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**RESEARCH REPORT AND DISCUSSION PAPER ON THE
REGULATION OF PLANNERS**

**FOR PIBC PROFESSIONAL LEGISLATION & CERTIFICATION TASK
FORCE**

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EXECUTIVE SUMMARY

PURPOSE OF THE PROJECT

The Planning Institute of British Columbia (PIBC) is, in response to member input and in alignment with PIBC Council's 2009-2011 Strategic Plan, exploring the possible pursuit and establishment of professional legislation and certification for professional planners in British Columbia.

This research report is a first step in that exploration. It reviews existing professional legislation for planners in other Canadian jurisdictions, and for similar or allied professions in British Columbia. It outlines prevailing trends with respect to professional legislation, the current approach of the government of British Columbia toward professional legislation, and the criteria the province brings to bear when considering proposals for new or amended legislation. Some next steps are then presented for PIBC to consider in its continuing exploration of options for professional legislation.

BACKGROUND ON PIBC

Incorporated under the *Society Act* of British Columbia, PIBC also retains exclusive use of the professional titles 'MCIP' and 'Registered Planner' under the occupational titles protection provisions of Part 10 of the Act.

The purpose of the Institute is –

- *To promote, through community and regional planning, the orderly disposition and use of land, natural resources, buildings and services with a view to the social and economic efficiency, health and well-being of urban and rural communities and regions;*
- *To advance the study and practice of urban and regional planning and kindred subjects and of arts and sciences as applied to them;*
- *To promote high standards of professional competence and conduct in the practice of community and regional planning;*
- *To promote the association and professional interests of those engaged in the practice of community and regional planning.*

The key functions of the Institute are to register members, administer continuing professional development, review complaints and cases of professional misdemeanour, and administer disciplinary policies and procedures. The Institute provides a host of member services and benefits, and works to promote the planning profession in British Columbia and the Yukon.

The pursuit of professional legislation and certification is one of PIBC's strategic goals for 2009/11. Other strategic directions include raising the public and

professional profile of the PIBC, through outreach to members, employers and the public, and improving professional development to increase standards and to support members in achieving them.

The PIBC has over 1,300 members & associates, who work in the public service and the private sector in a wide variety of fields including land use planning, environmental resource management, land development, heritage conservation, housing, social planning, transportation planning and economic development.

Planners work in an increasingly complex environment as part of a multi-disciplinary team to develop plans and advise on plans and proposals. They review and interpret proposals and plans submitted by engineers, architects, health professionals, landscape architects, and other professionals, provide technical knowledge to projects on local and provincial regulations, and advise local government councils on the specifics and implications of the plans and proposals.

REGULATION OF PLANNERS IN OTHER JURISDICTIONS

Saskatchewan is the only Canadian jurisdiction to accord full self-regulation privileges to the planning profession. Members of the Association of Professional Community Planners of Saskatchewan (APCPS) have both exclusive rights to the title Professional Community Planner, and exclusive right to the practice of community planning, under the *Community Planning Profession Act* (1978).

In **Alberta**, the Alberta Association, Canadian Institute of Planners (AACIP), has limited self-regulatory authority under the *Alberta Professional and Occupational Associates Registration Act* and the *Alberta Community Planner Regulation* (1989). The Regulation gives registered members in Alberta, the Northwest Territories and Nunavut the right to use the title Alberta Community Planner, or ACP. AACIP does not have 'right to practice' privileges (i.e., one does not need to be an AACIP member in order to work as a professional planner).

In **Ontario**, the Ontario Professional Planners Institute (OPPI) has limited self-regulatory authority under the *Act Respecting the Ontario Professional Planners Institute* (1994). The act gives members exclusive right to use of the title Registered Professional Planner, or RPP, but does not accord 'right to practice'. OPPI members have standing as expert witnesses before Ontario Municipal Board tribunals, by virtue a Law Society of Upper Canada bylaw.

Quebec was the first province to provide right to title privileges for the planning profession. The Code des professions grants members of the Ordre professionnel des urbanistes du Québec with exclusive use of the titles urbaniste, Urbanist, Town Planner, City Planner, "or any other title or abbreviation that may lead to the belief a person is an urbanist, town planner or city planner. It does not accord members exclusive right to practice.

In **New Brunswick**, the New Brunswick Association of Planners (NBAP) is governed by the *Registered Professional Planners Act* (2005), and NBAP

members have exclusive use of the title Registered Professional Planner (RPP). They do not have right to practice privileges.

Nova Scotia granted the Licensed Professional Planners Association of Nova Scotia (LPPANS) professional right to title legislation in 2005, under the *Professional Planners Act*. The Act accords right to title ("Licensed Professional Planner" or "L.P.P.") but not right to practice.

Manitoba, Prince Edward Island, and Newfoundland and Labrador have no provincial legislation in place for the planning profession. Professional planner associations in those provinces are branches of the Canadian Institute of Planners, whose members have exclusive use of the title MCIP (Member of the Canadian Institute of Planners).

REGULATION OF OTHER PROFESSIONS IN BRITISH COLUMBIA

Life Safety Mandates

Engineers

The *Engineers and Geoscientists Act* (established in 1920) accords full self-regulatory authority—right to title and right to practice—to the Association of Professional Engineers and Geoscientists of BC (APEGBC). The rationale for these privileges is understood to be the protection of life safety and health in the design and construction of complex structures.

Architects

In 1920, the *Architects Act* established the AIBC as a self-regulated profession with both right to title and right to practice privileges. The Institute's public interest mandate is to ensure life safety in the design of complex buildings. AIBC has been working to expand its regulatory mandate to include a range of design technicians, technologists, and professionals who are not recognized under the *Architects Act* or any other professional legislation.

Building Officials

The *Building Officials Association Act* (1997) gives the Building Officials Association of BC (BOABC) exclusive rights to the titles "Registered Building Official" or "Registered Building Inspector" or the initials "RBO" or "RBI". Building officials are employed by local governments to enforce compliance with the BC Building Code. The BOABC is currently pursuing mandatory certification of building officials, on the grounds that this would help enhance consistency of Building Code compliance and enforcement activities throughout the province.

Environmental Stewardship Mandates

Landscape Architects

The BC Society of Landscape Architects (BCSLA) has right to title privileges under the *Architects (Landscape) Act*, but does not have right-to-practice privileges.

Agrologists

The BC Institute of Agrologists has exclusive right to the use of the title 'Agrologist', under terms of the *Agrologists Act*. The Act was amended in 2003 as part of a suite of legislation to support environmental stewardship mandates affecting BC's natural resources and natural resource industries. The definition of 'agrologist' was broadened to reflect the evolution of the profession from traditional agricultural sciences to natural resource and environmental sciences, and the conduct and discipline provisions were strengthened.

Forest Professionals

The *Foresters Act* gives right to practice privileges to members of the Association of BC Forest Professionals (ABC FP). The act was recently amended to help meet provincial objectives with respect to natural resource management. Amendments including increased investigative and enforcement provisions for professional foresters, expanded membership categories to accommodate forestry technologists and technical specialists, and clarification of the definition of professional forestry.

Consumer Protection and Fair Practices Mandates

Real Estate Council

The Real Estate Council of British Columbia enforces the licensing and licensee conduct requirements of the *Real Estate Services Act*, with respect to real estate sales, rental and strata property management. In addition to the traditional duties of a self-regulated profession (e.g., establishing and administering eligibility and educational requirements) the Real Estate Council has an expanded regulatory role in the area of consumer protection. The Council is mandated to investigate complaints against licensees and impose disciplinary sanctions under the Act.

Real Estate Institute

The Real Estate Institute of British Columbia (REIBC) is a non-legislated, non-regulatory organization serving professionals from all sectors of the real estate and related business sectors.

Appraisal Institute

The BC Association Appraisal Institute of Canada (BCAIC) is an affiliate of the Appraisal Institute of Canada. By virtue of its membership agreement with the AIC, BCAIC members have the right to use of the AIC copyrighted and trademark protected titles CRA (Canadian Residential Appraiser), AACI (Accredited Appraiser Canadian Institute), and P.App (Professional Appraiser). BCAIC is not governed by professional legislation and does not have right to practice privileges.

General Public Interest Mandate

ASTTBC

The Applied Science Technologists and Technicians of BC (ASTTBC) is a self-regulatory association by authority of the *Applied Science Technologists and*

Technicians Act. The Act accords right to the titles Applied Science Technologist (A. Sc.T) and Certified Technician (C. Tech.). The Act has no right to practice provisions.

In the Act, the objects of the association include a general statement with regard to regulating training and practice standards “to protect the interests of the public”. The very broad definition of practice in the Act has enabled ASTTBC to accommodate a wide range of technical and technological occupations. The ASTT Regulations identify a broad range of occupations as “approved applied science technology disciplines”. Many of these occupations are related to those of self-regulated design professions, such as AIBC and APEGBC. ASTTBC has been seeking agreements on the division of areas of practice of ASTTBC members and members of those professions.

ASTTBC certified house and property inspectors are now (since March 2009) subject to mandatory licensing by Consumer Protection BC (formerly the Business Practices and Consumer Protection Authority). Consumer Protection BC accepts credentials issued by ASTTBC and three other approved organizations (CAHPIBC, NCPCHPI, and CanNACHI) as the basis for licensing decisions.

CURRENT GOVERNMENT OBJECTIVES WITH RESPECT TO REGULATION

In general, professional regulation has fallen out of favour, and groups seeking regulation face the challenge of convincing government that regulation is in the public interest. Government concerns that professional regulation may lead to anticompetitive and unnecessarily restrictive practices have led a number of provinces to establish legislation to restrict authority of professional regulatory bodies and increase government involvement.

Over the past decade, Alberta has amended most of its professional legislation to increase the province’s role in decisions made by self-regulating bodies regarding education and training standards. Manitoba, Ontario, and Nova Scotia have all passed ‘fair access to regulated professions’ legislation that introduces greater accountability and some degree of government oversight on professional registration practices.

In addition, the interprovincial Agreement on Internal Trade (AIT) and the BC/Alberta Trade, Investment and Labour Mobility Agreement (TILMA) have established principles and protocols to reduce trade barriers and ensure mobility of labour between provinces. All new regulatory proposals are scrutinized for their consistency with these agreements.

RECENT BC GOVERNMENT DECISIONS, AND THE IMPLICATIONS FOR POSSIBLE MODELS

Since 2001, the Province of BC has been committed to reducing regulation by one third and maintaining a zero net increase in regulatory requirements through to

2012. Examples of new BC legislation to enable or strengthen professional regulation are rare, and where they have occurred (e.g., Agrologists, and Applied Biologists), they have been introduced in support of significant public policy agendas, -- in these cases, environmental stewardship -- and regulatory streamlining. It has probably never been more challenging for a profession to gain legislated authority for self-regulation.

Key decision points for regulatory proposals

Requests to government for new or amended legislation are subjected to extensive analysis by policy staff in the sponsoring ministry and again as the proposals make their way through internal government cross-ministerial committees. The following are some key questions that government policy staff will consider in their analysis.

General considerations

- What public policy issue(s) will be addressed by the proposal?
Is there a risk of harm to the public from practitioners in the profession?
What are the likely impacts of non-action?
How urgent is the need?
- Which regulatory model is most appropriate?
What powers or responsibilities does the organization require that are not available to it under the *Society Act*?
- Is the professional group clearly delineated? Do members of this professional group overlap significantly with another occupational group?
- Does the professional group have the capacity to administer self-regulation and meet accountability requirements?
- Has the professional group consulted with its members and any relevant stakeholders?
How do members and stakeholders feel about the proposal?
Does the proposal address their concerns?

Economic Considerations

- Will the regulation produce a net increase or decrease in regulation?
- Will it result in inefficiencies or increased costs for the public, businesses, or other stakeholders?
- Is the proposed regulatory scheme consistent with the AIT and TILMA?

CONCLUSIONS AND NEXT STEPS

The current cautionary approach by the province toward new regulation means that any initiative by PIBC to seek self-regulatory authority for the planning profession will require a long-term (perhaps five or six year) plan. A staged plan

with more modest shorter-term goals will be more achievable. It is not realistic to aim for 'right to practice' privileges in anything but the longer term.

PIBC can consider a range of options for professional self-governance. These include:

1. PIBC's current approach of registration under the *Society Act*, Part 10 Occupational Titles Protection. This provides for right to title, and enables an organization to establish a 'track record' that may be helpful in persuading government to grant self-regulatory privileges in the future.
2. Seek a dedicated professional act. This will be challenging to achieve, and will require that PIBC demonstrate that a clear public interest need exists that can be mitigated by the regulation.
3. Seek inclusion in an existing act, such as the 1993 amendments to the *Engineers and Geoscientists Act* that enable APEGBC to grant 'Limited Licenses' for some ASTTBC disciplines. This also will be challenging to achieve, and will depend upon the demonstration of a clear public interest need.
4. Affiliation with an existing organization (e.g., ASTTBC's many 'branches' of allied technical and technological disciplines, and AIBC's associate memberships for building design technicians and interior designers). If appropriate organizations can be identified, this approach could form part of a staged approach to gaining self-regulatory privileges. However, it does carry implications and challenges for PIBC's continuing existence as the association for all professional planners.

RESEARCH AND DISCUSSION PAPER ON THE REGULATION OF PLANNERS

PURPOSE OF THE PROJECT

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This research report is a first step in that exploration. It reviews existing professional legislation for planners in other Canadian jurisdictions, and for similar or allied professions in British Columbia. It outlines prevailing trends with respect to professional legislation, the current approach of the government of British Columbia toward professional legislation, and the criteria the province brings to bear when considering proposals for new or amended legislation. Some next steps are then presented for PIBC to consider in its continuing exploration of options for professional legislation.

BACKGROUND ON PIBC

The PIBC has been dedicated to the advancement of the planning profession in British Columbia and the Yukon since 1958. Incorporated under the *Society Act* of British Columbia, PIBC also retains exclusive use of the professional titles 'MCIP' and 'Registered Planner' under the occupational titles protection provisions of Part 10 of the Act.

The purpose of the Institute is –

- *To promote, through community and regional planning, the orderly disposition and use of land, natural resources, buildings and services with a view to the social and economic efficiency, health and well-being of urban and rural communities and regions;*
- *To advance the study and practice of urban and regional planning and kindred subjects and of arts and sciences as applied to them;*
- *To promote high standards of professional competence and conduct in the practice of community and regional planning;*
- *To promote the association and professional interests of those engaged in the practice of community and regional planning.*

The PIBC code of professional conduct reflects the complex environment that municipal planners work in, and their responsibilities to the public, elected officials, developers, and individuals in the community. The code of conduct sets out the responsibility of planners to the public interest, to employers, and to clients. The code also reflects their responsibilities to the profession and to other members, and supports the principle of individual accountability.

The key functions of the Institute are to register members, administer continuing professional development, review complaints and cases of professional misdemeanour, and administer disciplinary policies and procedures. The Institute also provides a host of member services and benefits, and works to promote the planning profession in British Columbia and the Yukon. The PIBC is an affiliate of the Canadian Institute of Planners (CIP).

The pursuit of professional legislation and certification is one of PIBC's strategic goals for 2009-2011. Other strategic directions include raising the public and professional profile of the PIBC, through outreach to members, employers and the public, and improving professional development to increase standards and to support members in achieving them.

Attributes and Scope of Practice of PIBC Members

The PIBC has over 1,300 members & associates. PIBC members work in the public service and the private sector, in a wide variety of fields including land use planning, environmental resource management, land development, heritage conservation, housing, social planning, transportation planning and economic development. At the time of PIBC's 2007 member survey, nearly three-quarters were employed in the public sector, and over 60% of those worked for municipal, regional or First Nations governments. The 2009 member survey revealed that about one quarter of PIBC's members are employed as planning generalists, about one fifth are involved in current planning of general land use and development; 13% deal with long-term planning of general land use and development, and another 13% deal with housing, social, heritage, economic development or other policy planning.

In 2007, nearly two-thirds of PIBC members held a Masters degree, one-third held Bachelor degrees, and 2% held PhDs. The 2007 membership survey showed that 92% received the majority of their post-secondary education in Canada. About 18% of PIBC's members will be retiring in the next ten years. PIBC planners live and work in all regions of the province:

- about one-half live in Lower Mainland region (including Fraser Valley, Sunshine Coast and Sea-to-Sky region)
- nearly one-fifth live on South Vancouver Island or the southern Gulf Islands
- nearly one-sixth live in the Interior (Okanagan, Cariboo, Rocky Mountain and Kootenay regions)
- Seven percent live on Northern Vancouver Island (Nanaimo and north, and northern Gulf Islands)
- Three percent live in the Central North (North Coast and Peace River).
- about one-quarter live in rural or small towns or communities of less than 50,000 population.

Planners work in an increasingly complex environment as part of a multi-disciplinary team to develop plans and advise on plans and proposals. They review and interpret proposals and plans submitted by engineers, architects, health professionals, landscape architects, and other professionals, provide technical knowledge to projects on local and provincial regulations, and advise local government councils on the specifics and implications of the plans and proposals.

REGULATION OF PROFESSIONAL PLANNERS IN OTHER JURISDICTIONS

Alberta

The Alberta Association, Canadian Institute of Planners (AACIP), has limited self-regulatory authority under the *Alberta Professional and Occupational Associates Registration Act* and the Alberta Community Planner Regulation (1989). The Regulation gives registered members in Alberta, the Northwest Territories and Nunavut the right to use the title Alberta Community Planner, or ACP.

Membership is voluntary. The legislation does not provide for ‘right to practice’ privileges, although the Alberta association continues to seek this authority on the basis of increasing liability risks (as evidenced by increased disciplinary actions and increased legal expenditures).

The Alberta Community Planner Regulation defines the practice of planning as “the process of planning the scientific, aesthetic and orderly allocation of land, community resources facilities and services with a view to maintaining and improving the physical environment and the economic and social conditions of urban and rural communities”.

As an affiliate of the Canadian Institute of Planners (CIP), AACIP membership standards are based on national standards. As such, registration as an ACP is recognized by professional planning associations in other Canadian provinces.

In recent years, Alberta has proclaimed a number of new statutes and legislative amendments to restrict the authority of professional regulatory bodies, including the AACIP, and increase government involvement in the establishment of educational requirements primarily with a view to ensuring the requirements are not unnecessarily high.

Ontario

The Ontario Professional Planners Institute has limited self-regulatory authority under the *Act Respecting the Ontario Professional Planners Institute* (1994). The act accords members exclusive right to use of the title Registered Professional Planner, or RPP.

Membership is voluntary. The act does not accord 'right to practice' privileges, and specifically permits non-members to "describe themselves as planners or professional planners and practice as such".

By-Law 4 of the Law Society of Upper Canada authorizes certain individuals and organizations to provide legal services without a licence under specified circumstances. Section 30 (1) (7) of By-Law 4 gives such authority to OPPI members:

7. An individual,
 - i. whose profession or occupation is not the provision of legal services or the practice of law,
 - ii. who provides the legal services only occasionally,
 - iii. who provides the legal services as ancillary to the carrying on of her or his profession or occupation, and
 - iv. who is a member of,
 - A. the Human Resources Professionals Association of Ontario,
 - B. the Ontario Professional Planners Institute,
 - C. the Board of Canadian Registered Safety Professionals
 - D. the Appraisal Institute of Canada, or
 - E. the Canadian Society of Professionals in Disability Management.

In consequence of this authority, OPPI members are able to provide expert testimony before the Ontario Municipal Board during appeals of planning decisions, on behalf of their local government employers. This authority, and resultant standing in tribunal hearings, is seen to accord OPPI members some limited exclusivity of practice insofar as it encourages municipal governments to employ OPPI members in their planning departments.

The Ontario association has engaged a government relations consultant to explore 'right to practice' legislation. A recent membership survey indicated that 70% of OPPI members are in support of 'right to practice'.

Under the Act, the objects of the Institute are:

- to promote, maintain and regulate high standards of professional planning practice and ethical behaviour;
- to further the recognition of the planning profession in Ontario;
- to promote the value, use and methods of planning;
- to improve the quality of Ontario environments and communities by the application of planning principles;
- to encourage participation and cooperation among those persons, associations and groups concerned with improving the quality of Ontario environments and communities; and
- to stimulate the generation, development, dissemination and discussion of ideas on planning.

The Ontario act defines planning as "the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well-being."

As in Alberta, there is a move toward greater scrutiny and more active oversight of professional regulatory bodies in Ontario. The *Fair Access to Regulated Professions Act* (2006) established a Fairness Commissioner to ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair.

Saskatchewan

Saskatchewan is the only Canadian jurisdiction to accord full self-regulation privileges to the planning profession. The *Community Planning Profession Act* (1978) provides the Association of Professional Community Planners of Saskatchewan (APCPS) with right to practice privileges for planners who are employed in a 'community planning office', in government or in private business.

The Act defines professional community planning (or its practice) as the preparation of "a study of the development characteristics of a community or region, made for the purpose of formulating plans, reports or legal instruments to guide, control or otherwise influence the physical development of the community or region or any part hereof, where such plans, reports or legal instruments are an integral part of and are contained in and expressed by the study and include an examination of at least the population, land use, economic base and transportation characteristics of the community or region in terms of their existing conditions, trends and probable future conditions, together with a formulation of development proposals relating to those aspects of the community or region or any part thereof; provided that the information contained in the study is insufficient detail to permit the evaluation of the implications that the characteristics examined may have for any plans, reports or legal instruments designed to influence the physical development of the community or region or any part thereof."

The rationale for regulation is not clearly stated. In any event, the archaic legal language of the statute and the fact that this regulatory framework was established more than thirty years ago make it of questionable value as a model for introducing similar legislation today.

Manitoba

The Manitoba Professional Planners Institute (MPPI) has no legislative mandate. As an affiliate of the CIP, MPPI members have exclusive right to the title MCIP (Member of the Canadian Institute of Planners).

The MPPI publishes a joint members newsletter with the Association of Community Planners of Saskatchewan.

Quebec

Quebec was the first province to accord right to title privileges to the planning profession. The *Code des professions*, in 1963, established the Ordre professionnel des urbanistes du Québec. The Code grants members exclusive use of the titles urbaniste, Urbanist, Town Planner, City Planner, “or any other title or abbreviation that may lead to the belief a person is an urbanist, town planner or city planner”. It does not accord members exclusive right to practice.

Under the Code, the purpose of the Ordre professionnel des urbanistes du Québec is to “provide the public with professional services involving the application of the principles and methods of development and use of urban land or land to be urbanized”.

New Brunswick

The New Brunswick Association of Planners is governed by the *Registered Professional Planners Act* (2005). This Act accords the NBAP exclusive use of the terms “Registered Professional Planner” and “RPP”. It does not provide for right to practice.

The NBAP is a branch of Atlantic Planners Institute, which is an affiliate of Canadian Institute of Planners. The *Registered Professional Planners Act* utilizes the CIP definition of planning as “the planning of the scientific, aesthetic and orderly disposition of land, with a view of securing physical, economic and social efficiency, health and well-being in urban and rural communities.” It identifies the goals or objectives of the Association as follows:

- (a) to protect the public by establishing, maintaining and enforcing a standard of professional ethics and competence among the Association’s membership;
- (b) to promote and contribute to the study and practice of planning in New Brunswick;
- (c) to promote the Association and the professional interest of those engaged in planning, including the use of a seal;
- (d) to participate in the development of public policy issues related to planning;
- (e) to establish beneficial relationships with other groups or associations that have similar interests;
- (f) to govern the Association’s membership in accordance with this Act and the by-laws, in order to serve and protect the public interest; and
- (g) to establish, maintain, develop and enforce standards of qualification for the practice of Registered Professional Planners, including the required knowledge, skill, efficiency, proficiency and accountability.

Nova Scotia

The Licensed Professional Planners Association of Nova Scotia (LPPANS) is governed by the *Professional Planners Act* (2005). The Act accords right to title (“Licensed Professional Planner” or “L.P.P.”). It authorizes LPPANS to issue

licenses to practice to qualified members, but expressly permits non-licensees to practice as professional planners.

This Act was introduced into the legislature in 2005 as a Private Members Bill – an unconventional path for a substantive Bill, and one that rarely meets with success. The stated intent of the Bill was to enable “other organizations, professionals and all levels of government to identify those who are trained and educated to provide professional planning services. It will also help increase the awareness of the planning profession in Nova Scotia and protect the integrity of the profession.” (Nova Scotia Hansard, November 2005).

The bill was supported in writing by other stakeholder organizations closely related to the planning profession, such as the Association of Professional Engineers of Nova Scotia, the Nova Scotia Association of Architects and the Association of Nova Scotia Development Officers.

The Nova Scotia *Professional Planners Act* states that the objects of LPPANS are to :

- (a) regulate the practice of professional planning by its members in accordance with this Act, its by-laws, the standards of practice adopted by the Association and a code of ethics approved by the Association;
- (b) further the recognition of the planning profession in the Province;
- (c) promote the value, use and method of planning;
- (d) improve the quality of the environment in the Province and in communities within the Province by the application of the principles of planning;
- (e) encourage participation and co-operation among those persons, associations and groups concerned with improving the quality of the environment in the Province and in communities within the Province;
- (f) stimulate the generation, development, dissemination and discussion of ideas on planning; and
- (g) protect the interests of the public by establishing, maintaining and enforcing standards of professional practice and ethics among members of the Association.

The Act defines “planning” as “the art and science of providing for the orderly management, disposition and distribution of land, resources, facilities and services and of applying physical, economical and social efficiencies to help ensure the health, well-being and sustainability of communities and regions”.

It defines the "practice of professional planning" quite broadly, as:

- “any act of planning including, without restricting the generality of the foregoing,
- (i) investigating, designing, commissioning, composing, evaluating, advising, reporting, directing or supervising, or managing any of the foregoing, that requires or involves the application of principles of planning and that concerns the safeguarding of life, health, property, economic interests, public welfare or the environment,
 - (ii) the preparation and implementation of plans, studies or strategies involving the application of the principles of planning including, without restricting the generality of the foregoing, regional or municipal plans or strategies, urban or rural plans, land development plans or strategies, land-use by-laws, site plans, subdivision plans, economic plans, environmental plans or studies, social plans, recreation plans, conservation plans, organizational plans, heritage

- plans, lifestyle plans, conceptual plans and strategic plans,
- (iii) the application of skills or techniques for the purpose of planning including, without restricting the generality of the foregoing, computer analysis and data queries, environmental analysis, geological studies, morphology studies, air-photo analysis, cartography or mapping, cost-benefit analysis, physical sciences, social sciences, statistical analysis, demographic research, environmental design and planning, project planning and implementation, research and communication,
- (iv) any tasks necessary to implement the planning legislation of the Province involving the use or application of the principles of planning,
- (v) project management where the principles of planning are involved, and
- (vi) any other tasks that involve the principles of planning;

It includes exceptions (similar to those seen in BC's *Agrologists Act*, *Foresters Act*, and *College of Applied Biology Act*) to this scope of practice for other related professionals:

33 Nothing in this Act affects or interferes with the right of a person who is not a member of the Association to engage in the practice of professional planning including, but not limited to, a person

- (a) registered or licensed under the Architects Act;
- (b) registered or licensed under the Engineering Profession Act;
- (c) registered or licensed under the Land Surveyors Act;
- (d) who is a member of the Nova Scotia Barristers' Society pursuant to the Legal Profession Act; or
- (e) appointed as a development officer under the Municipal Government Act.

LPPANS is a branch of the Atlantic Planners Institute (an affiliate of the CIP).

As mentioned earlier in this paper, since the passage of the *Professional Planners Act* in 2005, Nova Scotia has been following the general trend toward deregulation and greater scrutiny of self-regulated professions. The *Fair Access to Regulated Professions Act* was passed in 2008 to increase government involvement in professional regulation.

Prince Edward Island

The Prince Edward Island Association of Planners (PEIAP) has no legislative mandate. It is a branch of the Atlantic Planners Institute (API), which is an affiliate of the CIP. As with other API branches, the PEIAP is governed by its own bylaws and executive.

Newfoundland and Labrador

Planners in Newfoundland and Labrador are organized as the Newfoundland Branch of the API. There is no legislative mandate. As with the PEIAP, the NL is a Branch of Atlantic Planners Institute and its members enjoy the rights and privileges extended by the API.

The objectives of the Newfoundland Branch are:

- a) to advance the study and practice of Planning in Newfoundland and Labrador;
- b) to promote a high standard of professional competence and conduct in the practice of Planning;
- c) to promote the association and professional interests of those engaged in the practice of Planning; and,
- d) to represent the Atlantic Planners Institute in Newfoundland and Labrador.

The definition of "Planning" mirrors that of the CIP – “ the planning of the scientific aesthetic and orderly disposition of land, resources, facilities and services with a view to securing the physical economic and social efficiency, health and well being of urban and rural communities.”

REGULATION OF OTHER PROFESSIONS IN BRITISH COLUMBIA

Life Safety Mandates

Engineers

The *Engineers and Geoscientists Act* (established in 1920) accords full self-regulatory authority—right to title and right to practice—to the Association of Professional Engineers and Geoscientists of BC (APEGBC). Although the statute provides only a general statement with respect to the public interest rationale (“to uphold and protect the public interest respecting the practice of professional engineering and the practice of professional geoscience”), the rationale is understood to be protection of life safety and health in the design and construction of complex structures.

In 1993 the Provincial Government approved changes to the *Professional Engineers and Geoscientists Act* to provide for a 'Limited License' which allows an Applied Science Technologist (AScT) to acquire a limited license to offer services in the field of professional engineering. This government initiative came after many years of discussions between the Applied Science Technologists and Technicians of BC (ASTTBC) and the Association of Professional Engineers and Geoscientists of BC (APEGBC). The Limited Licence is granted and fees for it are collected by APEGBC.

The two associations also agreed that, in the general fields of engineering, there are certain works and services outside the practice of professional engineering which can be capably handled by Applied Science Technologists (AScT) and Certified Technicians (CTech). APEGBC and ASTTBC work together through a APEGBC/ASTTBC Joint Board to provide guidance on the works and services that are not restricted to a Professional Engineer or holder of a Limited License.

Architects

The Architectural institute of BC was initially founded in 1914 under the *Friendly Societies Act*. In 1920, the *Architects Act* established the AIBC as a self-regulated

profession with both right to title and right to practice privileges. The Institute's public interest mandate is to ensure life safety in the design of complex buildings.

Since the establishment of the Institute, building uses, standards, design, and materials have undergone significant change. Skill and education requirements in building occupations have increased to reflect this, and design professions have emerged that work closely with architects, but are not recognized under the *Architects Act* or any other professional legislation. The AIBC is seeking a comprehensive revision of the *Architects Act* to modernize it and provide a sounder framework for the 'umbrella' model of that the Institute has been moving toward in recent years. The proposed new act would apply to a wider range of parallel professions, including building designers, residential designers, interior designers, and architectural technologists. It would open the door for limited scopes of practice (i.e., right to practice) for these allied design occupations.

In the meantime, similar to APEGBC's initiative with respect to engineering technicians and technologists, the AIBC has been working with design technicians and technologists and interior designers to bring them under the *Architects Act* as associate members. As associate members, they have limited status within AIBC and no defined scope of practice.

Qs and As on the AIBC website regarding their legislative initiative state the following:

"Building Designers and Residential Designers were existing professions seeking a regulatory home as well as having a shared interest with the AIBC in offering solutions to the built environment. By bringing them into the fold, it both better protects the public interest and strengthens the AIBC's status as the home of architecture..."

To date, more than 70 of 90 previous BDIBC members – close to 80 per cent - have transferred to the AIBC, with more applications arriving. Even more encouraging has been the expressions of interest received from previously unaffiliated now that the AIBC offers a regulatory home..."

The interior design community, represented by the Interior Designers Institute of British Columbia (IDIBC), has agreed to join the AIBC and is actively engaged with the institute in supporting new legislation as well as strengthening administrative and regulatory ties with the AIBC. Since the IDIBC is a formal society under the Societies Act and has title protection under that legislation, its members will transfer registration to the AIBC when the new legislation comes into effect."

Building Officials

The *Building Officials Association Act* (1997) gives the Building Officials Association of BC (BOABC) exclusive rights to the titles "Registered Building Official" or "Registered Building Inspector" or the initials "RBO" or "RBI". Building officials are employed by local governments to enforce compliance with the BC Building Code.

The objects of the association are set out in the Act as follows:

- (a) to assist in the development, maintenance and improvement of building regulations;
- (b) to promote the uniform interpretation and enforcement of building regulations;
- (c) to promote greater understanding and knowledge of building regulations among its members, governments, the building industry and related organizations and the public;
- (d) by providing for training, education, certification and discipline, to promote, establish and maintain high standards of knowledge, skill and proficiency in the performance of the functions of building inspection, plan review and the administration of building regulations by its members.

The BOABC is currently consulting with building compliance and built environment stakeholders on the possibility of expanding its mandate to require that building officials be certified by the BOABC. The BOABC will be presenting the results of its consultation to the provincial government, along with a formal request that the *Building Officials' Association Act* be amended to grant right to practice privileges. The rationale for this expanded regulatory authority would be to enhance public safety and consistency in BC Building Code compliance, as no overarching framework exists in BC for monitoring Building Code compliance. Local governments are not required to enforce the Code, and those that do are not subject to provincial standards of practice or competence. In the absence of such a province-wide framework, the BOABC's potential role in enhancing consistency of Code enforcement throughout the province is considered by built environment stakeholders to be significant.

Environmental Stewardship Mandates

Landscape Architects

The BC Society of Landscape Architects (BCSLA) was first established as a society under the *Society Act*. Since 1968, it has been governed by the *Architects (Landscape) Act*, which continued the right-to-title privileges the society was accorded under the *Society Act*. Members in good standing may use the title "Landscape Architect". The BCSLA does not have right-to-practice privileges.

BCSLA's rights and responsibilities under the Act differ little from those accorded by Part 10 of the *Society Act*. The requirement that a number of Board of Examiner members be appointed by the government by Order-in-Council is probably the most significant difference.

The Society "promotes continuing education and high standards of professional practice in order to assure the health, safety and welfare of the public in British Columbia."

Section 11 of the *Architects (Landscape) Act* sets out the objects of the society as follows:

- a) to uphold public health, safety and welfare as it relates to the professional practice of landscape architecture in British Columbia;

- (b) to nurture and further the professional application of landscape architectural knowledge and technique as it relates to the planning, design, development, preservation, protection, restoration, reclamation, rehabilitation, enhancement and management of the environment;
- (c) to advance landscape architectural knowledge and technique;
- (d) to further and maintain proper standards of professional landscape architectural practice in British Columbia.

Agrologists

The BC Institute of Agrologists has exclusive right to the title 'Agrologist' under the *Agrologists Act*, but does not have right to practice privileges.

The Act, which dates from 1947, was amended in 2003 as part of a suite of legislation to support environmental stewardship mandates affecting BC's natural resources and natural resource industries. When the new Act was introduced for debate in the Legislative Assembly, the Minister of Agriculture, Food and Fisheries stated that "[t]he new *Agrologists Act* ... supports the new *Forest and Range Practices Act*. The *Forest and Range Practices Act* establishes a workable, results-based code and reduces the forestry regulatory burden without compromising environmental values. The key to meeting this commitment is to ensure that the government, natural resource industries and the people of British Columbia can rely upon highly trained, dedicated, accountable professionals to make sound resource management decisions."

The definition of 'agrologist' was broadened to reflect the evolution of the profession over the past half-century from traditional agricultural sciences to include natural resource and environmental sciences. The conduct and discipline areas were strengthened. The Act provides for search and seizure powers (upon application to the Court) and fines of up to \$10,000.

Although the *Agrologists Act* does not accord right to practice privileges, a caveat was added to protect the self-regulatory privileges of allied professions. In fact, the statutes governing Professional Foresters, Applied Biologists and Agrologists all include a section to the effect that despite any 'right to practice' the legislation might accord, a professional who is registered under another professional statute is entitled to perform work that falls within his or her legislated scope of practice, even if that work overlaps with your profession's legislated scope of practice. These caveats are intended to address the inevitable practice overlaps that occur between occupations that fall within the comprehensive definitions of agrology, applied biology and professional forestry set out in the respective acts.

Agrology as defined by the Act means "using agricultural and natural sciences and agricultural and resource economics, including collecting or analyzing data or carrying out research or assessments, to design, evaluate, advise on, direct or otherwise provide professional support to:

- (a) the cultivation, production, improvement, processing or marketing of aquatic or terrestrial plants or animals, or
- (b) the classification, management, use, conservation, protection, restoration, reclamation or enhancement of aquatic or terrestrial ecosystems that are affected

by, sustain, or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals.”

The Act states that the purpose of the institute is

- (a) to uphold and protect the public interest by
 - (i) preserving and protecting the scientific methods and principles that are the foundation of the agricultural and natural sciences,
 - (ii) upholding the principles of stewardship that are the foundation of agrology, and
 - (iii) ensuring the integrity, objectivity and expertise of its members, and
- (b) subject to paragraph (a),
 - (i) to govern its members in accordance with this Act and the bylaws, and
 - (ii) to cooperate with other professional or occupational bodies charged with governing the conduct or competence of their members on a matter the institute considers relevant to agrology.

Forest Professionals

The *Foresters Act* came into effect in 1947, to serve the public interest objective of protecting and managing a natural resource. The Act accords right to practice privileges to members of the Association of BC Forest Professionals (ABCFP). It allows non-members to engage in the practice of forestry under the supervision of an ABCFP member, and allows the ABCFP to issue special permits that enable non-members to practice without such supervision.

The *Foresters Act* has been revised on a number of occasions since its inception. The most recent version of the *Foresters Act* came into force on June 20, 2003 and marked some of the biggest changes to the forestry profession in more than fifty years. Some of those changes include:

- The definition of the practice of professional forestry was strengthened.
- New duties and objects of the association were spelled out, including explicit recognition of a limited advocacy mandate.
- A new category of membership was created for Registered Forest Technologists.
- Authority was given to establish voluntary certification for technical forestry specialties.
- Provision was made for alternate dispute resolution mechanisms.
- Investigative powers were increased.
- A whistle-blower clause was added, making it an offense to take punitive action against a member who exercises professional obligations of independent practice or against a member who, in good faith, makes a complaint against another member.

Under the Act, the "practice of professional forestry" means, for fees or other remuneration, advising on, performing or directing works, services or undertakings which, because of their scope and implications respecting forests, forest lands, forest resources and forest ecosystems, require the specialized education, knowledge, training and experience of a registered member, an enrolled member or a special permit holder, and includes the following:

- (a) planning, advising on, directing, approving methods for, supervising, engaging in and reporting on the inventory, classification, valuation, appraisal, conservation, protection, management, enhancement, harvesting, silviculture and rehabilitation of forests, forest lands, forest resources and forest ecosystems;
- (b) the preparation, review, amendment and approval of professional documents;
- (c) assessing the impact of professional forestry activities to
 - (i) verify that those activities have been carried out as planned, directed or advised,
 - (ii) confirm that the goals, objectives or commitments that relate to those activities have been met, or
 - (iii) advise or direct corrective action as required to conserve, protect, manage, rehabilitate or enhance the forests, forest lands, forest resources or forest ecosystems;
- (d) auditing, examining and verifying the results of activities involving the practice of professional forestry, and the attainment of goals and objectives identified in or under professional documents;
- (e) planning, locating and approving forest transportation systems including forest roads;
- (f) assessing, estimating and analyzing the capability of forest lands to yield a flow of timber while recognizing public values related to forests, forest lands, forest resources and forest ecosystems;

The ABCFP has investigative and enforcement responsibilities with respect to forestry practices and natural resource stewardship. Section 4 of the Act defines the duties of the association as follows (emphasis added):

- (a) to serve and protect the public interest,
- (b) to exercise its powers and functions, and to perform its duties, under this Act, and
- (c) to enforce this Act.**

The objects of the association are defined as follows:

- (a) to uphold the public interest respecting the practice of professional forestry by
 - (i) ensuring the competence, independence, professional conduct and integrity of its members, and
 - (ii) ensuring that each person engaged in the practice of professional forestry is accountable to the association;
- (b) to advocate for and uphold principles of stewardship of forests, forest lands, forest resources and forest ecosystems;**
- (c) to govern its members in accordance with this Act, the bylaws and the resolutions;
- (d) to establish, monitor and enforce standards of education and qualifications for enrollment, registration and continued membership in the association;
- (e) to establish, monitor and enforce codes of conduct and standards of practice for its members;

(f) to create and administer voluntary certification schemes for technical occupations related to the practice of professional forestry.

The *Foresters Act* enforcement provisions include search and seizure powers (upon application to the Court), and provisions for fines of at least \$1000 for a first offence, and at least \$10,000 for a third and subsequent offence.

Consumer Protection and Fair Practices Mandates

Real Estate Council

The Real Estate Council of British Columbia is a regulatory agency whose mandate is to protect the public interest by enforcing the licensing and licensee conduct requirements of the *Real Estate Services Act*. The Council is responsible for the mandatory licensing of individuals and brokerages engaged in real estate sales, rental and strata property management. In addition to the traditional duties of a self-regulated profession (e.g., establishing and administering eligibility and educational requirements) the Real Estate Council has an expanded regulatory role in the area of consumer protection. The Council is mandated to investigate complaints against licensees and impose disciplinary sanctions under the Act.

Real Estate Institute

The Real Estate Institute of British Columbia (REIBC) is a non-regulatory organization of diversified professionals, with a view to advancing high standards of education, knowledge, professional development and business practice in all sectors of the real estate industry. Members of this multi-disciplinary organization include individuals from all sectors of real estate and the business community including:

- Sales and Leasing
- Investment and Finance
- Project and Land Development
- Property Management
- Appraisal and Assessment
- Real Estate Consulting
- Legal and Notarial Services
- Industry Education

Appraisal Institute

The BC Association Appraisal Institute of Canada (BCAAIC) is an affiliate of the Appraisal Institute of Canada. The AIC is a federally incorporated (*Canada Corporations Act*) not-for-profit association that is registered with Industry Canada. Its affiliated associations in other Canadian provinces and territories are similarly incorporated under relevant provincial legislation such as the Society Act.

Thus, the BCAAIC, by virtue of its membership agreement with the AIC, has right to use of the AIC copyrighted and trademark protected titles CRA (Canadian

Residential Appraiser), AACI (Accredited Appraiser Canadian Institute), and P.App (Professional Appraiser). BCAAIC does not have right to practice privileges.

General Public Interest Mandate

ASTTBC

The Applied Science Technologists and Technicians of BC (ASTTBC) was formed under the *Society Act* in 1958. In 1985, ASTTBC was established as a self-regulatory association under the *Applied Science Technologists and Technicians Act*. The Act accords right to the titles Applied Science Technologist (A. Sc.T) and Certified Technician (C. Tech.).

The Act does not accord right to practice. A very broad "definition of practice" is incorporated in the ASTT Regulations (Section 4.1 and 4.2):

“inspecting, sampling, evaluating, testing, measuring, troubleshooting, servicing, repairing, maintaining, designing, manufacturing, installing, implementing, reporting on, preparing plans and specifications for, or directing the construction, technical inspection, maintenance or operation of, any structure, work or process, that,

- i) safeguards life, health, property, environment, public interest or economic welfare, and,
- ii) which is accomplished through the application of codes, standards and generally recognized procedures and practices appropriate to the endeavour.”

Under the Act, the objects of the association include a general statement with regard to regulating training and practice standards “to protect the interests of the public”.

The ASTT Regulations identify the following as “approved applied science technology disciplines”:

“Biological Science, Biomedical Engineering, Building, Chemical, Civil, Electrical, Electronics, Environmental, Forest Engineering, Gas and Petroleum, Geomatics, Information, Metallurgical, Mechanical, Mining, and any other discipline approved by Council.”

ASTTBC members often work alongside professionals who are regulated under professional self-regulation statutes, such as Professional Engineers, Registered Professional Foresters, Architects, BC Land Surveyors, Registered Professional Biologists and Professional Agrologists. The association has been seeking recognition of its members by these bodies as well as by government. With the deregulation of most trades in BC, the significance of ASTTBC’s public interest oversight of training and practice standards may potentially have increased.

However, it is challenging for ASTTBC to persuade provincial legislators of the need for an expanded regulatory mandate in areas that are currently served by other professional statutes. As discussed above, an APEGBC/ASTTBC Joint

Board has been established to provide guidance on the engineering-related works and services that are not restricted to a Professional Engineer or holder of an APEGBC 'Limited License'. ASTTBC continues to seek similar agreements on the division of areas of practice of ASTTBC Members and other professional groups.

In addition, ASTTBC certified house and property inspectors are now (since March 2009) subject to mandatory licensing by Consumer Protection BC (formerly the Business Practices and Consumer Protection Authority). Consumer Protection BC accepts credentials issued by ASTTBC and three other approved organizations (CAHPIBC, NCPCHPI, and CanNACHI) as the basis for licensing decisions.

CURRENT GOVERNMENT OBJECTIVES WITH RESPECT TO REGULATION

General position on regulation/deregulation

The current position of the BC government toward professional regulation reflects the broad trends that prevail across Canadian provinces and territories and the United States. In general, professional regulation has fallen out of favour, and groups seeking regulation face the challenge of convincing government that regulation is in the public interest. Governments today are more concerned with reducing administrative burdens, and reluctant to take on new regulatory responsibilities.

For occupational groups or professions with specialized knowledge, self-regulation has traditionally been seen as the preferred option in the belief that the profession itself is most able to monitor standards of practice. On the other hand, governments have become more concerned with the risk of 'regulatory capture', where the regulatory scheme ends up serving the interests of the regulated group more so than the public interest. As a result, self-regulating professions today face higher expectations with respect to accountability and transparency.

Economic Factors

Governments are increasingly concerned about the potential impacts of professional regulation on the economy, in terms of barriers to entry (with respect to entrance standards and exclusive scopes of practice), potential negative impacts upon competition, and labour mobility.

Competition

According to the Conference Board of Canada, Canada has a very high proportion of college and university-trained workers in the labour force compared to other developed countries. The Conference Board, the Competition Bureau and others have raised concerns that the credentialing process in Canada is becoming increasingly complex, and that self-regulating professions are setting "entry to practice" standards at increasingly higher levels. A report by the Competition Bureau concluded that in some instances professional regulation has imposed rules and regulations that are anticompetitive and go beyond protecting the public interest and more toward the protection of professional self-interest.

These concerns have led a number of provinces to establish legislation that restricts the authority of professional regulatory bodies and increases government involvement in the establishment of educational requirements. Some of the recent legislative measures in Alberta, Manitoba, Ontario and Nova Scotia are listed below.

Alberta

Over the past decade, Alberta amended its professional legislation to increase the province's role in decisions made by self-regulating bodies regarding education and training standards. The intent of this increased provincial government involvement is to ensure that standards reflect the requirements to do the job and are not unnecessarily high. Amendments were made to:

- the *Alberta Professional Statutes Amendment Act, 2007* – affects the *Architects Act, Engineering, Geological and Geophysical Professions Act, Land Surveyors Act, Professional and Occupational Associations Registration Act, Regulated Accounting Professions Act, and Veterinary Profession Act.*
- the *Agronomy Profession Act* in 2007
- the *Regulated Forestry Profession Act* in 2002
- the *Health Professions Act* in 2001

Most recently, in March 2010, Alberta passed the *Alberta Competitiveness Act*, which will establish an oversight body to ensure that the following objectives are met:

“WHEREAS the Government of Alberta believes that the role of government is to create the conditions for competitiveness so that entrepreneurship, innovation and investment will generate benefits for Albertans; and WHEREAS better alignment of activities across Government to strengthen partnerships among Albertans, business, industry and Government will support the development of a shared strategy to increase Alberta's competitiveness (from the preamble to the Alberta Competitiveness Act)

Ontario

In 2006, the Ontario *Fair Access to Regulated Professions Act* established a Fairness Commissioner who is responsible for ensuring that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair.

Manitoba

In 2009, the Manitoba *Fair Registration Practices in Regulated Professions Act* established a Fairness Commissioner similar to that of Ontario. This Act requires that regulators review their registration practices and report on their compliance with the Act at specified times.

In 2008, Nova Scotia passed a counterpart to Ontario's and Manitoba's acts in the *Fair Access to Regulated Professions Act*.

The following excerpt from the preamble to the Act expresses the public interest rationale for continued self-regulation along with greater government involvement in the setting of eligibility and educational standards:

“...WHEREAS the health, safety and quality of life of people in Nova Scotia depend on services provided by a wide range of professionals;
AND WHEREAS regulating bodies are responsible for protecting the public interest by ensuring high standards of professional practice;
AND WHEREAS the registration practices of regulating bodies should be clear and well-defined and ensure that all applicants for registration receive fair consideration;
AND WHEREAS Nova Scotia is committed to an informed, fair and systematic approach to improving professional recognition processes for skilled individuals educated outside Canada...”

Labour Mobility

AIT

The Agreement on Internal Trade (AIT) is an intergovernmental agreement signed by Canadian First Ministers that came into force in 1995. Its purpose is to foster improved interprovincial trade by addressing obstacles to the free movement of persons, goods, services and investments within Canada. It aims to do this by removing existing interprovincial trade barriers, preventing the establishment of new barriers and harmonising interprovincial standards. Parties to the AIT agree to the following six general rules:

Non-discrimination – Establishing equal treatment for all Canadian persons, goods, services and investments.

Right of entry and exit – Prohibiting measures that restrict the movement of persons, goods, services or investments across provincial or territorial boundaries.

No obstacles – Ensuring provincial/territorial government policies and practices do not create obstacles to trade.

Legitimate objectives – Ensuring provincial/territorial non-trade objectives which may cause some deviation from the above guidelines have a minimal adverse impact on interprovincial trade.

Reconciliation – Providing the basis for eliminating trade barriers caused by differences in standards and regulations across Canada.

Transparency – Ensuring information is accessible to interested businesses, individuals and governments.

The AIT focuses on reducing trade barriers within eleven specific sectors. ‘Labour Mobility’ is one of them, and it is defined as “Enabling qualified

workers to practice their occupation anywhere in Canada by eliminating residency requirements, requiring licensing, certification and registration of workers to be based primarily on competence, committing to recognizing a worker's occupational qualifications and reconciling differences in occupational standards. “

TILMA

The Trade, Investment and Labour Mobility Agreement (TILMA) was entered into by the governments of Alberta and British Columbia to create a more open, competitive economy where goods, services, workers and investments can move more freely between the two provinces. TILMA requires the two provinces to:

- Mutually recognize or reconcile existing standards and regulations that restrict or impair trade, investment or labour mobility.
- Not establish new standards or regulations that could restrict or impair trade, investment or labour mobility.
- Reduce differences in standards or regulations that achieve legitimate objectives.
- Notify each other of standards and regulations that may affect interprovincial trade, investment and labour mobility.

RECENT BC GOVERNMENT DECISIONS, AND THE IMPLICATIONS FOR POSSIBLE MODELS

The broad trends discussed earlier in this paper (with respect to regulatory reform, competition and labour mobility) are in strong evidence in BC. Since 2001, the Province of BC has been committed to reducing regulation by one third and maintaining a zero net increase in regulatory requirements through to 2012. Examples of new legislation to enable professional regulation are rare. The two most recent examples of professional groups who have obtained new regulatory statutes in BC are agrologists, and applied biologists.

The new *Agrologists Act* did not introduce new professional regulation; it was brought forward by the Minister of Agriculture, Food and Fisheries in 2003 to replace the half-century old *Agrologists Act*, which had remained largely unchanged since its adoption in 1947. The revised *Agrologists Act* was part of a broader government initiative to review and strengthen natural resource and environmental science acts in BC. Amendments to or revisions of *The Foresters Act*, the *Forest and Range Practices Act*, the *Professional Engineers and Geoscientists Act*, the rewritten *Agrologists Act*, and a brand new *College of Applied Biology Act* were introduced within a two or three year period under this government initiative. Prior to the new act, Applied Biologists had been governed under the occupational titles protection provisions of Part 10 of the *Society Act*.

The context and rationale for the new act was made clear by the Minister of Forests and Range when he introduced the bill in the legislature in 2002:

“The new College of Applied Biology Act gives professional biologists the same recognition and responsibilities as other self-regulating professions like forestry, agrology, engineering and geoscience. The act establishes a college of applied biology to oversee the profession of applied biology. The college is charged with upholding and protecting the public interest by preserving and protecting the scientific methods and principles that are the foundation of the applied biology sciences; upholding the principles of stewardship of aquatic and terrestrial ecosystems and biological resources; and ensuring the integrity, objectivity and expertise of its members.”
(Hansard, November 18, 2002)

“Recently I introduced the *Forest and Range Practices Act*, which establishes a workable results-based code and reduces the forestry regulatory burden without compromising environmental values. The key to meeting this commitment is to ensure that the government, natural resource industries and the people of British Columbia can rely upon highly trained, dedicated, accountable professions to make sound resource-management decisions.”
(Hansard, November 20, 2002)

Of interest, although of less relevance for the PIBC, Consumer Protection BC (CPBC) is generally considered as a potential ‘home’ for industry groups that seek self-regulatory privileges. Consumer Protection BC (formerly the Business Practices and Consumer Protection Authority) was established in 2004 as an independent, not-for-profit corporation to strengthen consumer protection. It is responsible for licensing and regulating a range of businesses and occupations. With the exception of the funeral services industry, which includes a significant health safety component, all of the regulatory schemes administered by Consumer Protection BC have a clear consumer protection rationale. Since its inception, CPBC is considered by the provincial government as the first-option home for any new regulatory scheme that serves to protect consumers. Mandatory licensing of home inspectors is the CPBC’s most recent new responsibility.

Aside from the *College of Applied Biology Act*, no new professional self-regulatory schemes have been established in British Columbia for many years. According to staff in the Ministry of Advanced Education, more and more groups are turning to the occupational titles protection provisions of the *Society Act*. Overall, it has probably never been more challenging for a profession to gain legislated authority for self-regulation beyond registration under the occupational titles protection provisions of the *Society Act*.

Key decision points for regulatory proposals

Requests to government for new or amended legislation are subjected to extensive analysis by policy staff in the sponsoring ministry and again as the proposals make their way through internal government cross-ministerial committees. The following are some key questions that government policy staff will consider in their analysis.

General considerations

- What public policy issue(s) will be addressed by the proposal?
Is there a risk of harm to the public from practitioners in the profession?
What are the likely impacts of non-action?

How urgent is the need?

- Which regulatory model is most appropriate?
What powers or responsibilities does the organization require that are not available to it under the *Society Act*?
- Is the professional group clearly delineated? For example, is there a defined body of knowledge that may be attained through specified education? Can the professional services provided by members be defined? Do members of this professional group overlap significantly with another occupational group?
- Does the professional group have the capacity to administer self-regulation and meet accountability requirements? For example, does the group have adequate financial resources and the commitment of enough members to implement and administer a program of self-regulation?
- Has the professional group consulted with its members and any relevant stakeholders?
How do members and stakeholders feel about the proposal?
Does the proposal address their concerns?

Economic Considerations

- Will the regulation produce a net increase or decrease in regulation? Will it result in inefficiencies or increased costs for the public, businesses, or other stakeholders? New or expanded regulation is sometimes justified if it enables the elimination of existing regulation or results in more streamlined processes for businesses, industries, employers, or clients.
- Is the proposed regulatory scheme consistent with the AIT and TILMA? Agreements to recognize credentials from other jurisdictions may not be enough. Standardized eligibility and educational requirements are seen as more desirable, and where they do not exist proponents may need to demonstrate that their proposed standards are either the same as comparable jurisdictions, or that any differences can be justified as being in the public interest.

CONCLUSIONS AND NEXT STEPS

The current cautionary approach by the province toward new regulation means that any initiative by PIBC to seek self-regulatory authority for the planning profession will require a long-term (perhaps five or six year) plan. A staged plan with more modest shorter-term goals will be more achievable. It is not realistic to aim for 'right to practice' privileges in anything but the longer term.

PIBC can consider a range of options for professional self-governance. These include:

1. PIBC's current approach of registration under the *Society Act*, Part 10 Occupational Titles Protection. This provides for right to title, and enables an organization to establish a 'track record' that may be helpful in persuading government to grant self-regulatory privileges in the future.
2. Seek a dedicated professional act. This will be challenging to achieve, and will require that PIBC demonstrate that a clear public interest need exists that can be mitigated by the regulation.
3. Seek inclusion in an existing act, such as the 1993 amendments to the *Engineers and Geoscientists Act* that enable APEGBC to grant 'Limited Licenses' for some ASTTBC disciplines. This also will be challenging to achieve, and will depend upon the demonstration of a clear public interest need.
4. Affiliation with an existing organization (e.g., ASTTBC's many 'branches' of allied technical and technological disciplines, and AIBC's associate memberships for building design technicians and interior designers). If appropriate organizations can be identified, this approach could form part of a staged approach to gaining self-regulatory privileges. However, it does carry implications and challenges for PIBC's continuing existence as the association for all professional planners.

Possible Next Steps

PIBC should establish priority goals for the short and longer terms that are realistic and achievable given the current regulatory climate in BC. This could include a phased approach to achieving a legislative mandate in the longer term.

A plan to work toward the goal of professional legislation should include the following major tasks:

- Clearly define the role of planners, their key responsibilities, the types of work they do, the multi-disciplinary environments in which they work, the skills and knowledge they must bring to bear, and the need for continuing professional development to keep pace with rapid technological changes in a multi-disciplinary environment.
- Clarify what public interest goals PIBC might achieve through self-regulation of the profession.
- Develop a rationale and model framework for professional self-governing regulation by professional planners. The model framework should fit the public interest goals and rationale for regulation, and should reflect public interest requirements for fairness, transparency, accountability, and labour mobility.

**APPENDIX I – SUMMARY TABLE OF PROFESSIONAL PLANNER
REGULATION IN OTHER JURISDICTIONS**

JURISDICTION	Legislation			RATIONALE FOR SELF-GOVERNANCE	DETAILS
	Right to Title	Right to Practice	Credential		
Alberta	Yes	No	Registration an Alberta Community Planner, or ACP	Seeking stronger self-governing authority, on basis of increased disciplinary actions, increased legal fees, increasing potential liability risks.	<ul style="list-style-type: none"> Professional and Occupational Associations Registration Act Alberta Community Planner Reg. 240/89 (in process of revision) Affiliate of CIP “practice of planning” means the process of planning the scientific, aesthetic and orderly allocation of land, community resources facilities and services with a view to maintaining and improving the physical environment and the economic and social conditions of urban and rural communities. <p>Other legislation: Alberta <i>Competitiveness Act</i> (Bill 1, Feb 2010); <i>Professional Statutes Amendment Act</i> (Bill 2, Feb 2010) – affects Architects Act, Engineering, Geological and Geophysical Professions Act, Land Surveyors Act, Professional and Occupational Associations Registration Act, Regulated Accounting Professions Act, and Veterinary Profession Act. Similar amendments were made to the Agrology Profession Act in 2007 and the Regulated Forestry Profession Act in 2002, and the Health Professions Act in 2001. Purpose is to increase government’s involvement in decisions affecting postsecondary qualifications, to ensure they are not unnecessarily high.</p>
Ontario	Yes	No	Registered Professional Planner, or RPP	<p>Exploring right to practice. Member survey indicated that 70% support right to practice. Rationale:</p> <ul style="list-style-type: none"> Liability concerns (e.g., Walkerton) Impacts/contributions of planners’ functions on citizens - Ensuring we have people who are qualified/able to support Healthy Communities approach To help address challenges of ensuring local decisions are made in the public interest, and not unduly influenced by political or private sector interests. 	<ul style="list-style-type: none"> <i>An Act Respecting the Ontario Professional Planners Institute, 1994</i> Affiliate of CIP Sec 9 (5) permits non-members to describe themselves as planners or professional planners and practice as such 1) The objects of the Institute are, (a) to promote, maintain and regulate high standards of professional planning practice and ethical behaviour; (b) to further the recognition of the planning profession in Ontario; (c) to promote the value, use and methods of planning; (d) to improve the quality of Ontario environments and communities by the application of planning principles; (e) to encourage participation and cooperation among those persons, associations and groups concerned with improving the quality of Ontario environments and communities; (f) to stimulate the generation, development, dissemination and discussion of ideas on planning. 2) In subsection (1), planning includes the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well being. <p>Other legislation: <i>Fair Access to Regulated Professions Act</i> 2006. Appoints a Fairness Commissioner to provide oversight to ensure that regulated professions and individuals applying for registration by regulated professions are governed by registration practices that are transparent, objective, impartial and fair.</p> <p>* RPPs may testify as expert witnesses at Ontario Municipal Board hearings by virtue of Bylaw 4 of the Law Society of Upper Canada.</p>

JURISDICTION	Legislation			RATIONALE FOR SELF-GOVERNANCE	DETAILS
	Right to Title	Right to Practice	Credential		
Saskatchewan	Yes	Yes	<ul style="list-style-type: none"> Professional Community Planner Provision for temporary licences 	Unclear	<ul style="list-style-type: none"> Community Planning Profession Act, 1978 Affiliate of CIP Sec 14 provides for reciprocity Sec 21 – certificate of membership and registration Sec 18 – temporary license Sec 41 – right to practice “community planning office” means an office, whether of a department or agency of a government or of a person or persons engaged in private business, in which the principal work is the preparation of comprehensive plans of development and in which is employed on a full-time basis, in a senior position, a person who has a degree or diploma in community planning from a recognized university or an institution of learning of equivalent status;(e)“comprehensive plan of development” means a study of the development characteristics of a community or region, made for the purpose of formulating plans, reports or legal instruments to guide, control or otherwise influence the physical development of the community or region or any part hereof, where such plans, reports or legal instruments are an integral part of and are contained in and expressed by the study and include an examination of at least the population, land use, economic base and transportation characteristics of the community or region in terms of their existing conditions, trends and probable future conditions, together with a formulation of development proposals relating to those aspects of the community or region or any part thereof; provided that the information contained in the study is insufficient detail to permit the evaluation of the implications that the characteristics examined may have for any plans, reports or legal instruments designed to influence the physical development of the community or region or any part thereof; “professional community planning” or “the practice of professional community planning” means the preparation of comprehensive plans of development, including the preparation of such plans for one or more communities or regions;
Manitoba	Only as a branch of the CIP	No	MCIP (CIP)		<ul style="list-style-type: none"> No legislative mandate MPPI is an affiliate of the CIP Publishes joint members newsletter with the Association of Community Planners of Saskatchewan Other legislation: <i>Fair Registration Practices in Regulated Professions Act 2007</i>, requires regulators to review their registration practices and report on their compliance with the Act, at specified times.
Quebec	Yes	No	Urbanist, Town Planner, City Planner	Unclear	<ul style="list-style-type: none"> Code des professions (1963?) Affiliate of CIP En vertu du Code des professions, les urbanistes sont les seuls professionnels pour lesquels l'État québécois reconnaît juridiquement la compétence de fournir au public des services comportant l'application des principes et des méthodes d'aménagement et d'utilisation du territoire.
New Brunswick	Yes	No	Registered Professional Planner (RPP)	Preamble to the Act suggest the rationale is development of the profession	<ul style="list-style-type: none"> Registered Professional Planners Act 2005 (Private Members Bill?) A branch of Atlantic Planners Institute, which is an affiliate of Canadian Institute of Planners <p>“planning” means the planning of the scientific, aesthetic and orderly disposition of land, with a view of securing physical, economic and social efficiency, health and well-being in urban and rural communities. (urbanisme)</p>

JURISDICTION	Legislation			RATIONALE FOR SELF-GOVERNANCE	DETAILS
	Right to Title	Right to Practice	Credential		
Nova Scotia	Yes	No	Licensed Professional Planner, LPP	<p>From Hansard: "The bill will enable the Licensed Professional Planners Association to regulate the practice of planning by its members through the establishment of the conditions and requirements of licensing, as well as standards of practice and code of ethics which will be overseen by a board of peers. This recognition will enable other organizations, professionals and all levels of government to identify those who are trained and educated to provide professional planning services. It will also help increase the awareness of the planning profession in Nova Scotia and protect the integrity of the profession."</p>	<ul style="list-style-type: none"> • <i>Professional Planners Act 2005 – Private Members Bill</i> (see Hansard) • Branch of the Atlantic Planners Institute <p>14 (1) Every person who holds a licence that is in good standing may engage in the practice of professional planning in the Province and may use the designation "Licensed Professional Planner" or "L.P.P.".</p> <p>33 Nothing in this Act affects or interferes with the right of a person who is not a member of the Association to engage in the practice of professional planning including, but not limited to, a person</p> <p>(a) registered or licensed under the Architects Act;</p> <p>(b) registered or licensed under the Engineering Profession Act;</p> <p>(c) registered or licensed under the Land Surveyors Act;</p> <p>(d) who is a member of the Nova Scotia Barristers' Society pursuant to the Legal Profession Act; or</p> <p>(e) appointed as a development officer under the Municipal Government Act.</p> <p>i) "planning" means the art and science of providing for the orderly management, disposition and distribution of land, resources, facilities and services and of applying physical, economical and social efficiencies to help ensure the health, well-being and sustainability of communities and regions;</p> <p>(j) "practice of professional planning" means any act of planning including, without restricting the generality of the foregoing,</p> <p>(i) investigating, designing, commissioning, composing, evaluating, advising, reporting, directing or supervising, or managing any of the foregoing, that requires or involves the application of principles of planning and that concerns the safeguarding of life, health, property, economic interests, public welfare or the environment,</p> <p>(ii) the preparation and implementation of plans, studies or strategies involving the application of the principles of planning including, without restricting the generality of the foregoing, regional or municipal plans or strategies, urban or rural plans, land development plans or strategies, land-use by-laws, site plans, subdivision plans, economic plans, environmental plans or studies, social plans, recreation plans, conservation plans, organizational plans, heritage plans, lifestyle plans, conceptual plans and strategic plans,</p> <p>(iii) the application of skills or techniques for the purpose of planning including, without restricting the generality of the foregoing, computer analysis and data queries, environmental analysis, geological studies, morphology studies, air-photo analysis, cartography or mapping, cost-benefit analysis, physical sciences, social sciences, statistical analysis, demographic research, environmental design and planning, project planning and implementation, research and communication,</p> <p>(iv) any tasks necessary to implement the planning legislation of the Province involving the use or application of the principles of planning,</p> <p>(v) project management where the principles of planning are involved, and</p> <p>(vi) any other tasks that involve the principles of planning;</p> <p>Other legislation: <i>Fair Access to Regulated Professions Act, 2008 –</i></p> <p>"WHEREAS the health, safety and quality of life of people in Nova Scotia depend on services provided by a wide range of professionals;</p> <p>AND WHEREAS regulating bodies are responsible for protecting the public interest by ensuring high standards of professional practice;</p> <p>AND WHEREAS the registration practices of regulating bodies should be clear and well-defined and ensure that all applicants for registration receive fair consideration;</p> <p>AND WHEREAS Nova Scotia is committed to an informed, fair and systematic approach to improving professional recognition processes for skilled individuals educated outside Canada..."</p>

JURISDICTION	Legislation			RATIONALE FOR SELF-GOVERNANCE	DETAILS
	Right to Title	Right to Practice	Credential		
PEI	Only as a branch of the CIP	No	MCIP, FCIP (CIP)		<ul style="list-style-type: none"> Prince Edward Island Association of Planners Governed by Bylaws; no legislative mandate Branch of the Atlantic Planners Institute
Newfoundland and Labrador	Only as a branch of the CIP	No	MCIP, FCIP (CIP)		<ul style="list-style-type: none"> No legislation Branch of Atlantic Planners Institute <p>"Planning" means the planning of the scientific aesthetic and orderly disposition of land, resources, facilities and services with a view to securing the physical economic and social efficiency, health and well being of urban and rural communities.</p>
National	Yes	No	MCIP FCIP		<ul style="list-style-type: none"> Canadian Institute of Planners Canada Corporations Act <p>The Canadian Institute of Planners defines planning as ""the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities."</p> <p><u>The professional planner</u> The recognized professional accreditation for planners in Canada is "MCIP", signifying that the holder of the designation is a full member of the Canadian Institute of Planners. An MCIP has a university degree, usually in planning or a related area, has acquired a minimum of two years of responsible planning experience and has met rigorous examination standards required by the Canadian Institute of Planners, the professional association for planners. An MCIP adheres to a Code of Professional Practice developed by the Institute delineating the planner's responsibility to the public interest, clients and employers and the profession.</p> <p>More than half of the CIP's 6,000 members are government employees, mainly working for municipal/local planning offices. More than one-third of our members work in private businesses, typically as consultants, developers, or as advisors to lawyers or corporations. Many are involved in projects in other countries. The planning profession is part of a growing multi-million dollar service sector in Canada's economy that includes engineers, architects, landscape architects, and surveyors, among others</p> <p>Seven affiliates (formerly "chapters"),-- Alberta Association, Canadian Institute of Planners (Alberta, NWT & Nunavut, Association of Professional Community Planners of Saskatchewan, Atlantic Planners Institute / Institut des urbanistes de l'Atlantique (NF, NS, NB, & PEI), Manitoba Professional Planners Institute, Ontario Professional Planners Institute, Ordre des urbanistes du Québec, Planning Institute of British Columbia (BC & Yukon)-- are recognized in the CIP bylaws as equal partners. Affiliates provide the majority of direct membership services.</p>

**APPENDIX II – SUMMARY TABLE OF PROFESSIONAL REGULATION
OF ALLIED PROFESSIONS IN BC**

ORGANIZATION	Legislation			RATIONALE	DETAILS
	Right to Title	Right to Practice	Credential		
Architectural Institute of BC	Yes	Yes	Architect	Life safety	<ul style="list-style-type: none"> • <i>Architects Act</i> • Incorporated 1920 • Historical note: the institute was originally founded in 1914 under the Friendly Societies Act • Governing Board: 15 members – 10 elected by members, Director of School of Architecture at UBC, and 4 lay members appointed by Order in Council • Expanding their mandate by bringing in associate members who have limited status in the Institute and no defined 'scopes of practice' (e.g., building designers, architectural technologists; also considering interior designers).
Association of Professional Engineers and Geoscientists of BC	Yes	Yes	Registered or licensed as: <ul style="list-style-type: none"> • Professional Engineer • Professional Geoscientist 	Life safety APEGBC and ASTTBC have agreed that, in the general fields of engineering, there are certain works and services outside the practice of professional engineering which can be capably handled by Applied Science Technologists (AScT) and Certified Technicians (CTech).	<ul style="list-style-type: none"> • <i>Engineers and Geoscientists Act, 1920</i> • Prohibition on practice "except as permitted in this act..." • Governing board: 8 elected, 4 appointed, 1 faculty appointment <p>In 1993, after many years of discussions between ASTTBC and APEGBC, the Provincial Government approved changes to the Professional Engineers and Geoscientists' Act to provide for a 'Limited License' which allows an Applied Science Technologist (AScT) to acquire a limited license to offer services in the field of professional engineering.</p> <p>APEGBC/ASTTBC Joint Board provides guidance on works and services that are not restricted to a Professional Engineer or holder of a Limited License, and that are open to AScT's and CTech's registered under the ASTT Act.</p>
Building Officials' Association of BC	Yes	No	<ul style="list-style-type: none"> • Registered Building Official (RBO) • Registered Building Inspector (RBI) • Building Code Qualified (BCQ) 	Building regulation and life safety Objects of the association (from BOA Act): (a) to assist in the development, maintenance and improvement of building regulations; (b) to promote the uniform interpretation and enforcement of building regulations; (c) to promote greater understanding and knowledge of building regulations among its members, governments, the building industry and related organizations and the public; (d) by providing for training, education, certification and discipline, to promote, establish and maintain high standards of knowledge, skill and proficiency in the performance of the functions of building inspection, plan review and the administration of building regulations by its members.	<ul style="list-style-type: none"> • <i>Building Officials' Association Act</i> <p>Building Officials are employed by local governments to monitor and enforce compliance with the BC Building Code. In the absence of a province-wide framework for Building Code compliance, BOABC is seen to play a significant role in achieving consistent training and consistent Code compliance practices.</p> <p>BOABC is currently pursuing right to practice legislation, with the rationale that this would enhance consistency in Code compliance.</p>

ORGANIZATION	Legislation			RATIONALE	DETAILS
	Right to Title	Right to Practice	Credential		
Association of BC Forest Professionals	Yes	Yes	Registration as: <ul style="list-style-type: none"> Professional Forester Registered Forest Technologist 	Environmental stewardship Duty and objects of the association 1) It is the duty of the association <ol style="list-style-type: none"> to serve and protect the public interest, to exercise its powers and functions, and to perform its duties, under this Act, and to enforce this Act. (2) The objects of the association are the following: <ol style="list-style-type: none"> to uphold the public interest respecting the practice of professional forestry by <ol style="list-style-type: none"> ensuring the competence, independence, professional conduct and integrity of its members, and ensuring that each person engaged in the practice of professional forestry is accountable to the association; to advocate for and uphold principles of stewardship of forests, forest lands, forest resources and forest ecosystems; to govern its members in accordance with this Act, the bylaws and the resolutions; to establish, monitor and enforce standards of education and qualifications for enrollment, registration and continued membership in the association; to establish, monitor and enforce codes of conduct and standards of practice for its members; to create and administer voluntary certification schemes for technical occupations related to the practice of professional forestry. 	<ul style="list-style-type: none"> <i>Foresters Act</i> Governing Board: 10 elected, 2 lay members appointed by Order in Council Anyone who wants to practise professional forestry in British Columbia must be a member of the Association of BC Forest Professionals (ABCFFP). Non-registrants may engage in practice of forestry under supervision of a registered member, or under a special permit <p><i>Foresters Act</i> was first introduced in the BC Legislature in 1945 and subsequently went into effect in April 1947. Over the ensuing years, the <i>Foresters Act</i> was revised on a number of occasions.</p> <p>The most recent version of the <i>Foresters Act</i> came into force on June 20, 2003 and marked some of the biggest changes to the forestry profession in more than fifty years. Some of those changes include:</p> <ul style="list-style-type: none"> A strengthened definition of the practice of professional forestry. New duties and objects of the association spelled out, including explicit recognition of a limited advocacy mandate. A new category of membership created for Registered Forest Technologists. Authority given to establish voluntary certification for technical forestry specialties. Inclusion of alternate dispute resolution mechanisms. Increased investigative powers. A whistle-blower clause added making it an offense to take punitive action against a member who exercises professional obligations of independent practice or against a member who, in good faith, makes a complaint against another member. <p>The <i>Foresters Act</i> defines six classes of membership. Three are practising classes and three are not.</p> <p>Registered members, special permit holders and enrolled members are entitled to practise according to the terms and conditions of each particular class and category of membership.</p> <p>Registered Professional Forester (RPF): can engage in full range of professional forestry practice.</p> <p>Registered Forest Technologist (RFT): can engage in aspects of professional forestry practice.</p>

ORGANIZATION	Legislation			RATIONALE	DETAILS
	Right to Title	Right to Practice	Credential		
BC Institute of Agrologists	Yes	No	Agrologist	<p>Environmental stewardship</p> <p>(2) The purpose of the institute is</p> <p>(a) to uphold and protect the public interest by</p> <p>(i) preserving and protecting the scientific methods and principles that are the foundation of the agricultural and natural sciences,</p> <p>(ii) upholding the principles of stewardship that are the foundation of agrology, and</p> <p>(iii) ensuring the integrity, objectivity and expertise of its members, and</p> <p>(b) subject to paragraph (a),</p> <p>(i) to govern its members in accordance with this Act and the bylaws, and</p> <p>(ii) to cooperate with other professional or occupational bodies charged with governing the conduct or competence of their members on a matter the institute considers relevant to agrology.</p>	<ul style="list-style-type: none"> • <i>Agrologists Act</i> <p>Agrology as defined by the Act means using agricultural and natural sciences and agricultural and resource economics, including collecting or analyzing data or carrying out research or assessments, to design, evaluate, advise on, direct or otherwise provide professional support to:</p> <p>(a) the cultivation, production, improvement, processing or marketing of aquatic or terrestrial plants or animals, or</p> <p>(b) the classification, management, use, conservation, protection, restoration, reclamation or enhancement of aquatic or terrestrial ecosystems that are affected by, sustain, or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals.</p>
BC Society of Landscape Architects	Yes	No	Landscape Architect	<p>Environmental stewardship</p> <p>Sec 11: The objects of the society are the following:</p> <p>a) to uphold public health, safety and welfare as it relates to the professional practice of landscape architecture in British Columbia;</p> <p>(b) to nurture and further the professional application of landscape architectural knowledge and technique as it relates to the planning, design, development, preservation, protection, restoration, reclamation, rehabilitation, enhancement and management of the environment;</p> <p>(c) to advance landscape architectural knowledge and technique;</p> <p>(d) to further and maintain proper standards of professional landscape architectural practice in British Columbia.</p>	<ul style="list-style-type: none"> • <i>Architects (Landscape) Act</i>

ORGANIZATION	Legislation			RATIONALE	DETAILS
	Right to Title	Right to Practice	Credential		
Applied Science Technologists and Technicians of BC	Yes	No	Certificates of registration for: <ul style="list-style-type: none"> • Applied Science Technologist (A. Sc. T.) • Certified Technician (C. Tech.) 	Objects of the association 3 The objects of the association are the following: (a) to maintain, improve and increase the knowledge, ability and competence of the members of the association; (b) to regulate standards of training and practice of and for its members and to protect the interests of the public; (c) to establish, maintain and develop standards of ethics among its members; (d) to do all lawful things that are incidental or conducive to the accomplishment of these objects.	<ul style="list-style-type: none"> • <i>Applied Science Technologists and Technicians Act 1985</i>
Local Government Management Association	No	No		Furthering of profession standards Resource and services to members	<ul style="list-style-type: none"> • <i>Society Act</i>
BC Association – Appraisal Institute of Canada	Yes	No	Appraisal Institute of Canada titles: <ul style="list-style-type: none"> • CRA (Canadian Residential Appraiser) • AACI, (Accredited Appraiser Canadian Institute) • P.App (Professional Appraiser) 	Consumer protection	<ul style="list-style-type: none"> • <i>Canada Corporations Act</i> <p>The AIC is a federal incorporated not for profit association, registered with Industry Canada.</p> <p>Provincial affiliate associations are similarly incorporated under their provincial legislation.</p> <p>The AIC holds copyright and trademarks on the occupational titles. Members are permitted to earn the right of license to use the "CRA", "AACI" and "P.App" trademarks in their appraisal practice.</p> <p>There is neither national legislation on the appraisal profession, nor legislation setting appraisal standards. Thus, under various federal acts (governing, for example, CMHC mortgage guarantees) a property must be appraised by either a type of appraisal, or by AVM (automated valuation model) if the model is rigorous. (e.g., Mortgage Insurance Guarantee Framework issued by Treasury Department).</p>

ORGANIZATION	Legislation			RATIONALE	DETAILS
	Right to Title	Right to Practice	Credential		
Real Estate Council of BC	Yes	Yes	Licence to practice	<p>Consumer protection and business practices</p> <p>The Real Estate Council of British Columbia is a regulatory agency established by the provincial government. Its mandate is to protect the public interest by enforcing the licensing and licensee conduct requirements of the <i>Real Estate Services Act</i>. The Council is responsible for licensing individuals and brokerages engaged in real estate sales, rental and strata property management. The Council also enforces entry qualifications, investigates complaints against licensees and imposes disciplinary sanctions under the Act.</p>	<ul style="list-style-type: none"> • <i>Real Estate Services Act</i> • Licensing is required under the Act, and is administered by the Real Estate Council of BC
Real Estate Institute of BC	No	No	RI designation (for professional members) Associate membership	<p>Professional development; business practices</p> <p>REIBC is an organization of diversified professionals that advances high standards of education, knowledge, professional development and business practice in all sectors of the real estate industry.</p>	<p>Voluntary, cross-disciplinary organization</p> <p>Members are employed in numerous real estate/business occupations, including:</p> <ul style="list-style-type: none"> Sales and Leasing Investment and Finance Project and Land Development Property Management Appraisal and Assessment Real Estate Consulting Legal and Notarial Services Industry Education

APPENDIX III – LIST OF SELECT INFORMATION SOURCES

Select Information Sources

Alberta Hansard. First Reading of *Competition Act*, Issue 6, Tuesday, February 16, 2010.

B.C. Continues to Cut Red Tape. January 28, 2010 Letter to the Editor on Ministry of Small Business, Technology and Economic Development website, http://www.gov.bc.ca/fortherecord/redtape/rt_regulatory.html

BC Hansard. Second Reading of *Agrologists Act*, March 25 and 27, 2003.

Cabinet Directive on Streamlining Regulation. Government of Canada, 2007, Catalogue No. BT22-110/2007, ISBN 978-0-662-491491.

Foresters' Act Enforcement Policy. Approved by council May 28, 2004, Association of BC Forest Professionals, http://www.abcfp.ca/regulating_the_profession/documents/policy-act-enforcement.pdf

Framework for Developing Consistent Descriptions of Regulatory Models: Canada. Council on Licensure, Enforcement and Regulation (CLEAR), 2006. http://www.clearhq.org/resources/Regulatory_Model_Canada.pdf

Nova Scotia Hansard. Second Reading, *Professional Planners Act*, November 2005.

Office of the Manitoba Fairness Commissioner. Fair Registration Practices in Regulated Professions Act: Ensuring Fairness in Qualifications Recognition. http://www.gov.mb.ca/fairnesscommissioner/regulators/2009-04-22_presentation.pdf

Saskatchewan Red Tape Reduction Update, 2010. Enterprise Saskatchewan. <http://www.enterprisesaskatchewan.ca/redtapereport>

Understanding Professional Self-Regulation in British Columbia. Laura Bickerton Director of Professional Education and Communications BC College of Teachers 2009. http://www.bcct.ca/documents/FormsandPublications/UnderstandingProf/underst_self_regulation.pdf

Understanding Professional Self-Regulation. Glen E. Randall BA, MA, MBA, PhD candidate - Nov 2000. http://www.oavt.org/self_regulation/docs/about_selfreg_randall.pdf

**PIBC Research and Discussion Paper on the Regulation of Planners
M. Reinstein & Associates**