

Reviewing BC's Natural Resource Sector Professional Reliance Model

Terms of Reference

Background

Use of Professional Reliance (PR) within British Columbia's resource sector is a long standing practice, where activities are overseen by professionals in the private sector, monitored by self-governing professional organizations responsible for enforcing codes of ethics, professional standards and disciplinary processes. Over the past decade the use of PR has increased, in response to government's regulatory reform initiatives. Currently, approximately 27 Natural Resource Sector (NRS) regulatory regimes rely on Qualified Professionals (QP) to provide information to government decision-makers. In certain situations QPs are delegated the authority and associated responsibilities to make statutory decisions on government's behalf. Since 2013, the Environmental Appeal Board, Forest Practices Board, Office of the Auditor General, the Office of the Ombudsperson and other organizations have investigated how well the PR model performs the requirement to provide independent, objective advice to government regulators. These investigations highlight the need for adequate oversight of QPs. There has also been public concern related to some specific instances of decision making based on PR.

Purpose

To review the PR model in the NRS and make recommendations on:

1. Whether professional associations that oversee qualified professionals employ best practices to protect the public interest;
2. Whether government oversight of professional associations is adequate; and
3. Conditions governing the involvement of QPs in government's resource management decisions and the appropriate level of government oversight to assure the public their interests are protected.

Outcomes

The intended outcomes of this project are:

- Transparency and public trust in government decisions.
- Ensuring QPs are used appropriately in the NRS.

Project Components

There are five components to this review, including:

1. Professional Association Audit

- Assess the enabling legislation and performance of professional associations that govern QPs.

2. PR Appropriateness & Effectiveness Assessment

- For the approximately 27 NRS regulatory regimes that rely on QPs, determine whether the use of QPs is appropriate and whether these regimes follow best practice to protect the public interest.
- Case studies will be used to highlight the current use of QPs in the NRS and the impact the recommendations from this review could have on their use.

3. Targeted Interviews

- Interviews will be conducted with key government and private sector users of QPs from different professional associations, with stakeholders, and with representatives of the public, focusing on their experiences with PR models in the NRS.

4. Jurisdictional Scan

- A jurisdictional scan will be conducted to identify best practices in PR models of other jurisdictions and to summarize the findings from previous reviews of the PR model in the NRS.

5. Report & Recommendations

- A report with recommendations will be made to the Minister of Environment and Climate Change Strategy and released to the public.

Scope

- The following associations will be included as part of the audit of professional associations:
 - BC Institute of Agrologists
 - Applied Science Technologists & Technicians of BC
 - College of Applied Biology
 - Engineers and Geoscientists of BC (formerly APEGBC)
 - Association of BC Forest Professionals
- All NRS statutes and regulations that incorporate some form of professional reliance are in scope for the assessment of the appropriateness and effectiveness of QPs in NRS decision making.

Communication

- The Terms of Reference for the review, as well as other relevant documents, will be posted to the government's web site for the professional reliance review (engage.gov.bc.ca) as they are finalized.
- The ministry will announce any interim measures (not requiring legislation) that may be approved before the review is complete.
- Once the final report is received, government will release it to the public and announce its response.

Project Completion

- This review will be conducted throughout 2017 and 2018 with a final report with recommendations being completed and publicly released by spring, 2018.