-service options constrain the public, First Nations, proponents and clients to remain overly dependent on government for information</p>	<ul style="list-style-type: none"> • Proponents and clients are frustrated by the lack of open information and an inability to access services online • Accessing NRS services is time consuming and costly for proponents and clients • Proponents regularly complain that government is not clear in their expectations and there is not fulsome information to draw upon • NRS workforce productivity is limited by the need to respond to a high volume of inquiries and requests for information
<p>The cumulative effects of past, present and proposed use of natural resources are not well understood nor integrated into decision making for projects not subject to environmental assessment</p>	<ul style="list-style-type: none"> • Unintended impacts to environmental, societal and economic values have accumulated over time • Irreversible damage to ecosystems and specific populations has occurred
<p>Information systems are disparate, costly to maintain and do not allow information/data to be integrated</p>	<ul style="list-style-type: none"> • Lack of a consistent, single-point of access to NRS information, which is critical to decision making • No common (i.e. single) view of a proponent or client for the NRS • Difficult to track applications for authorizations and permits either singly, or bundled within a project • Billings and fees are not coordinated for authorizations and permits, resulting in confusion and extra work for sector staff and clients • Increased dependency on obsolete technology

Business Challenges	Impacts
Decisions and processes are inconsistent from agency to agency and region to region	<ul style="list-style-type: none"> • Proponents are uncertain of government’s expectations resulting in uncertain investment climate, poor applications and process delays • Records and reports to the public and to investors are difficult to obtain and time consuming and costly to prepare • Systems and databases are fractured and disparate, resulting in poor availability of information for analysis and application preparation
The NRS has limited ability to maintain physical and electronic records in a manner consistent with legislation and policies	<ul style="list-style-type: none"> • Government is exposed to increasing risk of significant document discovery costs to locate physical records in the event of litigation or Freedom of Information requests • Settlements have been paid in the past in cases where documents could not be located
The NRS does not have the capability to assess and mitigate the risk of activities on the land base sector-wide, leading to financial losses and legal action against government	<ul style="list-style-type: none"> • Performance security terms and amounts are inconsistently applied and are often insufficient to cover remediation costs • Government has paid significant remediation costs totalling at least \$56M over the past 5 years • Government has been exposed to increasing levels of legal risk; NRS settlement and judgment costs have grown from less than \$1M in FY 2008/2009 to \$21M in FY 2012/2013

Source: The Integrated Decision Making Business Case (Province of British Columbia 2013)

To illustrate this problem, it is useful to use an example. Say someone in B.C. were to apply to build an adventure tourism facility. They might have to apply for a license to occupy or use crown land for adventure tourism (which could take the form of a Lease, License, or a Permit, which is administered under the Land Titles Act. They also might need a licence to cut, a road use permit, a water license, a park use permit, and a guide outfitter licence, all of which are administered under different departments and have different tenure lengths.

The natural resource sector in B.C. has been trying to move towards an integrated decision-making model since 1992, when the Commission on Resources and Environment (CORE) was established, a precursor to the Land and Resource Management Planning. In 2013, the Business Case for Integrated Decision Making (IDM) was submitted to the Office of the Chief Information Officer for endorsement and treasury board funding, and this project, renamed the Natural Resources Permitting Project (NRPP), will run until approximately 2022 (NRTS, 2015). This work is hoped to lead to an ideal future state where the NRS can view projects holistically to balance economic, environmental and societal objectives and improve client service while minimizing government costs. Attempts by the British Columbia government to integrate the decisions and the processes of the Natural Resource Sector have existed in various iterations for the past 20 years. The business case for NRPP was agreed to based on the premise that the lack of integration in the sector has led to administrative redundancies and ineffective communication with natural resource proponents. The Business Case asserted that the provincial government’s ability to manage risk effectively and have a consistent direction on resource management is limited when they cannot view natural

resource operations on a project level (NRTS, 2015). Not only that, but the fragmentation of renewals, amendments, and finances across multiple business lines diminishes government ability to effectively deal with issues that arise in the construction and operational phases of projects (NRTS, 2015).

1.1 Defining the Problem

To move to a future state where natural resource regulation, authorizations processes, and compliance and enforcement are streamlined and integrated, the legal and policy framework would need to be addressed in some fashion. When the Business Case for IDM was developed and approved, the benefits calculations were dependent on addressing the legal barriers to making British Columbia an attractive investment for natural resource proponents. To develop an approach to the transformative change required to integrate the Natural Resource Sector, approaches to legislative change need to be scoped out. The process of changing the laws will require buy-in from the political leadership, so it is imperative that the recommended approach to legislative change is appropriately thought out.

The Business Case of the Integrated Decision Making Act (now referred to as the Natural Resource Permitting Project) aims at “reducing red tape, putting citizens and business first, improving services, streamlining processes, integrating our decision-making and improving access to information to support a prosperous future for all British Columbians through sustainable economic development and shared leadership of natural resources.” (NRPP, 2016). The current legal framework of the Natural Resource sector in British Columbia, with over 40 Acts and corresponding regulations, has outdated legislation that in many ways does not reflect the current reality of Natural Resources in B.C. To deliver on the promises made in the Business Case, the legislation would need to be updated. How much it is updated is the issue. Legislation change, particularly from the bottom up, is incredibly complex. An entire overhaul of the legal framework of B.C.’s Natural Resource sector is a task that requires dedicated human resources, time and consultation of multiple stakeholders. This research seeks to understand exactly what steps would be needed depending on the amount of legislation change that is undertaken. Exactly what and how much legislation is changed is not within the scope of this project- rather, this project seeks to outline the steps involved in each approach to determine from a process viewpoint which approach to legislation makes the most sense.

1.2 Project Client

The Natural Resources Transformation Secretariat (formally a part of the Ministry of Forests, Land and Natural Resource Operations, but operating as a separate entity), has been formed to implement the Natural Resource Permitting Project – a seven year long project that works with all six Ministries within the Natural Resource Sector in British Columbia – Ministry of Energy and Mines (MEM), Ministry of Forests, Lands and Natural Resource Operations (FLNRO), Ministry of Aboriginal Relations and Reconciliation (MARR), the Ministry of Agriculture (AGRI), Ministry of Environment (MOE), and the Ministry of Natural Gas Development (MNGD). The stated objective of the Natural Resource Permitting Project is to make natural resource management in BC more efficient and effective, leading to more durable decisions that balance First Nations, economic, environmental and social concerns. The NRTS is divided into various project teams in order to accomplish these objectives. My client, Marcin Zaranski, is the Executive Director in charge of the Policy, Regulation, and Legislation Branch, the purpose of which is to ensure the strategic objectives of the project are being met and identify legal barriers that inhibit this

work from moving forward. This research is a fundamental component of this work and will be used to develop a strategy for legislation work on this project going forward.

1.3 Project Objectives and Research Questions

The aim of this report is to develop a recommendation to approach legislative and policy transformation in a complex, multi-organization sector. This research is part of the larger goal of developing the future strategic direction for the Natural Resources Sector to streamline natural resource project authorizations and management in B.C.

This research is meant to serve as a framework for making a decision about addressing legislative change in the Natural Resources Permitting Project and the Natural Resource Transformation Secretariat.

Following this objective, the purpose of this research is to provide options, provide a summary of all of the considerations to take into account when considering the development of a widespread legislation change, weight the significance of the factors and provide a framework for decisions before a decision maker chooses a legislative option. Finally, I will provide a recommendation for the process for the best approach to transformation initiatives. The main research question to be addressed is:

What is the best approach to addressing potentially obstructive legislation in a complex, multi-organization sector such as the NRS in British Columbia to support broad changes in natural resource management and permitting initiatives in government?

The supporting questions that will be asked are:

- What are the key approaches to legislative change (omnibus, pilot project)? What are the benefits and costs of implementing each option?
- What are the primary considerations to consider before deciding to move forward with legislation change?
- How is integration defined?
- What is the work, including the performance indicators and types of data analysis that need to be done to assess the concrete issues with the current state of the NRS?
- Taking all of the considerations of a legislative change into account, what is the recommended approach for implementing transformative and legislative change?

The Natural Resource Permitting Project (NRPP) is a seven-year project, with targets spanning from 2013-2021. The Business Case for the NRPP identifies several objectives that, presumably, cannot be met without some legislative or policy change. The purpose of this research project is to determine and substantiate approaches to legislative and regulatory changes required to realize the full return on investment of the NRPP Business Case, and any attempt to integrate the NRS and a transformative change to a complex legal framework more generally. An essential component of the research will be to develop a plan for what questions to ask to develop a successful legislative change approach.

1.5 Organization of Report

This report has seven main sections. The Background section gives an overview of the background of the NRPP and the key objectives of the project, according to the original 2003 business case, as well as an overview of the process of legislation change in British Columbia, based on the Ministry of Justice's publically available process documents.

The Literature Review section gives an overview of the literature on major projects in government and compares this project to other reforms in other jurisdictions, as well as an overview of the main issues in the current legislation that need to be addressed. This section includes a legislative scan of policy work done in B.C., a jurisdictional scan of similar initiatives in other governments, and a brief overview of transformation in the public sector context.

The Methodology section outlines the methods I used, as well as my approaches to the interview processes and the jurisdictional scan, and the limitations of this project.

The Options section outlines the different approaches to legislation reform that were discussed in the key informant interviews.

The Summary of Interview Results highlights the key themes to come out of the interviews.

And finally, the Summary of Findings and Recommendations section brings together the key findings from both the scan of literature and the interviews and recommends an approach to legislation based on the key findings.

2.0 Background

2.1 The Natural Resources Permitting Project

The Natural Resources Transformation Secretariat (formally a part of the Ministry of Forests, Land and Natural Resource Operations, but operating as a separate entity), has been formed to implement the Natural Resource Permitting Project – a seven year long project that works with all six Ministries within the Natural Resource Sector in British Columbia – Ministry of Energy and Mines (MEM), Ministry of Forests, Lands and Natural Resource Operations (FLNRO), Ministry of Aboriginal Relations and Reconciliation (MARR), the Ministry of Agriculture (AGRI), Ministry of Environment (MOE), and the Ministry of Natural Gas Development (MNGD). The main objective of the Natural Resource Permitting Project is to make natural resource management in BC more efficient and effective, leading to more durable decisions that balance First Nations, economic, environmental and social concerns. The NRTS is divided into various project teams to accomplish these objectives. The client is the Executive Director of the Policy, Regulation, and Legislation Branch, the purpose of which is to ensure the strategic aims of the project are being met and identify legal barriers that inhibit this work from moving forward.

Central to all of these past and present NRS transformations is the idea of viewing natural resource sector authorizations (e.g. water permit, notice of work for a mine, land tenure) as components of the overall

project for which they are being issued instead of as separate and independent entities. The "project" can be thought of along a timeline. First, proponents would be able to submit one application per project instead of many. Then, the project would go through one review process for all components. Various decision-makers would authorize the operations (fewer than now); issue one permit document; compliance and enforcement and ongoing management would be streamlined and integrated; and, at the end of a project lifecycle, only one reclamation and closure process would be required. This process is the general idea of natural resource sector integration; within these overarching objectives, the specifics of a future state have undergone multiple revisions. The suggested policy framework for the future state is in constant flux and has changed direction multiple times. The current policy and legislative framework is in the Business Case of the Natural Resource Permitting Project, and within this, the NRTS Blueprint document. The Business Case was approved by the Office of the Chief Information Officer (OCIO) for Treasury Board funding in 2013. This document outlined the rationale for transformation, the multi-year implementation plan, the organizational structure of the project, the responsibilities of each project area; and, most importantly for the scope of this proposal, the strategic objectives of transformation that the sector is working towards (NRTS, 2015). This Blueprint outlines the specifics of the goals and places projects into four main buckets: automated, transactional, integrated, and major projects. The approach to legislation is a necessary component to implementing the Blueprint. To arrive at the future state of a streamlined, integrated natural resource sector, significant legislative change will need to occur.

2.2 History of Transformation in B.C.'s Natural Resource Sector

The province has undergone a number of regulatory reform projects. Most notably, the Water Sustainability Act which redefines how water is permitted has recently been passed through the Legislature and will be brought into force through regulation. Currently within the Natural Resource Sector, there are multiple legislation change projects underway: for example, changes to the Land Act, Fish and Wildlife Act. There is one notable example of a creation of a large-scale legislation proposal, the Natural Resource Roads Act, which has been in the works for 11 years.

2.3 History of Natural Resource Integrated Decision-Making

The initiative to consolidate natural resource authorizations began in the late 1990s with the Resource Management Coordination Project, and since then multiple efforts to integrate the sector have been pursued. The creation of the Ministry of Forest, Lands and Natural Resource Operations [FLNRO] brought 90% of NRS permitting under one ministry but did not make any substantive changes to the regulatory framework.

The Integrated Decision Making Act was an attempt to address the regulatory framework of the Natural Resource sector in one umbrella Act by applying to all of the legislation across the sector. A Request for Legislation (RFL) was submitted to the Minister of Forests, Lands and Natural Resource Operations in 2013, but failed to be approved by B.C.'s legislative council. The initiative to coordinate and integrate decision-making in the NRS was then moved to the purview of the Natural Resource Transformation Secretariat [NRTS], which has been tasked with carrying out the Natural Resources Permitting Project [NRPP]. A core element of the NRPP is the development of a concrete vision of what the future of natural resource management will look like, supported by the business architecture. The NRS Blueprint defines

the future state of one project, one process, and one permit and provides a strategic direction of how the NRS will operate.

2.4 What is integration? Why is the lack of integration a problem?

Integration is used as a catchall phrase within the NRPP to mean a multitude of different problems. The definition used is integral to moving forward with regulatory harmonization, as it pinpoints the key issues that the transformation can attempt to fix and defines the primary objectives any regulation change is going to try to achieve.

It is simpler to describe integration based on what lack of integration looks like. Under the current suite of regulatory regimes in the NRS, the decisions required to authorize natural resource activities are defined in separate statutes and regulations, treated as independent of one another, each with its own distinct requirements and thresholds that trigger a separate process. There is not necessarily any mandated sequencing of decisions, nor are statutory decision-makers (SDMs) required to take into account other permissions issued under other authorizations. Various decisions relating to different aspects of an activity are not connected to allow the activity to be considered as a whole. After an authorization is approved, mechanisms of on-going maintenance such as the renewal, replacement, amendment, or transfer of a variety of permits and other approvals can also remain fragmented across multiple lines of business.

For this research, integration is defined as coordination in decision-making processes throughout the lifecycle of a natural resource project, as well as the integration of data used to make decisions.

The lack of integration between ministries with regards to authorizations can cause problems for both the proponents of natural resource projects and the B.C. government.

PROBLEMS FOR PROPONENTS:

- TIME – some natural resource proponents are frustrated with the amount of time it takes to process an application and the inability of the government to predict how long these authorizations will take (BC Business Bureau).
- PROJECT BASED AUTHORIZATIONS: Consultations with the public and first nations can be duplicated when mandatory consultations are done based on each authorization rather than the project as a whole. These multiple processes can be confusing and costly for residents with an interest in projects in their area of the province.

PROBLEMS FOR GOVERNMENT:

- LANDSCAPE MANAGEMENT: A lack of integrated databases within the regions and the different ministries within the natural resource sector makes landscape level planning difficult to manage. Due to a number of factors, including a legal impediment, it is hard for statutory decision makers to make decisions about authorizations in an area while taking into account other approvals from different business areas in the same area of land. This lack of a holistic view of the land base and what is happening on it is one of the major incentives for a transformation.

- **EFFICIENCY AND RISK:** Since various decisions relating to different aspects of an activity are not connected to allow the activity to be considered as a whole, government's ability to effectively manage risk at the project level is limited, presenting a barrier to consistent resource management and the effective management of cumulative effects. After an authorization is approved, mechanisms of on-going maintenance such as the renewal, replacement, amendment, or transfer of a variety of permits and other authorizations also remain fragmented across multiple lines of business. This complex process limits the potential for government and the proponent to deal efficiently with issues that may arise during the construction and/or operational phases of the project. The administration of billing, fees, and securities is also fragmented. This reality has been exacerbated by the backlog in processing amendments, replacements, and renewals, making it difficult for a proponent to demonstrate good standing, which can affect their ability to raise financial support and transfer ownership of land and permits.

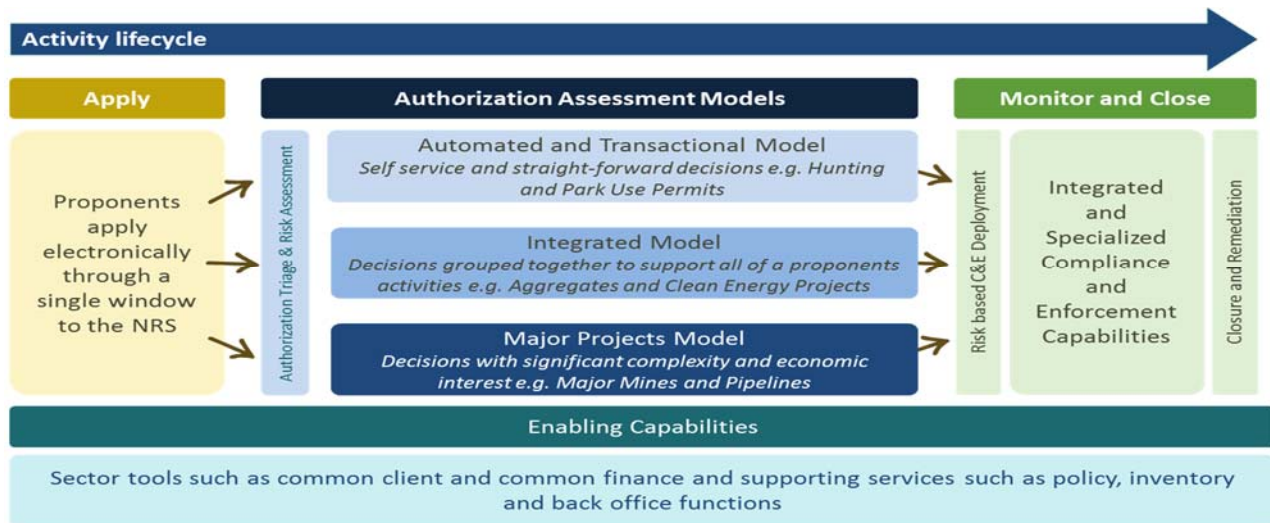
2.5 The Future State: The NRS Blueprint

The Blueprint is a framework that sets the strategic direction and guard rails for the transformation of the NRS to ensure it is being built towards a common vision. It is a high-level overview of where the sector wants to go for business delivery (see Figure 1 and Figure 2). Currently, there are many different models of authorizations and processes in the Natural Resource Sector. One of the objectives of the Blueprint is to align these processes and identify the linkages across the sector. It includes a model for the best approach to the different business areas and outlines a potential future state for the NRS. It is meant to be all-encompassing, but it is focused on the permitting aspects of the sector's business. It is a high-level framework incorporating all of the objectives and system requirements in the IDM business case.³

The Blueprint consists of a number of design statements, which can be thought of as high-level building blocks of what the future state will look like, encompassing a number of aspects of the sector, including processes, people, regulatory and technology considerations, and implications. It also includes journey maps, which are a conceptual model and shows the delivery of the model from a client's perspective. The Blueprint deals with a significant criticism from the IDM business case, which was a lack of addressing flexibility needed to address the diversity of the business areas and complexities of the NRS. The Blueprint offers a logical business reason to apply the specific model, with linkages in between to link the sector.

³ The Blueprint is still in a draft stage and consultations with various stakeholders are needed before the model is finalized.

Figure 1 The NRS Blueprint



Source: Province of British Columbia, 2015

As seen in Figure 1, Natural resource projects are grouped into three categories based on their level of complexity. There are three main types of permitting type that an application would be sorted into, depending on the complexity: automated, integrated, or major project. Automated projects include activities where no statutory decisions are required and effects on public stakeholders, including First Nations groups, are minimal. These include processes like Hunting, Angling, Prospecting, Administrative Amendments, Account Updates, Reporting and Royalties. Integrated applications require medium to high ongoing management requirements, have multiple regulatory requirements (meaning multiple Acts are involved in the approvals process) and could have a medium to high impact on First Nations and/or the environment. Examples include regional mines, independent power projects, the building of a Guide Outfitter Facility, a Log Handling Facility, Adventure tourism, and Activity Closure. Major projects are classified as large-scale projects with a high potential for significant adverse impacts to the environment, and are typically reviewed through the Environmental Assessment process. They have a high potential for significant adverse effects to the environment as well as economic, social, heritage or health effects. These types of projects include any project that triggers and Environmental Assessment Review, Resorts, and Mineral and Coal Mines.

The three categories determine the number of steps and decision makers that are required in the lifecycle of a project, including the authorizations and permitting process, ongoing management, and reclamation and closure. A major component of all three categories is that in all projects, there will be only one permit document that is appended over the life of the project. In the case of more complex authorizations, a committee of SDMs and subject matter experts will be formed at the beginning of the project and will continue to administer and make decisions in a coordinated manner throughout the entire project lifecycle. A fundamental aspect of all three categories is that decisions made by multiple decision makers will be informed by and influence other decisions on the same project.

Assumptions

Due to the political nature of the strategic policy and the radical change proposed by the Blueprint, it is not certain whether or not the framework will be signed off on by the political leadership. The purpose of this report is not to speculate whether or not this framework will be approved in its current form, but rather to work through whether or not this type of strategic shift all at one time, and the legislation change that would be required, is feasible.

2.6 Legislative Change in B.C.: From Policy to Bill⁴

To understand the legislative terms discussed throughout this paper, and to have a thorough understanding of the legislative change process, this section provides a broad overview of the steps to creating and passing legislation.⁵ While this context is unique to British Columbia (and based on a Guide to the legal process from the Ministry of Justice), many of the processes are common to all Westminster-style democracies. As seen below, the process is time-consuming and iterative.

There are three main stages:

- 1) Policy development, which includes problem identification, development of options, and approval of a legislative proposal.
- 2) Drafting the legislation, where the Legislative Counsel and instructing officials from the sponsoring ministry work together to prepare legislation that implements the policy reflected in the approved Cabinet submission. Cabinet must approve the draft legislation.
- 3) Enacting a law, where the Minister of the sponsoring ministry introduces the legislation as a Government Bill to the Legislature. The Bill is debated and must be passed by the Legislative Assembly. It becomes law when it receives Royal Assent from Lieutenant Governor.⁶

STAGE 1: Policy Development and the RFL

The policy questions that need to be answered before the RFL and drafting stages are:

- What specific outcome is required and why;
- Whether legislation is, in fact, necessary for this result;
- What law should be changed or created to give effect to that outcome;
- How the proposed policy will affect other legislative schemes both inside and outside the ministry;

⁴ The information from this section comes from:

Province of British Columbia Ministry of Justice, Office of the Legislative Counsel of B.C. (2013). *A Guide to legislation and legislative process in British Columbia: Part 1 The legislative process*. Retrieved from https://www.crownpub.bc.ca/Content/documents/1-LegislativeProcess_August2013.pdf

⁵ This is the stage the NRPP is concerning legislation.

⁶ Stage Three is not dealt with in this explanation, as the process of enacting a Bill in legislature is not the focus of this research: this research deals specifically with the steps to consider before a legislation request is created.

- What successes or failures other jurisdictions may have had with similar policies and what can be learned from their experiences; and
- What effect the proposed policy will have on interests inside and outside of government, and how those interests might react to the changes.

After these questions are answered a Request for Legislation can be submitted.

Request For Legislation

A Request for Legislation is a formal cabinet submission. This document must provide a thorough analysis of the issue, and demonstrate a clear understanding of the proposed legislative solution and its potential effects. This must:

- Provide summary of proposed legislation and the issue or issues it is intended to address;
- Give a brief legislative history;
- Explain any previous cabinet decisions respecting the matter;
- Identify any legal opinions in respect of proposed legislative change;
- Identify any fiscal implications to government of proposed legislation;
- Describe consultations that have already taken place, including a degree of agreement with proposed initiatives and dissenting views;
- Identify any further consultations required;
- Include advice to cabinet of treasury board staff and legislative counsel; and
- Identify any timing sensitivities that may affect when the legislation should be introduced or passed by the Legislative Assembly.

Appended to the RFL is a Three Column Document and drafting instructions. The **Three Column Document** template is available from the Cabinet Operations website (see Figure 2 for an example)

Figure 2: The Three-Column Document

Current	Proposed	Reasons
The maximum number of board members is 9, all of whom are appointed by the minister.	Increase the membership of the board from 9 to 12.	The increased membership will provide for better representation.

It must describe the current legislative situation concerning the matter, describe the proposed change, and provide the Ministry's reason for a change in a 3 –column format. It must also provide sufficient background information so that the Cabinet committee members understand the critical policy changes or initiatives being proposed.

Drafting Instructions are then provided, which are far more detailed than the Three Column Document. On the basis of these guidelines, the Office of the Legislative Counsel will provide

advice to Cabinet. This office is part of the Ministry of Justice and is responsible for drafting government bills and regulations. The advice from the Legislative Counsel will include consideration of:

- o Whether legislation is necessary to effect proposed changes;
- o Whether drafting instructions provided with RFL are sufficiently detailed to allow drafting to begin;
- o Whether proposed legislation is major or minor in nature;
- o Whether there are any conflicts with existing legislation, any constitutional issues, or any other legal concerns;
- o How much drafting time will likely be required; and
- o The recommended form of Bill for the legislation.

This is done with advice from the lead ministry's solicitor, who provides legal advice and identifies any issues (such as constitutional or privacy law concerns, for example) that may affect the drafting of the legislation.

RFL Approval Process

After all of the documents listed above are completed, the package is then signed by the Deputy Minister and sponsoring Minister and submitted to Cabinet to be reviewed by the appropriate Cabinet committees. The Cabinet will determine whether the RFL is approved to proceed in the upcoming legislative session, and what priority it should be given in the drafting process. If approval is given, the proposal is expected to advance in the Spring session (Feb to May, as Fall sessions are not assumed).

STAGE 2: Drafting Legislation

A drafting team is assembled, generally consisting of ministry's instructing officer, a ministry solicitor and members of the Legislative Counsel assigned to draft the legislation. There is a final policy review to address any new policy issues that may have arisen during the drafting process, and a final review of draft legislation, at which point the sponsoring Minister or delegate signs a Certificate of Readiness. A Draft is then provided to Cabinet Operations with supporting materials, which include:

- A briefing note that gives an overview of legislation, including areas that may be controversial and the outcome of any consultations; and
- Section notes that describe each provision of the legislation and its purpose and effect to be used by the supporting Minister in the debate on the Bill in the Legislative Assembly.

Finally, the draft legislation is reviewed by another Cabinet committee dedicated to reviews of draft legislation. Each provision of the draft is reviewed by the sponsoring Minister, instructing officer, often DM or other knowledgeable staff, and the Legislative Counsel. It is expected most proposed legislation will have completed this review before the legislative session begins.

3.0 Methodology and Methods

3.1 Methodology

The methodology for this project was a comparison of best practices and a comparative analysis. This required a search and an analysis of best practices in other jurisdictions in other levels of government in Canada as well as other countries in policy/program areas with similar delivery mechanisms, client bases, or challenges. The review looked at best practices within the British Columbia Public Service by talking to various professionals within the public service that had experience with natural resource legislative change.

3.2 Methods

The two main methods used to collect research were: semi-structured interviews, and a literature review which included a legislative scan encompassing the different legislation that is affected by this topic, a jurisdictional scan of various jurisdictions that have experience with this kind of large-scale change, and a review of literature on broad public sector reform. The objective of the interviews with key informants was to understand the context of past legislative reform attempts as well as to gain expert opinions on the legislative reform approaches proposed in the context of the NRPP.

Interview Process

The sample for the interviews was found by consultation with the client and snowball sampling, as many interview respondents had suggestions of other people to talk to. Everyone I interviewed was a current employee of the B.C. Public Service, either having previously or currently worked within the Natural Resource Sector. Ten employees were interviewed ranging from Policy Analyst to Director level, and interviews lasted approximately one hour. They represent a stakeholder group of public service employees with legislation knowledge and reform experience, particularly within the context of the Natural Resource sector in B.C. I contacted all of the interview respondents directly, through email or phone, and set up in-person interviews with each participant. A consent form was then given to the participant and signed at the time of the interview. A semi-structured interview was used to facilitate an open and broadly focused discussion, which allowed the interviewer to determine how the order of questions were asked and adjust in each situation. The interview questions were developed based on guiding the discussion as well as drawing on each interview participant's particular experience. They were created based on preliminary research on the topic and talks with the client. Interview questions are provided in Appendix 1. There was a core set of interview questions that served as a jumping off point to each interview, and based on the specific informant's specialization and expertise, additional questions were generated in each interview. All interview participants were given the options for approaching legislation change in section 5 and asked to provide insight on these options as a framework for approaching legislation in the natural resource sector by evaluating the pros and cons of each. Where consent was given the interviews were recorded on a digital voice recorder, and handwritten notes were also taken for each interview.

Jurisdictional Scan

The comparisons between jurisdictions were based on publically available information on other transformational projects within other governments. Due to the legislation component, other sectors (such as non-profit and public sectors) were not compared. The jurisdictions examined were based on the context of Natural Resource-based economies, similar government structures, and availability of information on their natural resource ministry[ies]. All jurisdictions were Westminster-style democracies. The jurisdictions were Alberta, Ontario, Saskatchewan, the Government of Canada, and Queensland, Australia (a province of Australia).

3.3 Data Analysis

Transcripts were created from the interviews, and these combined with the notes taken during each interview were coded and the general ideas to come out of the interview process were summarized. Thematic analysis was used to find interview participants' on-the-ground perspective on legislation change, and themes were adjusted as the interview process and the literature review process continued. The summary of interview results is organized into the key themes to emerge from the interviews, which include recurring ideas and perspectives.

3.4 Project Limitations

The following are limitations of this study.

Not being able to talk to contacts in other jurisdictions. Though I gathered a copious amount of information from internal documents in the NRTS and the NRPP, the real value of this research came from speaking to legislation experts and public servants in B.C. that had experience with this initiative and other past transformations. Based on this experience, it can be assumed that there is a significant amount of information that is missing because of not interviewing key contacts in other jurisdictions. This is a recommendation for further research. In addition, internal transformation projects are not usually available on public-facing government websites in most jurisdictions (British Columbia is an example of this), which impacts the completeness of the jurisdictional scan. There may have been other initiatives that would have been a useful comparison to the BC context, but the lack of documentation means they are not included in this paper.

The complexity of the project. No single person is an expert on this subject; indeed, it would be impossible to learn all there is to know about the minutiae of this research, the history of this initiative, the various cultures that exist across the British Columbia government, and the legislative framework. Natural Resource Management is the subject of an entire degree in a variety of post-secondary institutions. There are over 40 Acts that relate to Natural Resources in British Columbia, and the complexity of the project and the topic is such that one could spend many years trying to learn all there is to know on the subject. Because of the sheer complexity of the topic, it is difficult to make sweeping generalizations about the sector.

Specific Interview Challenges:

Particular challenges that relate to the public administration and political environment and conducting interviews in this environment are highlighted.

Responses were difficult to condense, summarize, and analyze and did not always allow precise comparisons among respondents. Despite the fact that efforts were made to talk to interview respondents who had specialized expertise in Natural Resource legislation change, the complexity of the subject matter meant that many of the interview respondents had very specific knowledge of one particular facet of the legal framework, which made comparisons across the entire sector difficult. This disparity is highlighted in the findings.

4.0 Literature Review

4.1 Introduction

The literature review included an overview of the legal framework in B.C. based on internal documents and research, an overview of other natural resource reforms in other jurisdictions based on a review of online materials, and a brief picture of the literature on theories and practices in major projects in government. Materials used include the IDM Business Case, out of which the NRPP was created, internal policy documents from the IDM Archive, white papers, government websites, online government reports, news articles and academic articles.

4.2 Legislation scan

The legal framework for British Columbia's Natural Resource Sector is complex, with over 40 different Acts having provisions either directly or indirectly related to natural resource management in British Columbia. To do a complete legislative scan to determine exactly the breadth of Acts and Regulations relating to each Natural Resource Area is outside of the scope of this paper, but it is known that there are at least six major acts including the Land Act, which governs Crown land disposition; the Water Act (to be replaced by the Water Sustainability Act in 2017), which provides access rights and regulates the use of surface ground water; the Forest Act, which administers Crown land tenures for forestry; the Forest and Range Practices Act, which enables environmental objectives and management planning for forestry and range practices; and the Mines Act, which regulates the mine sector including permits, inspections and acquisitions. Each Act has several corresponding regulations.

Appendix 2 shows a table of the list of known Acts as well as corresponding regulations that govern the Natural Resource Sector in B.C.

This legislation framework is largely duplicative, and in particular areas such as securities and tenure terms, inconsistent across different legislation. An example from the supporting documentation submitted with the proposed Integrated Decision Making Act RFL (the precursor to the NRPP), is the application requirements for public notification, review and comment. In an example of a mine, over 30 permits or approvals may be needed, triggering numerous statutes. In the case of public notification, review and comment requirements, examples include:

“*Land Act* License of Occupation gives the Minister discretion on whether to publish notice or not (S33 (1)), if deemed required prescribes content of notice and use of BC Gazette (S33 (2)(3)) and affix signage to one corner of unsurveyed land (S32 (3) (a)).

For a *Mines Act* permit, The Health, Safety and Reclamation Code for Mines in British Columbia requires as required by the inspector, notice of filing in BC Gazette and local newspapers (HSRCM S10.2.1) and prescribes 30 days after the last posting for comments by affected person to the chief inspector (HSRCM 10.2.2).

For a *Water Act* License, notice requirements are provided for in regulation (S 10(1)(a)); comptroller or regional water manager give direction on notice requirements (i.e. posting, service or publication) (S10(1)); and length of time for notice in regulation can be shortened or extended by comptroller or regional water manager (S 10 (2)).” (IDM Act Three Column Document Draft, 2013).

What these legislative examples show is that applicants may be required to follow “between one to three public notice processes with different content, formats, timelines and discretionary authorities to meet government requirements.” (IDM Act Three Column Document, (Draft) 2013).

Another issue that the policy analysis highlights is that these “multiple notification processes do not provide an overview of the entire project to those notified and, therefore, third parties may lack the information required to fully understand and comment on the implications.” (IDM Act Three Column Document, (Draft) 2013). The draft RFL shows similar issues occurring in different themes that are consistent across the Natural Resource Sector: for example, tenure terms, financial securities, First Nations consultation, and cumulative effects (IDM Act RFL (Draft), 2013).

Further review of previous policy work done by the precursor to the NRPP, the Integrated Decision Making project, shows the complexity of the legal framework, as well as the interrelated nature of the legislation. Results of interviews with proponents of Natural Resource projects shows that different sectors have a variety of concerns with the current legal system in the Natural Resource sector, but the concerns can often be conflicting. For example, proponents in the natural gas and oil sectors noted that there is room for improvement in the administration of financial securities, but are “generally satisfied” with the process, while proponents in areas such as clean energy and adventure tourism note securities are an important areas of concern (Ministry of Forests, Lands and Natural Resource Operations, 2012).

Further comments from the stakeholder engagement further impress upon the diversity among different sectors. For Public Review and Comment, some proponents stated that the legal requirements mean that sometimes they are required to place advertisements for a general license, and then again for its road use permits, giving the impression that there is more than one project, when in reality there is only one (Ministry of Forests Lands and Natural Resource Operation, 2012). Another theme that became apparent in the stakeholder consultations was many of the issues and suggestions that require no transformational change; just more information more readily available. For example, proponents wanted more general information about various permitting processes (such as assessment requirements and tenure applications) available on government websites so the public could do their own research, as well as having a timeline of when permits are approved for their own records (Ministry of Forests Lands and Natural Resource Operation, 2012).

A preliminary policy paper on Decision Test Options for Integrated Decision Making discusses options for integrating “decision tests” that statutory decision makers must use for making decisions in the NRS and notes that across the legal framework these decision tests can vary between broad discretionary authority (ex. Land Act references that the Minister may make decisions based on public interest) to prescriptive and limiting (ex. Water Act where a license cannot be granted without an applicant having appurtenance and precedence). Most legislation offers a certain amount to decision-makers in that they “may” issue an authorization, but statutes like the Mineral Tenure Act and the Coal Act use more restrictive language: “must issue an authorization”. (Government of B.C., 2013). The paper also notes in the same section that while there is potential for decision tests to conflict with one another and for project decisions to be fragmented, for the most part decision makers are able to apply enough discretion that project decisions can be made as a collection of individual decisions. However, it is asserted that though a certain level of integration has already been achieved, there is a potential in this exercise to identify ways to make the decisions about natural resource authorizations “better and more durable” (Government of B.C., 2013).

A report produced from conversations with District Managers compiles the estimates of how many authorizations that are processed in each of the districts of B.C. where the possibility exists to apply multiple authorizations simultaneously, versus applicants who actually applied simultaneously. The opportunity to apply for more than one authorization simultaneously varied significantly between regions, from 90% of applications to less than 15% (Ministry of Forests, Lands and Natural Resource Operations, 2013).

One of the most illuminating documents is a memo to the drafters of the first IDM RFL from the Legislative Counsel, which offered the first proposal to address the lack of integration in the Natural Resource Sector. This memo highlighted the questions that were not sufficiently dealt with in the IDM RFL. The main criticism the Legislative Counsel had was a lack of justification for the proposed legislative changes (Office of the Legislative Counsel, 2013).

4.3 Jurisdictional Scan

A jurisdictional scan was done as part of the literature review in order to understand what other jurisdictions with similar structures and similar economies (in terms of reliance on Natural Resources) have done with their Natural Resource Sectors. Particularly, if jurisdictions had done an overhaul of process or legislation, these kinds of projects were of primary interest. Jurisdictions in Canada as well as Queensland, Australia, were reviewed as these jurisdictions fit these criteria. The jurisdictions reviewed were: Alberta, Ontario, Saskatchewan, Canada⁷ and Queensland.

Alberta

Alberta has recently passed a significant act, the 2012 *Responsible Energy Development Act*, which was one of the recommendations to come out of the Regulatory Enhancement Task Force (Government of

⁷ The Government of Canada is currently reviewing the environmental assessment process for approving pipeline projects. This involves extensive consultations with stakeholders; particularly First Nations (CBC Tasker, 2016) The results of this reform process could be useful to the NRPP.

Alberta, 2016). This task force was formed after a Competitiveness Review of the natural gas and conventional oil sectors, and delivered three reports to government:

- A Summary of Results of Stakeholder Consultation, including landowners and landowner associations; municipal governments and associations; and representatives from environmental non-governmental organizations, the upstream oil and gas industry, and other interest groups (Government of Alberta, 2010).
- A Technical Report on the options to enhance the regulatory framework, particularly calling on a formal definition of integration and a formalized policy; and a formalized integration function across the energy ministries; and
- A report calling for the creation of an integrated single energy regulator.

To come out of this review was the Act and the creation of the Alberta Energy Regulator (AER). Advertised as part of a government commitment to providing Albertans with a clean environment, robust economy and healthy society, the Act creates a single regulator for upstream oil, gas, oil sands and coal projects in the province.

This is part of the creation of the Integrated Resource Management System (IRM) program, which is described as an attempt to understand the impact growth has on communities and the environment and attempts to combine economic objectives with environmental and social outcomes. It seeks to define an integrated and comprehensive approach to decision-making that balances the environmental, economic and social impact of using the province's natural resources. A number of significant initiatives have been identified as priorities for Alberta and fall under the integrated resource management system scope, including:

- Development of an environmental monitoring system and agency
- Creation of an Oil Sands Information Portal
- Development of regional plans under Alberta's Land-use Framework
- Creation of a single point of contact in each of Alberta's First Nations communities
- Creation of a single regulator for oil and gas development

To date, Alberta has implemented the following in support of this coordination approach, including:

- The implementation of a legally binding land-use plan for the Lower Athabasca Region
- The launching of the oil sands information portal that provides access to all current monitoring data
- Initiating a joint monitoring program in the oil sands region with the federal government that allows the province to add new water quality sites on the Athabasca River and Muskeg River systems
- Implementing the First Nations Consultation Capacity Investment Program (FNCCIP) that provides over \$5 million annually to support consultations

- Developing seven long-term land-use plans based on the province's major watersheds under the Land-Use Framework that set strong environmental limits, conserve those lands deemed sensitive and provide firm limits for air, land and water to industry
- Moving to a new regulatory system for coal, oil sands, oil, and gas that will greatly improve the efficiency and effectiveness of resource regulation by eliminating duplication and encouraging greater engagement with Albertans and stakeholders on policy development
- Creation of a search portal for citizens to find any natural resource documents in any aspect of resource development: the Alberta Responsible Energy Policy System (AREPS)

B.C. can draw many lessons from Alberta's IRM program due to similar goals of streamlining regulations, developing more integrated land-use plans and improving First Nations Consultations (IDM Business Case). However, it is important to note that this integration is only for the energy sector (oil and gas development) which is only a small part of B.C.'s natural resource framework. The natural resource sector as defined by the NRPP composes many more sectors, including forestry, mining, agriculture, and fishing.

In 2016, Alberta announced a new royalty framework for energy projects, to "make difficult investments economically viable and increase royalties for Albertans" (Government of Alberta, 2016). This does not require legislation change.

Ontario

Ontario has recently implemented regulation to increase efficiency in the clean energy sector (Valour, 2013). In 2012, Ontario's Ministry of Natural Resources announced the implementation of a three-year transformation plan in order to reduce costs, streamline approvals processes, and improve the efficiency of operations (Environmental Commissioner of Ontario, 2013). It is composed of four main components to make it easier and faster for business and individuals to access services from these four areas:

- streamlining approvals processes
- operations delivery transformation
- stewardship and partnership funding alignment ; and
- science and information rationalization

The ministry currently administers 46 pieces of legislation and more than 140 different kinds of approvals. The ministry issues more than 25,000 of these approvals each year. Many approval processes are outdated and may no longer be needed to effectively manage and protect Ontario's natural resources.

For their transformation, the MNR seeks to undertake the following initiatives:

- Remove regulatory control, including eliminating the need for some approvals
- Reduce the number of approvals required by establishing rules and regulations that clients can easily follow
- Move certain approvals from paper-based processes to an automated electronic registry
- Retain the current application and review approach for certain approvals, while taking opportunities to use technology to streamline processes where possible

A number of changes have been made in previous years, including:

- Creation of regulation that exempted a number of low-risk activities from requiring permits under the *Public Lands Act*
- Changes were made to regulation in the *Forest Fire Prevention Act* that removed the permit requirements for low-risk, small-scale burning activities
- A number of changes were made to streamline approval requirements under the *Endangered Species Act*
- Transfer of the food fish safety program audit program to the Ministry of Agriculture and Food so that all food safety regulating is done in the same ministry

Also in 2013, Ontario's Distribution Sector Review Panel for the electricity sector has recommended major changes to the electricity sector, to consolidate 76 local distribution electricity utilities into between 8 and 12 regional distributors - with legislation recommended only if this consolidation had not been carried out by the suggested time period (Warren, 2013). It is not known at what stage these initiatives are, and there are no publically available documents on the progress, but an annual report from 2015 suggests that transformation is still underway in Ontario (Government of Ontario, 2015).

For the MNR, the past few decades have brought various challenges to their goal of sustainable resource management. These challenges are quite similar to those experienced in BC and bring many lessons learned, including the need to meet growing expectations from clients for faster and more readily available services and approvals using modern technology. Social and economic factors, such as growing demands on natural resources in heavily populated areas of the province, and environmental factors such as climate change and an increasing number of invasive species demonstrate the similar issues both BC and Ontario are facing. However, in contrast to B.C., Natural Resource management is already under the purview of one ministry, which makes the process of streamlining easier to administer.

The MNR has also been criticized by the Environmental Commissioner of Ontario for having an opaque transformation plan that has not engaged the public (Environmental Commissioner of Ontario, 2013).

Saskatchewan

The Government of Saskatchewan's Ministry of Environment (MOE) is currently transforming how they conduct business with several major initiatives involving:

- Compiling legislation and regulations into a streamlined code
- Transforming IT systems
- Introducing a Client Service Office to help the public and proponents navigate the ministry
- Improving how compliance and enforcement activities are conducted

The need for change comes from the demand and pressures on the province's natural resources as the population and economy continue to grow. The old systems require significant ministry resources and specialized expertise. Rapidly advancing technology, the demand for specialized expertise and the accelerated pace of development has challenged the ministry's ability to be effective and therefore, a change needs to be made (Government of Saskatchewan, 2016).

Progress to date includes:

- Work to streamline, consolidate and modernize environmental legislation, starting with the *Environmental Management and Protection Act*, the *Environmental Assessment Act* and the *Forest Resources Management Act*
- Developing an Environmental Code that will set the framework for improved environmental management through clear statements of desired environmental outcomes and standards
- Designing an electronic platform for environmental information and program delivery, including web-based environmental applications and reporting. This will mean a streamlined application process and transparency in reporting results.
- Effort is underway to reorganize the ministry to better deliver the requirements of results-based regulation
- Continuing to engage the public, First Nations and Métis and stakeholders in consultation as the design and implementation of the new regulatory framework move forward

BC is trying to accomplish very similar objectives, including the streamlining of legislation, establishing electronic applications and reporting, and defining clear outcomes and standards for environmental management.

In an internal jurisdictional scan on integration of Natural Resource Management, done by the Saskatchewan Ministry of Environment, three main categories of reform were found:

“1. Statute Driven: The ability of a government agency to bring together one or more processes flows out of an enactment, usually an act that either directly enables the agency to work under other acts or overrides other statutes completely. An example of this is the *Oil and Gas Activities Act* (“OGAA”) which provides the Oil and Gas Commission with the statutory authority to act in the capacity of individuals within various Ministries pursuant to acts such as the *Forest Act*, *Water Act* and others.

2. Delegation of Authority: This is a case where a statutory decision-maker within one government agency delegates its authority onto a person or position working for a separate government agency. An example of this where the Regional Executive Director of FLNRO has delegated her authority to issue Free Use Permits pursuant to the *Forest Act* to specified persons within what is now the Ministry of Energy, Mines and Natural Gas. The intent is that the delegated individuals can provide Free Use Permits to mining companies who need to remove trees for mineral exploration.

3. Work Around: These are cases where government employees have realized that they can make the system more efficient by rolling several unique government approvals into a single process. There is no formal delegation of authority beyond that which already exists within the ministry (e.g. from a statutory decision-maker to a lower level employee). An example of this is the FLNRO district offices having a single employee manage cutting permits under the *Forest Act* and Licences of Occupation under the *Land Act* when both these permits are going to a specific entity for a single purpose.” (Government of Saskatchewan, 2013).

Queensland, Australia and the Mineral and Energy Resources Act

In 2012, Queensland passed two Acts and several supporting pieces of legislation to attempt to make Natural Resource development more efficient (Valour, 2013). They have implemented transformations of the Natural Resource Sector such as the Mines Legislation (Streamlining) Amendment Bill, tenure reform, and the Department of Natural Resources and Mines Blueprint. Today, they are undergoing several legislative reforms, including a framework for mine safety, continuing work on tenure reforms for mining and petroleum projects, an Industry Reporting Reform Project, and, most significantly, a Mineral and Energy Resources Act, tabled in 2014, which is an entirely new resources Act to consolidate five resources Acts into one (Government of Queensland, 2016). The impetus for these reforms is to reduce red tape, and the reforms have four main goals:

- remove the complexity from the existing legislation to create process certainty;
- drive the modernisation of Queensland's resources tenure administration, facilitating enhanced and faster online service delivery;
- examine ways to reduce the administrative and regulatory burden on industry across all resource sectors, including compliance costs and processing times; and
- increase Queensland's attractiveness as an investment destination.

Preliminary consultation for this reform indicates that industry in Queensland has given conditional support for these reforms, given that the Government adheres to the following fundamental principles:

1. there must be no diminution of existing rights;
2. the core principles of the existing legislation should be maintained; and
3. the reform should be consistent, transparent and encourage investment. (Williams, 2013).

The most striking difference between the jurisdictions reviewed is that the impetus for changing the legal framework was not a top-down initiative in British Columbia; rather it was a proposal that was pushed up to the leadership. Because of this, it is hard to find related initiatives that exist in the public domain. Queensland's reforms provide an excellent opportunity for B.C. to learn from their challenges and enablers of success; as the reforms are still ongoing it would be prudent to pay attention to the progress of their legislative changes, and perhaps to develop contacts to interview on how the process has been going thus far.

4.4 Public sector renewal context: collaborative approaches to policymaking, technology and strategic direction

Approaches for requesting a machinery of government change (in other words, legal change) was the primary vehicle for change in B.C.'s natural resource sector and the primary topic of this paper. There is scarce useful literature to be found on this topic; as it is a bureaucratic process change that occurs as a part of every day work in the policy sector. Further, scholars are far more interested in the topic of inter-, rather than intra-organizational integration. However, the literature on policy change, as well as policy work that cuts across organizational boundaries in the public service serves as a reminder that major reforms of any kind in the public sector, particularly ones involving technology, are a source of much

theory and debate. The lessons learned from these topics of study can be a useful frame to think about in the British Columbia context. All of the main topics mentioned in the below review have some relevance to the scope of the NRPP and it is outlined how each topic relates to the policy development that needs to take place in the project.

Civil service reform and the importance of setting a clear vision for the new future

McTaggart and O'Flynn (2014) posit civil service reform as key to facing the range of challenges faced by governments and make that case that a weakness for determining whether reforms are labelled successful or a failure is central to improving these processes. In a consultant report done for the New Zealand public service, PriceWaterhouseCoopers New Zealand suggests that "transformation must have a defined vision with a clear beginning and end point...you don't need to know how you are going to get there, but you need to know where you are going and why." (PWC New Zealand, 2016). And in a report on cross-cutting initiatives in the UK, the Cabinet Office advises: "simply removing barriers to cross-cutting working is not enough; more needs to be done if cross-cutting policy initiatives are to hold their own against purely departmental objectives" (2000, p. 5). They further posit that "the solution in any particular case needs to be tailor made and based on a thorough analysis of the problems in that particular case. Solutions can include cross-cutting Public Service Agreements (PSAs) and changes to budgetary arrangements, but they need not." (The Cabinet Office, 2000). This call for setting a clear vision in cross-cutting policy initiatives has clear linkages to the context of a large-scale, sector-wide change such as the NRPP.

Policy change modelling

Mintom and Vergari (1996) discuss the two different models of policy change: the advocacy coalition model, where networks of people from different organizations that share a belief system for core policy matters keep policy stable over time; and changes come from outside the system. The Policy entrepreneur model, on the other hand, posits there are "policy entrepreneurs": risk takers with an entrepreneurial spirit who bring in new policy ideas and try to advance radically new ways of doing things through the creation of networks and coalitions. They use both models to try to explain radical policy change in Michigan in the 1990s. In doing so they provide two useful frameworks for conceptualizing any policy changes. The NRPP project, and it's precursor, IDM, displays both models of policy change, and it is useful to examine which model is currently in play to determine both staffing requirements and how to approach leadership with suggested changes, such as changes to the way the project is currently handling changes to legislation.

New Public Management

Scholars on New Public Management have mentioned collaboration, or the absence of it, and prioritized the issue of working across boundaries. Howard (2016) suggests that New Public Management has resulted in fragmenting of service delivery and a resulting attempt on the part of governments to cut costs by creating new centrally controlled agencies. He further suggests that there is strong opposition to these new agencies from public servants, as it "threatens their devolved powers." Denhardt and Denhardt

(2000) discuss a New Public Service Model which focuses on shared leadership and internal and external collaborative structures. Osborne (2006) incorporates inter-organizational management in his discussion of New Public Governance. Stoker (2006) suggests that Public Value Management cannot work without strong networks, building relationships, and networked governance. Halligan (2007), in a chapter on Integrated Governance notes that “whole-of-government” and “joined-up government” approaches can refer to initiatives spanning agencies and different jurisdictions, but just as often refer to integration and collaboration between departments and ministries within the same government. This discussion of New Public Management, particularly the assertion that creating centrally controlled agencies constitutes a threat to current public servants, is a useful model to understand resistance to change from staff currently working in B.C.’s natural resource sector, and to begin to think about ways to mitigate that resistance with change management.

Technology

In terms of technological changes in the public sector, the literature on consolidation projects in the public sector, namely, projects purposed to deliver cost savings by streamlining services, shows that these projects face familiar problems when attempts are made to over-customize certain business processes. As well, these type of projects sometimes face difficult trade-offs, between cheaper production costs leading to increased transaction costs, the tendency of “shadow” processes to be created even when new processes are in place, and path dependency of projects to move forward with unaddressed issues simply because too much money and resources had been used to reverse (Elston & MacCarthaigh, 2016). This is particularly relevant to the NRPP as one of the main deliverables is developing a streamlined online portal.

West (2004) argues that e-government, particularly with regards to using new technology and the internet for service delivery, falls short of its true potential to transform service delivery, and outlines 4 main phases of e-government transformation – the billboard stage, the partial-service-delivery stage, the portal stage, and finally, interactive democracy with public outreach and accountability enhancing features (p. 17). Though this research is over a decade old, it is striking how relatable it still is to today’s government service delivery context, and the observation that “few jurisdictions have made much progress in incorporating interactive technology... for government agencies to realize the transformational power of the Internet, officials need to rely on models that emphasize integration, functionality, and democracy enhancement. They must take on a vision of e-government that moves beyond service delivery to overall system performance.” (West 2004 p. 24). He also notes that “Government agencies guard their autonomy very carefully, and one of the biggest barriers to e-government improvement has been getting agencies to work together to make sites user friendly. Portal sites that integrate information regardless of the agency source are convenient for citizens and help them avoid the problem of not knowing where to find particular services or information.” (West 2004, p. 25). Again, this discussion is particularly relevant to the goals of the NRPP’s Natural Resource Sector Online Services portal. The desired outcomes for such a project have implications for which legislation needs are the most pressing.

Janssen, Charalabidis & Zuiderwijk (2012) argue that a gap exists between the benefits and the barriers of open data in the public sector, and generally publishing this data is automatically assumed to be positive, even though systems theory suggests that opening data to the public will actually serve to reinforce existing structures, and that a wider transformation is needed to make full use of open data (p. 261). This

is echoed by multiple sources that indicated that “institutional theory suggests that the introduction of IT does not often change institutions but rather reinforces current work practices and organizational structures” (p. 263). They assert that “Open data has no value in itself; it only becomes valuable when used...arguments in favor of open data are based on a rather simplistic and idealized view.” (p. 279)– which has strong connections to the goals of the NRS online system – which includes, eventually, the release of natural resource data to the public and the use of integrated mapping services that are accessible to the public.

Fountain (2004) suggests that in inter-organizational government contexts, different actors, such as ministries, agencies, other branches of government and interest groups, provide for an organizational structure that is not easily changed and provides a barrier to problem solving (p. 16). She suggests that “organizations function in a legal, regulatory, political institutional environment consisting of hundreds of rule systems, some of which are contradictory, in law, judicial rulings, regulation [and] financial systems (p. 16-17). In periods of stability institutions are accepted as they are, but any shake up can cause a perception that these institutions are lacking in depth (p. 17). She argues that technology provides a platform to improve outcomes for the public sector by forming virtual intergovernmental networks among different agencies –but also warns that governments in particular face an institutional constraint on network initiatives because of oversight, and the budget process – so any gains in efficiency from networks are likely to result in job and budget losses – a great disincentive for setting up these networks (Fountain, 2004). Most relevantly she argues that “Cross agency IT efforts that require rationalization of data are more likely to succeed than projects whose success requires significant change in the design of work or the structure of agencies.” (p. 32). In a similar vein, Kelman (2007) calls for a policy agenda that focus on problems rather than structures (p. 12).

The Cross-Boundary Collaborative Approach to Public Administration

Despite Fountain and Kelan’s belief that reforms involving organizational and work change are not likely to be successful, there are various justifications for a collaborative approach that various scholars have used. It is useful to consider these in the context of the integration because although most are discussing working across boundaries for different organizations such as different governments and the private, public and non-profit sector, the same frames and justifications can be used and appended for a legislative change purpose in the BC context of working across ministry lines. Arguments as well as cautions against a collaborative, boundary-cutting approach can be grouped into 4 major categories (O’Flynn, Halligan & Blackman, 2010):

Working across boundaries as the Modus operandi. Many scholars argue that working across boundaries and being collaborative is simply the standard for the 21st century and necessary to achieve any positive outcomes in any public sector policymaking setting (Cortada et al, 2008; Economist Intelligence Unit, 2007; Abramson, Breul and Kamensky, 2006). These arguments have been criticized for being vague and aspirational (O’Flynn, Halligan & Blackman, 2010).

Working Across boundaries as an enduring issue of coordination and organization. Scholars coming from issues of collaboration argue that working in this way is nothing new, it is rather a new answer to an old

problem (Schermerhorn 1975; Perri 1997; Kelman 2007; Ling 2002). Perri (1997) notes that large-scale reform plans recommending more interdepartmental working have been called for in the UK since the beginning of the 20th century. Kelman (2007) notes there are multiple ways to organize – by purpose, such as in the development of specific regulations, by process or functional units where experts are focused on specific and singular complex operation (such as lawyers, water licensing, engineering) by clientele, where all those dealing with the same clientele work together (such as the Natural Resource Sector or child services), or by place, where people who deal with a specific region or area are grouped together. Kelman (2007) posit that any kind of separation along department lines causes decisions about trade-offs from different organizational design decisions. The pendulum swing in public administration between disaggregation trends and consolidation makes this even more complex and collaboration across boundaries more difficult (Management Advisory Committee 2004; Halligan, Buick & O’Flynn 2010).

Working across boundaries as a response to complexity This argument proposes that complex issues in public policy cannot be solved unless organizations work together. Particularly, the six drivers shaping society and government identified by Cortada et al (2008): accelerating globalization, rising environmental concerns, evolving social relationships, growing threats to social stability and order, and the expanding impact of technology are factors in the strategic context of policymaking in any government that are difficult to solve in siloes. Many scholars argue that problems such as these do not have boundaries themselves, and therefore these scholars have connected them to the imperative for cross-boundary policymaking and working (Williams 2002; Christensen & Laegreid 2007, Talbot & Johnson 2007; Jackson & Stainsby 2000; Linden 2000).

Working across boundaries to realize synergies or leverage capabilities Yet another argument for collaboration, and very relevant to the BC and the NRPP, is the rationale for working across boundaries to benefit from synergies (Pollitt, 2003; Kelman, 2007; Cortada et al, 2008; Entwistle & Martin, 2005). For example, Pollitt (2003) argues that bringing together key stakeholders in a specific area of policy can result in synergies, efficiency and effectiveness, and Entwistle and Martin (2005) argue collaboration can transform service systems.

Bardach (1998) has done work on inter-agency collaboration and the development of his craftsmanship theory. He argues that inter-agency collaborative capacity is created by people who stir the pot, debate, and disagree, often bitterly, on how to make things better. These people must overcome many constraints through creativity, public spiritedness, and strategic use of resources. These purposive practitioners, as he calls them create value and collaboration. He argues that successful collaborations needs high quality operating systems that can be flexible, accountable, performance-linked and need a culture of trust and joint-problem solving (Bardach, 1998).

Frameworks for evaluating the need for collaboration and predicting its success

In terms of deciding what kind of collaboration and integration is needed, Donahue (2004) has a useful list of eight topics to consider when examining collaborative governance, which can be used when evaluating policy objectives for use in legislative change:

- **Formality** – does the arrangement operate formally (i.e. through contracts) or

informally through informal agreements or understandings?

- **Duration** – is the arrangement permanent, ad hoc, somewhere in between?
- **Focus** – is the arrangement narrowly focused on a specific task or challenge, or broader to encompass a range of issues and challenges?
- **Institutional diversity** – public, private, non-profit? How diverse are the group of actors in the arrangement?
- **Valence** – what is the number of distinct players involved in the arrangement? What is the minimum and maximum within which we can consider these to be something unique versus a norm of governing?
- **Stability versus Volatility** – do the members share a normative view of successful governance or do interests diverge?
- **Initiative** - which actors initiated the arrangement? Who is leveraging whom? Who defines goals, assesses results, and triggers adjustments?
- **Problem-driven versus Opportunity-driven** – is the arrangement defensive (i.e. constructed to solve a joint threat, or offensive (i.e. designed to pursue a shared opportunity)?

Similarly, Parston and Timmins (1998) identified a series of nine components required for joined-up management to work:

1. Those responsible for implementation should be involved in design;
2. The focus should be on outcomes, and they should be measurable;
3. Genuine feedback and communication is required for those working toward common outcomes;
4. Greater clarity on the role of government, what it can be expected to do, and what it expects from delivery agencies;
5. A consensus to operate, or 'break the rules' between public service organisations and government, with freedom to experiment and innovate to achieve agreed outcomes;
6. Explicit accountability and responsibility for delivery, ideally vested in an individual given power to deliver;
7. New incentive and reward structures, coupled with tolerance for failure and learning systems to avoid major problems;
8. Ongoing community consultation based on engagement, education and capacity building; and
9. Mechanisms for highlighting success, sharing good practice and to learn from mistakes – communities of practice. (p. 29).

Joined-up government: a conceptual example of integrated governance

One of the most common umbrellas across different jurisdictions to group collaboration and integration has seemed to be the idea of "joined-up government" defined in different sources as collaboration, integration, whole-of-government. The most common definition has been "the bringing together of a number of public, private, and voluntary sector bodies to work across organizational boundaries towards a common goal." (National Audit Office, 2001, p. 1), which overall expresses a wish to increase integration, coordination and capacity (Ling, 2002). Many writers have commented on joined-up government's ability to leverage resources and to improve efficiency, effectiveness and service quality (Pollit, 2003; Kellman,

2007; Cortada, Dijkstra, Mooney & Ramsey, 2008; Entwistle & Martin, 2005). This idea of collaboration, integration, whole-of-government and consolidation; viewing the parts as a greater whole, in other words, has become a staple in the 21st century for public management (O’Flynn, Buick, Blackman & Halligan, 2011).

An Australian example of joined up government and efforts to collaborate Indigenous Affairs led to identified barriers such as vertical-horizontal tensions, lack of a supportive architecture, and too much centralized decision-making (O’Flynn, Buick, Blackman & Halligan, 2011). In this case, which can be related to the British Columbian context, systems change without significant effort to change cultural aspects of siloed approached to policy making resulted in frustrations.

Integration that is contingent on necessity

Finally, some scholars left the reader with various warnings about the pitfalls of collaboration for its own sake: Lundin (2007) argues cooperation between organizations made sense in situations with complex tasks and issues, but costly when applied to simply tasks. (Huxham and Vangen, 2004) say that “applying collaborative approaches in the wrong setting may create long-term resistance to working across boundaries as it can incur major costs and effort for little return.” (p. 200), while Head (2004) says “Selection of inappropriate structures and processes can be a recipe for frustration among participants, and ensures under-achievement of goals” (p.3). As put more succinctly by O’Flynn, Halligan & Blackman: “don’t work collaboratively unless you have to” (2010).

4.5 Conceptual Framework

This research is framed within the context of the organizational structure of government and public service departments in a Westminster-style system. This takes into account the particular culture of civil servants and the democratic context.

The above literature review and the jurisdictional and legal scanning shows that in the specific context of Natural Resource Transformation in government, there is not much research and concrete information to point to. On the other hand, there is copious information in public administration research on the pitfalls, considerations, and justifications for collaboration and working together across boundaries in the public sector context. It is with this lens, and, particularly, the lens of the frameworks for evaluating and identifying the use and success of a collaborative effort, that the following options and discussion emerge, particularly in light of the findings from the key informant interviews.

5.0 Options Key Informants were Given to Consider

5.1 Introduction

The following options arose from discussions with policy analysts in the NRS, and an analysis of the policy work that was already completed on the issue within the NRTS Secretariat and some of the key informants. They provide a useful lens with which to assess the ways of changing the legislative

framework. For the key informant interviews, respondents were given the options on approaching legislation change, and asked to provide an assessment on the pros and cons of each approach.

To contextualize the findings, below are the suggested options for addressing any legislation change in the Natural Resource Sector in B.C. First, options for addressing the issue that legislation is a barrier to full transformation are outlined. These options were not provided to interview respondents, but were developed from discussions with the client. Then, options for approaches to a request for a legislation change are summarized. These options were given to interview respondents as an interview aid.

5.2 Options for Addressing the Problem of Legislation

1) PURSUE A LEGISLATIVE CHANGE OPTION

This is the most direct option for addressing the legal issues inherent in the transformation.

Different legislative approach options will depend on how leadership chooses to approach aligning the schedule of transformation with the legislative approach.

Implications:

This is the only option that allows for a fully integrated natural resource sector, enabling the full scope of transformation and enabling the full benefits of the IDM Business Case to be realized. Depending on the legislative option chosen this option could remove all of the legislative barriers that currently prevent the delivery of the future state –namely, the restrictive legislation that doesn’t allow inefficient practices to be altered through policy. This option is the most efficient and allows a coordinated approach to the delivery and benefits of the future state for clients and workload efficiencies. In the long term, the ability to enact transformations through policy will be enhanced, making any future amendments easier and more efficient.

With a mandate to pursue legislation change, there are a variety of ways this approach can go forward, and if this option is chosen an approach to legislation will need to be decided on. See Briefing Note on legislative development for an in-depth analysis.

2) STATUS QUO: INTERPRETING THE LAW WITHIN A MODERN CONTEXT

Legislation that is not specific could be reinterpreted to fit the objectives of the NRS transformation better. This option would consist of evaluating existing business practices to confirm the scope of opportunities for transformation within the existing legislation framework, hopefully determining that our interpretation of specific legislation requirements is more restrictive than it needs to be. In cases where the legislation is not clear, interpretations could be redefined to fit the future state. Examples include consolidating public review and comment for some business areas, integrating some securities and bundling some projects. There is a precedent for this; for instance, the Land Act Applications and Reasons

for Decision Website the Land Tenures Branch uses for advertisements – the Land Act (Section 33(3)) states that all public notices must be posted in the Gazette but the Branch uses the website instead. If the solution carries out the intention of the legislature as well as producing an outcome that is just and reasonable, it can be defended in a court of law.

Implications: Choosing this option would limit the scope of transformation to some projects and not the entire NRS. Therefore, this option would restrict the ability to implement change in areas where the legislation is specific and restrictive. The full scope of transformation cannot be achieved with this option.

As this option requires deviating from the written legislation, it is the least defensible option, the highest risk, and is the most subject to legal challenges.

3) PROCESS ALIGNMENT: COORDINATION OF WORK FLOWS WITHOUT LEGISLATION CHANGE – DELEGATION/DESIGNATION FOR ALL DECISION MAKERS

This is the Ministry of Justice and Attorney General’s approach. Without legislation change, policy can be developed to coordinate the work flows across all ministries, using the existing interpretation of the legal framework. This means that only processes of specific policy areas such as Public Review and Comment, Financial Securities, First Nations Consultation can be aligned. This policy will not be able to apply in all cases, as legally it cannot eliminate discretion.

Implications: This option does not involve any legislation change or reinterpretation of existing legislation. The transformation would be limited in scope to changes not involving legislation. A single authorization per project world is not possible, and nor is having a single decision maker per project. The NRS Blueprint would not be implemented, and the benefits of building the systems of Release 1 and 2 will not be able to be used as there are legislative barriers to all sectors in the NRS using these systems. The benefits of the investments into NRPP do not outweigh the costs with this option.

5.3 Options for Approaching Legislation Change

If pursuing a legislative change option is chosen, there are three suggested options for how to approach the development of one or several Requests for Legislation:

OPTION 1. CASE BY CASE APPROACH

In this approach, legislation changes are requested and administered as issues arise; there is no overall approach to changes. As systems, human resource areas, and business processes are changed and legislative barriers are identified, requests for legislation (RFLs) are prepared as required on a case by case basis.

OPTION 2. INCREMENTAL/PHASED APPROACH

In this approach, RFLs are developed for specific elements of integration. This can be accomplished in one of two ways:

- 1) Pick specific components (based on specific criteria) and incrementally solve problems
 - (E.g., Billings, Fees, Public Review and Comment, Securities (topics and aspects of natural resource projects that go across the entire sector), OR
- 2) Pick two or three legislative silos and integrate those before expanding to other silos.
 - (E.g., integrate Heritage Conservation Act requirements with the Land Act)

This approach can serve to override existing legislation in certain contexts.

OPTION 3. UNIFIED THEORY APPROACH

In this approach, all of the existing legislation is wiped clean, and one massive RFL is developed to make an entirely new legal framework. Examples in B.C.'s Natural Resource Sector include the Oil and Gas Activities Act, the Natural Resource Road Act, the Forest and Range Practices Act, and the Water Sustainability Act.

Another example of this approach in action would be developing an Act for Automated Transactions, Integration, Major Projects, etc. with all of the provisions that would apply to a specific type of Natural Resource project.

6. Interview Findings

6.1 Introduction

The findings of the in-person interviews can be found in this section. These findings relate to how to approach legislation change for a large-scale project and discuss how to make a decision on which approach to use.

6.2 Summary of Interview Results

The findings from the interviews are organized into themes, in order to maintain the confidentiality of the stakeholders. The three main topics, with additional sub-themes, are as follows: advice and thoughts on suggested legislation approaches, considerations when approaching legislation reform, and clarity on policy direction.

The interview answers were dependent on the participant's level of expertise. All of the participants had some level of expertise of at least one component of the Natural Resource Sector, which made for a broad range of considerations.

Advice and thoughts on suggested legislation approaches

All of the participants agreed that with respect to legislation change, the approaches to legislation suggested from the legislative change options in section 4, captured the full range of options available, and none of the participants had any suggestions for alternative legislative approaches. However, some interview respondents had suggestions for options other than legislation change. A few respondents mentioned better and more coordinated decisions. One respondent was quoted as saying “90% of what the NRPP is trying to do can be accomplished through better management and better, more coordinated decisions”. As well, some respondents had suggestions for amending legislation other than the large Natural Resource Acts - for example, one suggestion was to address technological and electronic components of the new Operating System being created as part of the NRPP by amending the Electronic Transaction Act for automating yes/no decisions.

One respondent noted the issue of survivorship bias in policy development - that ideas are put aside because of bad experiences in the past instead of choosing the current best option.

Specific comments on the legislative approach options are organized by option below:

OPTION 1. CASE-BY-CASE APPROACH

Respondents noted that with a case-by-case approach, there is the potential for quick wins, and an impact can be seen right away. This method is easier to implement as it is smaller in scope than the other two options. It was noted that this approach deals with issues that presumably matter, because they've come up, rather than predetermining, potentially erroneously, issues before they arise.

The biggest cons the respondents noted with a case-by-case approach is that it is a crisis management approach; it is reactive and does not allow for a unified approach and a longer-term vision for a legal framework. This can lead, and has led to in the past, a messy patchwork of laws, which could be alleviated if law- and policymakers were to step back and take a coordinated approach to the legal framework.

Some respondents also highlighted that this approach could mean there are more opportunities to make mistakes and miss linkages that you might not see when approaching the laws in a piecemeal approach. This also can mean policymakers run the risk of having to revisit changes when new barriers arise.

Another con that some participants noted was the timing. One participant pointed out that while case-by-case approaches may seem to be the fastest option, stakeholder groups can stall even small two paragraph regulation changes. As well, scope changes in the middle of the change can extend the length of time it takes for a change.

OPTION 2. INCREMENTAL/PHASED APPROACH

Of the three options, respondents had the most experience with the incremental approaches. Respondents noted that a phased approach can seem attractive, as it seems doable. However, respondents also noted that this approach can be deceptively complex.

Pros of the incremental or phased approach that were noted by respondents were that this method allows policymakers to "test the waters" and start with less contentious change, to work towards more contentious issues. One participant noted this approach allows you to be selective to establish a framework and pinpoint areas that need to be managed.

Cons of the incremental approach that were noted include the issue of precedent and whether or not an Act can be overridden with a new Act - as this could lead to questions around how far this overriding power could extend. As well, some respondents noted an issue with unintended consequences of this type of legislative approach and the potential for error. Particularly, some examples noted were an unanticipated public outcry, different rights under different Acts and determining which rights go along with which aspects (for example, harmonizing tenure terms and determining which rights go along with tenure).

Many participants brought up the issue of how to address grandfathering in projects and renewals that are already in progress. Similar to the case-by-case approach, respondents noted again the problem of the patchwork of laws, and how an incremental approach to legislation would add to this complexity and create more problems. One proponent called it the "chicken and egg problem," giving the examples of suspensions and cancellations, and noted the linkages to other issues. Some participants noted the tendency for intractable issues to be placed into the second, third or fourth phase of a project, and consequently never get addressed.

Scoping is incredibly difficult in the incremental approach; it is hard to determine how to phase out the process, and attempting to separate the legal framework into sections is challenging as areas are all linked to each other. One participant noted that it is possible to do this for a specific industry, but across the entire sector would be incredibly challenging - even to do this for another industry would require defining an industry. How to phase was discussed, and participants discussed options of consolidating: going into every act and amending seizure power,⁸ for example, to be the same. If one were to scope a phased approach by region, competition could be created by applying different regimes to different areas of the province. One participant noted that over time, an incremental change could become more and more attractive.

OPTION 3. UNIFIED THEORY APPROACH

Participants had the most varied views on the unified theory approach, ranging from the only method that makes sense, to a caution of trying to rewrite an entire Sector's legislative framework. One participant noted that any other approach would inevitably lead to flawed legislation, and a perfect regime will never be achieved any other way. The pros of this approach noted were the ability to tackle legacy Acts and legislation, and to start with a blank slate. Participants pointed out that in theory, this approach allows policymakers to side step interconnectedness issues by simply starting over.

⁸ Referring to the legal authority of the Crown to take control of Crown lands in the event of certain breaches of the law.

Other participants took a different view, noting that the objectives of transformation may be better achieved in other ways and that an overarching act may not even be necessary anymore. Some participants cautioned that the status quo has to be addressed in a new state and cannot be ignored; in fact, provisions have to be written for every single replacement. Another con that many participants noted was that differences in viewpoints across the sectors make a standardized approach tough. Examples that were noted were that the forest industry wants more control and thinks the laws are too specific, while the mining sector thinks the laws are too vague. Finally, it was emphasized that all legislation approaches have the same steps, but it can be assumed that this option would take the longest, as the bigger the project, the more complex and broad the consultations process.

Table 3: Key Findings Summary of Approaches

	CASE BY CASE	INCREMENTAL	UNIFIED THEORY
Description	Request For Legislation (RFL) as required: as systems/HR/business processes identify barriers, fix them (status quo approach)	RFLs for specific elements of integration and incrementally solve problems	One massive RFL
	CASE BY CASE	INCREMENTAL	UNIFIED THEORY
Examples	Wildlife Act Amendments	Billings, Fees, Public Review and Comment, Securities (things that go across the entire sector)	Oil and Gas Activities Act, Natural Resource Roads Act, Forest and Range Practices Act, Water Sustainability Act
PROS	Smaller in scope Items that arise are known issues that have come up rather than attempting to solve predetermined issues that may not actually be	Can go to executive, cabinet about specific part – easier to digest	Able to define the ideal future state without constrains of existing legislation

	Can be easier to identify questions that need to be addressed, easier to break down into chunks as it is very specific		
CONS	<p>Generally reactive approach to legislation</p> <p>Does not allow for a holistic view of the legislative framework</p> <p>Potential of having to go back and redo changes if a more fulsome view is not developed</p> <p>Can cause disruptions in changing how industries do business</p>	<p>If phased, second phase may never happen – tends to be a dumping ground for things you don't want to tackle</p> <p>Differing ideological views create complexity for the integrated/unified approaches</p>	<p>Political reality: can't ignore status quo, must address why old regime has to change</p> <p>Extensive time needed for consultations, complex policy development, etc.</p> <p>Differing ideological views create complexity for the integrated/unified approaches</p>

Complexity of legislation reform: Things to consider

Many of the interview respondents felt that in general, transformative change in government is extremely difficult. This theme had many versions. A number of participants touched on the theme of creating more work once legislation is opened up. One participant noted, “You open up a can of worms when you open up legislation – both because every area wants to change their piece once you start looking at it, and because you have to have a highly detailed reasoning behind why you want to change legislation.”

Another issue that participants brought up was that a legislation change on the scale of NRPP would require huge amounts of staff resourcing (drafters, policy analysts, staffers working on engagement.) One example given was the amount of people who worked on the Water Sustainability Act, which required over 20 staff working on various aspects of the policy and included economists, legislative drafters, lawyers, subject matter experts, and engagement and communication staff. It was noted that policy statements, cabinet submissions and extensive engagement of stakeholders is needed before a legislation proposal is even considered. One participant pointed out that another legislation project is currently on

hold because the systems work was done first, and now there is a need to go back and address policy after the fact.

A common theme that was mentioned by several participants was the incredibly complex and detailed drafting instructions the changes to an entire sector would require. The level of detail required for why the current state is not working needs to be extremely precise, with hundreds of pages required that go through each wording change line by line, explaining exactly what would change and why, and why the new version is better. Specific issues in the legislation that were mentioned in various interviews include provisions on appeal bodies, as there are currently a number of administrative tribunals that make decisions on specific aspects of permits and authorizations in the Natural Resource Sector. Would a new tribunal need to be created; would there be different rules for different agencies required?

Estimating timelines was also an incredibly complex issue, as many participants noted how difficult it is to predict how long these changes would take due to unforeseen circumstances and barriers. All respondents highlighted the expectation of extensive consultation that has not yet taken place, and the increasing time constraint of this consultation. Several respondents noted that it is easy for stakeholders to agree with something in principle while being consulted and later come across problems in the details.

Costing was another issue that was noted in its complexity; the costs of disrupting industry business was a particular concern to some respondents, and it was observed that this cost is often not considered but can be significant. This is alongside the expenses of developing the Acts and regulations, resourcing, and the unknown time it will take for the materialization of benefits.

Key Findings
<ul style="list-style-type: none">• Legislation change on the scale of the NRPP requires large amounts of staff resourcing
<ul style="list-style-type: none">• Changes to an entire sector would require incredibly complex and detailed drafting instructions
<ul style="list-style-type: none">• Estimating timelines and cost is difficult and complex due to unforeseen circumstance and barriers, such as consultations and disruption to industry business and the unknown time for materialization of benefits

Tension between discretion and risk

One of the big themes that almost all of the interview respondents discussed was the trade-off between specificity in the legislation, and a high level of ministerial discretion. Participants noted that there has been a trend in regulations and laws for a high degree of detail in Acts and regulations so that "decision-makers aren't put on the hook for making decisions," and to avoid opening up court disputes. The participants highlighted that discretion allows flexibility, but also places more risk on decision-makers, and the preference in legislation changes lately have been to make laws more prescriptive and limit the decision-makers powers.

Key Findings

<ul style="list-style-type: none"> • There is a trade-off between specificity in legislation and a high level of ministerial discretion
<ul style="list-style-type: none"> • Discretion allows flexibility but increases legal risk

Transition plan is key

Another theme that was brought up repeatedly by multiple respondents was the need for a transition plan. Participants highlighted the issue of projects and renewals already in progress and how you would integrate these into the new system and the need to create a new transition plan to address how the shift to the new regulatory framework will take place through legislation.

Key Findings
<ul style="list-style-type: none"> • Projects and renewals already in progress would need to be integrated into a new system and addressed through legislation

Clarity on policy direction

The one theme that every participant discussed was that clarity on the guidance of the project is needed and that the justification for changes cannot simply be integration for integration's sake. Respondents stressed that integration alone does not necessarily streamline work.

Several participants asked about the major objective and number one priority for going forward with legislation change. A suggested objective was administrative efficiency - but the question of efficiency to who was repeatedly asked. Examples given were efficiency in reporting to the public, efficiency for industry, or internal government efficiency. Another common question on priorities was the question of whether the NRPP wanted to use a transactional or landscape-based view of natural resource management – referring to the ideological view of how to manage natural resources. A transactional view of natural resource management considers each project on an individual basis, while a landscape view takes into account every activity that is occurring on a given land base and often uses regional land-use plans that consider a holistic view of all of the factors, including societal, environmental and economic factors that might affect a given region.

Many participants asked what the goal is, where is it the project wants to end up, or what the overall objective is.

Many respondents suggested that there is a need, in legislation change, to be extremely clear about the outcome, address specifically what a new legal framework and system would do that is different, and how it would add value and make decisions better.

One participant noted that the concept of integration can mean very different things and have different outcomes, depending on how you approach it. In the context of natural resource authorizations, it could mean that applications are submitted at the same time, but each authorization is separated into the different silos. It can mean that a package of authorizations goes through the system at the same time. Or, it could mean that decisions are made in an integrated manner. Many respondents felt that the NRPP had

not articulated which version of integration it is trying to pursue. The answer to this question has implications for what the best approach to legislation is.

Participants also highlighted that all three of the suggested legislative options are not feasible without a clear direction. One participant noted that IDM failed because it had a circular logic: the problem was not enough integration, and the solution and benefits were integration. Another respondent felt that the IDM Act was about efficient, durable decisions and better management of natural resources.

Respondents had several examples of what issues exist in the current devolved sector, such as differences across regions that have led to “personality-driven information requirements”, or instances where processes are vastly different in different parts of B.C. because of who is in charge. Respondents also noted that being able to say at any given time what is happening on the land base is a frame that could theoretically survive any change in philosophy of natural resource management. Another aspect of this involves standardizing assessments and terminology across the province and the ability to draw on assessments that have already been gathered from different Ministries. Many respondents talked about viewing the landscape and decisions in a holistic way. One participant also had a reminder that there is a reason governments have evolved with silos, as it builds expertise in one unit.

One participant had a suggestion that did not involve legislative change, which was to set up a hierarchy of values for decision-making. However, they emphasized that for this to be effective, these values need to be used and interpreted.

Key Findings
<ul style="list-style-type: none">• Integration alone does not necessarily streamline work
<ul style="list-style-type: none">• The number one objective of the project needs to be defined
<ul style="list-style-type: none">• Requests for Legislation require outcomes of the change to be extremely clear, address the specific changes and give the reasons for the changes, and explain how the changes would add value
<ul style="list-style-type: none">• The concept of integration can mean very different things and have different outcomes depending on how it’s defined

Political realities

Another theme that was common across all of the interviews was the idea that while the NRPP attempts is a long-term project, and as such, attempts to deal with issues that are apolitical, the political reality cannot be avoided. Many participants expressed doubt that any legislation change would take place at the point in the election cycle the interviews were held in.

Several participants noted the difficulty of addressing legal change when different governments have different priorities so that the likelihood of policy and direction lasting long enough to implement a sweeping proposal is suspect. As well many participants noted the inherent paradox between attempting to address environmental stewardship and client needs simultaneously.

Key Findings
<ul style="list-style-type: none"> • The political reality, particularly where in the election cycle you are in, can affect legislation change success
<ul style="list-style-type: none"> • The likelihood of policy and direction lasting long enough to implement a sweeping proposal is suspect
<ul style="list-style-type: none"> • There is a paradox between attempting to address environmental stewardship and client needs simultaneously

Legislation is a Tool

Many participants repeatedly emphasized that ultimately legislation change is an instrument for an objective. In order for it to be an effective tool, the objectives for why the legislation needs to be changed must be extremely clear. "Legislation change can be an effective tool, but one must know the purpose for using it, and choose the most direct path to it."

One respondent had this advice: "If you tried to do something too big maybe step back, identify the actual problem. The outcome of a change can be exactly the same, but the efficiency is what changes whether or not the changes occur in one big act."

Key Findings
<ul style="list-style-type: none"> • Legislation change is a tool for a specific objective
<ul style="list-style-type: none"> • In order for it to be an affective tool, the objectives for why the legislation needs to be changed must be extremely clear

6.2 Summary of the Main Themes:

The major themes to come out of this research were:

- Legislation change in any form is incredibly complex, and an extreme level of detail is required even for small changes;
- Due to the uncertainty of political cycles and the amount of time engaging stakeholders will take, estimating the time needed to draft legislation is difficult;
- The key objectives of why the legislation is being changed must be defined;
- Thinking through the transition from old state to new state is an important piece of the Request For Legislation;

- Most interviewed agreed that the goal of streamlining, improving efficiencies is good but also had the caveat that the approach is not a substitute for an objective;
- Many expressed a lack of expectation that this would be defined due to the political aspect of decision-making;
- Small scale changes may be possible, but a real transformative approach is hard to achieve and comes with a whole host of issues; and
- It was evident from the responses that there is not necessarily a consistent idea of problems NRPP is attempting to solve and why. These responses provide useful suggestions for priorities that should be considered by the leadership before any type of legislation change is requested.

7.0 Discussion

The conversations with key informants shaped the research that emerged in the sense that the research question evolved over the course of the interviews. It became clear, the more interviews that were conducted, that there was not one clear answer to the best legislation approach for this topic, but that there were systemic issues with the justifications for the legal changes suggested, and the research to justify any legal changes must be much more fulsome and developed. The interview results showed that there were unanswered questions in the analysis completed up until this point, and more work needed to be done to understand both the extent of the variation that exists in the sector; for example, between the desires of different industries, and the differences between the needs of small scale and large scale operators, and to determine the main objectives of the project. Both the results to come out of the interviews and the literature review provided useful themes with which to consider not only the objectives of integrated permitting, (such as Donahue’s eight topics to consider when examining collaborative governance (2004)) but also how to determine the type of integration the project desires.

The findings from the interviews show conclusively that there is a disconnect between the Natural Resource Permitting Project and the rest of the Natural Resource Sector. Staff of the B.C. Public Service within the Natural Resource Sector who are engaged in legislation change but not the NRPP directly have concerns about the validity of the claims that large-scale legislation change is justified for the aims of the NRPP. Particularly, the finding of the differences in opinion between different industries and the sizes of natural resource operators is worth considering further. The interviews highlighted that there are many small-scale operators in the Natural Resource Sector that prefer the status quo of the current legal framework, as the current separation of timelines for permits gives them time to collect financing. On the other hand, large-scale operators are much less bothered by the complexity of the legal system as they have the resources to better able to understand the requirements of each Ministry. This finding has implications for advocates of a unified theory approach to the overhaul of natural resource legislation, and speaks to the need to have a more thorough understanding of the overall needs of the sector versus the needs of a few vocal proponents.

The literature review provides a useful frame for attempting to contextualize the issues that the NRPP currently faces, particularly the attitudes that setting clear goals for the future is one of the key areas of

policy work in whole-of-government and multi-organization initiatives (McTaggart and O'Flynn 2014) and the different analyses of integration in policy work (Fountain, 2004; Kelman 2007). These discussions have implications for natural resource sector legislation change – particularly how much is changed by changing business processes as opposed to drafting legislation. Particularly, the components for joined-up management to work provided by Parston and Timmins (1998) are useful to pinpoint any discussion on the goals of integration of the natural resource sector more broadly.

8.0 Recommendations

8.1 Recommendation

A dedicated staff should be assigned to research the implications of legal change, working in conjunction with the existing project teams in the NRPP to assess which aspects of the legislation are currently problematic for implementation of the project. From the assessment above, one of the key barriers is the functionality of the Natural Resource Sector Operating System (NRSOS). With the current legal framework, the website will not achieve what it is promised to achieve. As it has been several years since the approval of the Business Case, a review of the purpose and policy direction of the project, to reassess the desired benefits of the end state, is needed to understand the strategic direction that the project is wishing to take and in order to ensure that the promised deliverables still meet the objectives of the NRPP. One thing became clear throughout the course of this research: fundamental policy questions about this project have not been answered, and it would do well for the leadership of the NRPP to reinvigorate their efforts to think about the big picture questions related to this project. The endpoint should be a future state that is beneficial to all British Columbians. This will cost time and resources and may cause delays on the timelines of the project. However, it will potentially save both time and money later on in the project implementation. **Research needed includes: quantitative data on why efficiencies are needed, further consultation with natural resource proponents and government natural resource officers and front line staff, and interviews with other jurisdictions. Interviews with other jurisdictions are particularly called for, given the evolution of this research question after key informants were consulted. It is predicted that an on the ground perspective garnered from other jurisdictions will provide insight that cannot currently be parsed out from publically available sources.** Further, more targeted consultation with the proponents is needed to capture a wider view of the problems in the sector. It is imperative that a representative sample of natural resource proponents be sought to determine the extent of the frustrations with authorizations and the diversity across the various industries in the sector.

Additionally, many of the findings are based on conversations between the primary researcher and various policy analysts who work in the Public Sector in British Columbia. Other than the Business Case, there was little written down regarding the Natural Resource Permitting Project and a lack of quantitative information on the justifications for the transformation initiative. Without this, it was hard to ascertain the legitimacy of the claims that the current state of the Natural Resource sector is in dire need of transformation in the first place. It is the recommendation of this study that more research is done to collect this data.

Standardize certain aspects of natural resource operations Certain aspects of natural resource operations make sense to consolidate: for example, from this preliminary research it seems like public review and comment is a definable, clear area to standardize. Standardizing terminology and assessments across the industries so that all natural resource officers are speaking the same language and assessments can be shared across industries also seems to make sense. This can provide a concrete baseline from which to begin developing an overall strategic vision. Useful frames to use to help with the exercise of determining the overall strategic direction of the project can be found in the literature review, and further consultation with front line staff will determine where inconsistencies in the data management exist.

Separate what can be done and what can't be done When probed, a lot of proponents complained about the requirements for First Nations consultation, and it appears that is the main source of many delays. But the First Nations consultation process is in the Canadian constitution- it is not within the jurisdiction of the province to streamline this process much more than it already is. What can be done and what cannot be done should be separated from the objectives before any legislation change is pursued. This will require extensive research and knowledge of the legal framework in order to understand the constraints that the natural resource framework legislation is under.

8.0 Conclusion

The main takeaway from this research is that legislation change can be a powerful tool, but if the objectives of why the change is necessary are not crystal clear, it can be inefficient and costly. In order to understand the best approach to change, the objectives that are trying to be achieved must be outlined. It is recommended that these intended outcomes be ranked in terms of priority for decision makers in order to make a fully informed decision with respect to legislation.

This research attempted to make a recommendation on how to best approach legislation change to achieve the objectives of the NRPP. It was determined through consultation with people with expertise in legal change and the Natural Resource Sector in B.C. that this is impossible to do unless the objectives of the NRPP are better thought out. There is a great need to redefine the primary goals of this exercise, in order for the approach to have any future benefits.

It is noted that the literature review, as well as these interviews, noted that cyclical fluctuations between centralization and decentralization tend to occur in government. This is not necessarily a barrier to improving the administration of the Natural Resource Sector in B.C., but it should be taken as a given that priorities will shift and change. Identifying objectives that can withstand these changes should be the overall goal of this exercise, and it is hoped that this research will assist decision-makers in that practice.

References

- (Bill) Water Sustainability Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Australian Government, Canberra. Management Advisory Committee (2004) *Connecting Government: Whole of Government Responses to Australia's Priority Challenges*. Retrieved from http://www.apsc.gov.au/__data/assets/pdf_file/0006/7575/connectinggovernment.pdf
- Bardach, E. 1998. *Getting agencies to work together. The practice and theory Of managerial craftsmanship*, Washington, DC: Brookings Institution Press.
- British Columbia Natural Resource Transformation Secretariat. (2015). *NRPP Detailed Overview: Internal Communications*. (Victoria, B.C.): Natural Resources Permitting Project. (Retrieved from https://spcnrts.gov.bc.ca/NRPP/Resources/Onboarding/NRPP_Detailed%20Overview_Internal%20Audiences_In%20Progress_Draft_2015_01_09.pptx)
- British Columbia Natural Resource Transformation Secretariat. (2013). *IM/IT Investment Management Business Case*. (Victoria, B.C.): Natural Resources Permitting Project, Natural Resource Transformation Secretariat.
- British Columbia Natural Resource Transformation Secretariat. (2015). *NRS Integration Framework*. (Victoria, B.C.): Policy, Regulation and Legislation Branch, Natural Resources Permitting Project, Natural Resource Transformation Secretariat. Unpublished internal document.
- Christensen, T., & Lægread, P. (2007). The whole-of-government approach to public sector reform. *Public Administration Review*, 67(6), 1059-1066.
- Cortada, J. W., Dijkstra, S., Mooney, G. M., & Ramsey, T. (2008). Government 2020 and the perpetual collaboration mandate: Six worldwide drivers demand customized strategies. *IBM Global Business Services*. IBM Global Business Service.
- Cortada, J.W, Dijkstra, S., Mooney, G.M. and Ramsey, T. 2008. *Government 2020 and the perpetual collaboration mandate: Six worldwide drivers demand customized strategies*, Somers, NY: IBM Institute for Business Value.
- Denhardt, R. B., & Denhardt, J. V. (2000). The new public service: Serving rather than steering. *Public Administration Review*, 60(6), 549-559. doi:10.1111/0033-3352.00117
- Dobuzinskis L., Howlett, M., & Laycock D. (Eds.). (2005). *Policy Analysis in Canada: The State of the Art*. Toronto, ON: University of Toronto Press. Retrieved from <http://www.sfu.ca/~howlett/PA05/PA05final2.pdf>

- Donahue, J. (2004). On collaborative governance. *Cambridge: John F. Kennedy School of Government, Harvard University.*
- Economist Intelligence Unit (2007) Collaboration: Transforming the Way Business Works, The Economist, London, available at: http://graphics.eiu.com/upload/CiscoCollab_1a.pdf accessed 18 September 2016.
- Edwards, R. & Holland, J. (2013) What is qualitative interviewing? In Crow, G. (Ed.), *'What is?' Research Methods series*. London, UK: Bloomsbury Academic. Retrieved from (http://eprints.ncrm.ac.uk/3276/1/complete_proofs.pdf)
- Elston, T., & MacCarthaigh, M. (2016). Sharing services, saving money? Five risks to cost-saving when organizations share services. *Public Money & Management*, 36(5), 349-356.
- Entwistle, T. and Martin, S.2005. From competition to collaboration in public service delivery: A new agenda for research. *Public Administration*, 83(1):233–242.
- Environmental Assessment Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Environmental Commissioner of Ontario (2013). The Abdication of Natural Resources Management by MNR. Excerpt from the 2012/13 Annual Report to the Legislature from the Environmental Commissioner of Ontario. Retrieved from http://www.ecoissues.ca/The_Abdication_of_Natural_Resources_Management_by_MNR
- Environmental Management Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Forest Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Forest and Range Practices Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Fountain, J. E. (2004). *Building the virtual state: Information technology and institutional change*. Brookings Institution Press.
- Government of British Columbia (2013). *Regulatory Harmonization: Proponent Interview Results*. Unpublished internal document.
- Government of Alberta (2010). Regulatory Enhancement Project Technical Report December 2010. Retrieved from <http://www.energy.alberta.ca/Org/pdfs/REPTechnicalReport.pdf>
- Government of Alberta (2010). Regulatory Enhancement Project: Stakeholder & First Nations Engagement Summary. Retrieved from <http://www.energy.alberta.ca/Org/pdfs/FirstNationsEngagementSummary.pdf>

- Government of Alberta (2011). Enhancing assurance: Developing an integrated energy resource regulator. Retrieved from <http://www.energy.alberta.ca/Org/pdfs/REPEnhancingAssuranceIntegratedRegulator.pdf>
- Government of Alberta. (11 June 2016). "Royalty programs to help boost production and create jobs." Retrieved from <http://www.alberta.ca/release.cfm?xID=4310488826D83-0093-4692-BF4A8D5EE286A5D2>
- Government of British Columbia (2013) Preliminary Policy Paper on Decision Test Options for Integrated Decision Making.
- Government of British Columbia (2013). Adventure Tourism Policy. Retrieved from http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/adventure_tourism.pdf
- Government of British Columbia (2013). *Conversations with DOAs and District Managers: Multi-Authorizations, Coordination and Integration*. Unpublished internal document.
- Government of British Columbia (2013). *Memorandum: Office of Legislative Counsel RE: Integrated Decision Making*. Unpublished internal document.
- Government of British Columbia (2013). *Request for Legislation - 2013 IDM Act*. Unpublished internal document.
- Government of British Columbia (2013). *Strategic Assessment of a Results-Based Regulatory Regime for the Mining Sector in British Columbia*. Unpublished internal document.
- Government of Ontario (2015). Published Plans and annual reports 2015-2016: Ministry of Natural Resources and Forestry. Retrieved from <https://www.ontario.ca/page/published-plans-and-annual-reports-2015-2016-ministry-natural-resources-and-forestry>
- Government of Ontario, Ministry of Natural Resources (2014). Results-based Plan 2014-15. Retrieved from <https://dr6j45jk9xcmk.cloudfront.net/documents/4052/2014-15-mnr-rbp-briefing-book-en.pdf>
- Government of Saskatchewan Ministry of Environment. (2016). Plan for 2016-17. Retrieved from <http://www.finance.gov.sk.ca/PlanningAndReporting/2016-17/EnvironmentPlan1617.pdf>
- Halligan, J., Buick, F., & O'Flynn, J. (2011). Experiments with joined-up, horizontal and whole-of-government in Anglophone countries. *International handbook on civil service systems*, 74-99.
- Howard, C. (2015). Rethinking Post-NPM Governance: The Bureaucratic struggle to implement one-stop-shopping for government services in Alberta. *Public organization review*, 15(2), 237-254. Retrieved from <http://link.springer.com.ezproxy.library.uvic.ca/article/10.1007/s11115-014-0272-0>
- Huxham, C. and Vangen, S. (2004) Doing Things Collaboratively: Realizing the Advantage or Succumbing to Inertia? *Organizational Dynamics*, 33(3), pp. 190-201.

- Jackson, P. M. and Stainsby, L. (2000), *Managing Public Sector Networked Organizations*, *Public Money & Management*, 20(1), pp. 11-16.
- Janssen, M., Charalabidis Y & Zuiderwijk A. (2012). *Benefits, Adoption Barriers and Myths of Open Data and Open Government*. *Information Systems Management (ISM)*, vol. 29, no.4, pp. 258-268.
- Kelman, S. 2007. "The transformation of government in the decade ahead". In *Reflections on 21st century government management*, Edited by: Kettl, D.F. and Kelman, S. 33–63. Washington, DC: IBM Center for the Business of Government.
- Land Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Linden, R. (2002) A Framework for Collaborating, *The Public Manager*, 31(2), pp. 3- 6.
- Lundin, M. (2007). When does cooperation improve public policy implementation?. *Policy Studies Journal*, 35(4), 629-652.
- McTaggart, Doug and Janine O'Flynn. "Public sector reform" *Australian Journal of Public Administration*, Vol. 74, no. 1, March 2015, pp. 13-22.
- Mines Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- Mintrom, M. and Vergari S. (1996). *Advocacy coalitions, policy entrepreneurs, and policy change*. *Policy studies Journal* 24(3). Blackwell Publishing. doi:10.1111/j.1541-0072.1996.tb01638.x
- National Audit Office. (2001.) *Joining Up to Improve Public Services. London: Report by the Comptroller and Auditor General, House of Commons, Session 2001–2002*.
- O'Flynn, J. (2011). *International journal of public administration: You win some, you lose some: Experiments with joined-up government* Taylor & Francis. doi:10.1080/01900692.2010.540703
- O'Flynn, J., Halligan, J. and Blackman, D. April 2010. *Working Across Boundaries: Barriers, Enablers, Tensions, Puzzles*, April, Berne, , Switzerland: Paper presented at the International Research Society for Public Management conference, University of Berne.
- Osborne, S. P. (2006). The new public governance? *Public Management Review*, 8(3), 377. doi:10.1080/14719030600853022
- Parston, G., & Timmins, N. (1998). *Joined-up management*. London: Public Management Foundation.
- Pollitt, C. (2003) *Joined-up Government: a Survey*, *Political Studies Review*, 1, pp. 34-49.
- PriceWaterHouseCoopers New Zealand. (2016). *Insights into Transformation: Seven lessons for the public sector*. Retrieved from <http://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/new-zealand/insights-into-transformation.html>

- Province of British Columbia Ministry of Justice, Office of the Legislative Counsel of B.C. (2013). *A Guide to legislation and legislative process in British Columbia: Part 1 The legislative process*. Retrieved from https://www.crownpub.bc.ca/Content/documents/1-LegislativeProcess_August2013.pdf
- Saskatchewan Environment, Government of Saskatchewan. (2013). "Examples of Integration and Lessons Learned by Hubbard Hunter." Unpublished internal document.
- Stoker, G. (2006). Public value management: A new narrative for networked governance? *The American Review of Public Administration*, 36(1), 41-57. doi:10.1177/0275074005282583
- Talbot, C. and Johnson, C. (2007) Seasonal Cycles in Public Management: Disaggregation and Re-aggregation, *Public Money & Management*, 27(1), pp. 53-60.
- Tasker, John Paul. (27 Jan 2016). "Pipeline projects to face new environmental regulations." CBC News. Retrieved from <http://www.cbc.ca/news/politics/environmental-regulations-pipelines-1.3422129>
- Valour, L. (2013). *Integrated decision making of the natural resource sector within a horizontal management framework*. Available from UVicSpace Database: https://dspace.library.uvic.ca:8443/bitstream/handle/1828/5038/Lesley_Valour_MPA_2013.pdf
- Warren, R. (2013). *Consolidation of Ontario's Electricity Distribution Sector*. Retrieved from <http://www.mondaq.com/canada/x/226424/Oil+Gas+Electricity/Consolidation+Of+Ontarios+Electricity+Distribution+Sector>
- Water Act, Revised Statutes of British Columbia 1996. Retrieved from <http://www.bclaws.ca/>
- West, D. M. (2004). *Public administration review: E-government and the transformation of service delivery and citizen attitudes* Blackwell Publishing. doi:10.1111/j.1540-6210.2004.00343.x
- What is the Natural Resource Permitting Project (NRPP ... (n.d.). Retrieved from <http://www2.gov.bc.ca/gov/content/industry/natural-resource-use/frontcounter-bc/>
- Williams, Amelia. (2013) Queensland's Ambitious Resources Legislative Reform – the Proposed "Common Resources Act" Norton Rose Fulbright. Retrieved from <http://www.nortonrosefulbright.com/knowledge/publications/80073/queenslands-ambitious-resources-legislative-reform-the-proposed-common-resources-act>
- Williams, P. (2002). The competent boundary spanner. *Public administration*, 80(1), 103-124.

Appendices

Appendix 1: Interview Questions⁹

- 1) Tell me about your experience with Integrated Decision Making and legislation change in the Natural Resource Sector in B.C.
- 2) What were the problems identified by the preliminary research that were addressed by the proposed changes?
- 3) What was the approach to the proposed changes? (Legislation, policy, technology)
- 4) What were the barriers to implementing an integrated sector in the past attempts to do so in B.C.?
- 5) What do you think would be the best approach to this work knowing what you know now?

Matrix of policy options provided:

Options	Pros	Cons	Other
Case by Case			
Phased/Incremental			
Unified Theory			

- 6) Are there any other options to legislation changes? What are they?

Appendix 2 All Acts Applicable to the Natural Resource Sector Ministries

Act	Ministry Responsible
Agri-Food Choice and Quality	Agriculture
Agricultural Land Commission	Agriculture
Agricultural Produce Grading	Agriculture
Agrologists	Agriculture
Animal Health	Agriculture

⁹ These are the base questions, additional questions were generated in each semi-structured interview as the conversation between each interviewee varied based on their individual thoughts and experience.

Act	Ministry Responsible
Assistance to Shelter	Natural Gas Development
BC Hydro Public Power Legacy and Heritage Contract	Energy and Mines
Beaver Lodge Lands Trust Renewal	Forests, Range and Natural Resource Operations
Boundary	Forests, Range and Natural Resource Operations
Building	Natural Gas Development
Building Officials' Association	Natural Gas Development
Canadian Pacific Railway (Stone and Timber) Settlement	Forests, Range and Natural Resource Operations
Carrier Lumber Ltd. Forest Licence Compensation	Forests, Range and Natural Resource Operations
Clean Energy	Energy and Mines, Aboriginal Relations and Reconciliation
Coal	Energy and Mines
Coalbed Gas	Natural Gas Development
College of Applied Biology	Environment
Columbia Basin Trust	Energy and Mines
Commercial Tenancy	Natural Gas Development
Creston Valley Wildlife	Forests, Range and Natural Resource Operations
Dike Maintenance	Forests, Range and Natural Resource Operations
Drainage, Ditch and Dike	Forests, Range and Natural Resource Operations
Ecological Reserve	Environment
Energy Efficiency	Energy and Mines
Environment and Land Use	Forests, Range and Natural Resource Operations
Environmental Assessment	Environment
Environmental Management	Environment; Forests, Range and Natural Resource Operations
Farm Income Insurance	Agriculture
Farm Practices Protection (Right to Farm)	Agriculture
Farmers and Womens Institutes	Agriculture
Farming and Fishing Industries Development	Agriculture
Federal Port Development	Natural Gas Development
Fire Services	Natural Gas Development
First Peoples' Heritage, Language and Culture	Aboriginal Relations and Reconciliation
Fish and Seafood	Agriculture
Fish Inspection	Agriculture
Fisheries	Agriculture; Forests, Range and Natural Resource Operations
Flathead Watershed Area Conservation	Forests, Range and Natural Resource Operations
FNCIDA Implementation	Aboriginal Relations and Reconciliation
Food and Agricultural Products Classification	Agriculture

Act	Ministry Responsible
Food Products Standards	Agriculture
Food Safety	Agriculture
Forest	Forests, Range and Natural Resource Operations
Forest and Range Practices	Forests, Range and Natural Resource Operations
Forest Practices Code of British Columbia	Forests, Range and Natural Resource Operations
Forest Stand Management Fund	Forests, Range and Natural Resource Operations
Foresters	Forests, Range and Natural Resource Operations
Forestry Revitalization	Forests, Range and Natural Resource Operations
Forestry Service Providers Protection	Forests, Range and Natural Resource Operations
Gas Utility	Natural Gas Development
Geothermal Resources	Energy and Mines
Great Bear Rainforest (Forest Management)	Forests, Range and Natural Resource Operations
Greenbelt	Forests, Range and Natural Resource Operations
Greenhouse Gas Industrial Reporting and Control	Environment
Greenhouse Gas Reduction (Cap and Trade)	Environment
Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements)	Energy and Mines
Greenhouse Gas Reduction (Vehicle Emissions Standards)	Environment
Greenhouse Gas Reduction Targets	Environment
Haida Gwaii Reconciliation	Aboriginal Relations and Reconciliation
Heritage Conservation	Forests, Range and Natural Resource Operations
Homeowner Protection	Natural Gas Development
Hunting and Fishing Heritage [The]	Forests, Range and Natural Resource Operations
Hydro and Power Authority	Energy and Mines
Hydro Power Measures	Energy and Mines
Indian Advisory	Aboriginal Relations and Reconciliation
Indian Cut-off Lands Disputes	Aboriginal Relations and Reconciliation
Industrial Operation Compensation	Forests, Range and Natural Resource Operations
Insurance for Crops	Agriculture
Integrated Pest Management	Environment
Land	Forests, Range and Natural Resource Operations
Land (Spouse Protection)	Forests, Range and Natural Resource Operations
Land Survey	Forests, Range and Natural Resource Operations
Land Surveyors	Forests, Range and Natural Resource Operations
Land Title	Environment; Forests, Range and Natural Resource Operations
Land Title and Survey Authority	Forests, Range and Natural Resource Operations
Land Title Inquiry	Forests, Range and Natural Resource Operations

Act	Ministry Responsible
Land Transfer Form	Forests, Range and Natural Resource Operations
Libby Dam Reservoir	Forests, Range and Natural Resource Operations
Livestock	Agriculture
Livestock Identification	Agriculture
Livestock Lien	Agriculture
Local Government	Agriculture
Maa-nulth First Nations Final Agreement	Aboriginal Relations and Reconciliation
Manufactured Home Park Tenancy	Natural Gas Development
McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement	Aboriginal Relations and Reconciliation
Milk Industry	Agriculture
Mineral Land Tax	Energy and Mines
Mineral Tax	Energy and Mines
Mineral Tenure	Energy and Mines
Mines	Energy and Mines
Mining Right of Way	Energy and Mines
Ministry of Agriculture and Food	Agriculture
Ministry of Energy and Mines	Energy and Mines; Natural Gas Development
Ministry of Environment	Environment; Forests, Range and Natural Resource Operations
Ministry of Forests and Range	Agriculture; Forests, Range and Natural Resource Operations
Ministry of Lands, Parks and Housing	Environment; Forests, Range and Natural Resource Operations; Natural Gas Development
Muskwa-Kechika Management Area	Forests, Range and Natural Resource Operations
Musqueam Reconciliation, Settlement and Benefits Agreement Implementation	Aboriginal Relations and Reconciliation
Natural Gas Price	Natural Gas Development
Natural Products Marketing (BC)	Agriculture
Natural Resource Compliance	Forests, Range and Natural Resource Operations
New Relationship Trust	Aboriginal Relations and Reconciliation
Nisga'a Final Agreement	Aboriginal Relations and Reconciliation
Off-Road Vehicle	Forests, Range and Natural Resource Operations
Oil and Gas Activities	Natural Gas Development
Okanagan River Boundaries Settlement	Forests, Range and Natural Resource Operations
Park	Environment
Petroleum and Natural Gas	Natural Gas Development
Petroleum and Natural Gas (Vancouver Island Railway Lands)	Natural Gas Development
Plant Protection	Agriculture

Act	Ministry Responsible
Power for Jobs Development	Energy and Mines
Prevention of Cruelty to Animals	Agriculture
Private Managed Forest Land	Forests, Range and Natural Resource Operations
Protected Areas Forests Compensation	Forests, Range and Natural Resource Operations
Protected Areas of British Columbia	Environment
Railway	Forests, Range and Natural Resource Operations
Range	Forests, Range and Natural Resource Operations
Rent Distress	Natural Gas Development
Residential Tenancy	Natural Gas Development
Resort Timber Administration	Forests, Range and Natural Resource Operations
Riparian Areas Protection	Forests, Range and Natural Resource Operations
Safety Authority	Natural Gas Development
Safety Standards	Natural Gas Development
Sechelt Indian Government District Enabling	Aboriginal Relations and Reconciliation
Seed Potato	Agriculture
Skagit Environmental Enhancement	Forests, Range and Natural Resource Operations
Special Accounts Appropriation and Control	Energy and Mines; Environment; Agriculture; Aboriginal Relations and Reconciliation; Forests, Range and Natural Resource Operations; Natural Gas Development
Strata Property	Natural Gas Development
Sustainable Environment Fund	Environment
Timber Licences Settlement	Forests, Range and Natural Resource Operations
Timber Sale Licence Replacement (Sliammon First Nation)	Forests, Range and Natural Resource Operations
Tla'amin Final Agreement	Aboriginal Relations and Reconciliation
Treaty Commission	Aboriginal Relations and Reconciliation
Treaty First Nation Taxation	Aboriginal Relations and Reconciliation
Tsawwassen First Nation Final Agreement	Aboriginal Relations and Reconciliation
Tugboat Worker Lien	Forests, Range and Natural Resource Operations
University Endowment Land	Forests, Range and Natural Resource Operations
Vancouver Island Natural Gas Pipeline	Natural Gas Development
Veterinarians	Agriculture
Veterinary Drugs	Agriculture
Water Protection	Forests, Range and Natural Resource Operations
Water Sustainability	Forests, Range and Natural Resource Operations
Water Users Communities	Forests, Range and Natural Resource Operations
Water Utility	Forests, Range and Natural Resource Operations
Weed Control	Forests, Range and Natural Resource Operations

Act	Ministry Responsible
West Kootenay Power and Light Company, Limited, 1897	Energy and Mines
Wildfire	Forests, Range and Natural Resource Operations
Wildlife	Environment; Forests, Range and Natural Resource Operations
Woodworker Lien	Forests, Range and Natural Resource Operations
Yale First Nation Final Agreement	Aboriginal Relations and Reconciliation
Zero Net Deforestation	Forests, Range and Natural Resource Operations

Source: BC Laws