

January 19, 2018

Via email: <mailto:citizenengagement@gov.bc.ca>

Jennifer McGuire
Assistant Deputy Minister
Ministry of Environment and Climate Change Strategy
c/o Engage BC
Province of B.C.
Victoria, BC V8V 1X4

Dear Ms. McGuire:

Re: **Professional Reliance Review**

This submission is in response to the call for feedback to the Province of British Columbia undertaking to review the appropriateness and effectiveness of the current professional reliance model in place for resource management.

In general, professional reliance is a regulatory model in which government (in this case, of British Columbia) sets the natural resource management objectives or results to be achieved, and professionals hired by proponents decide how those objectives or results will be met. The government oversight focuses on monitoring, compliance and enforcement, rather than reviewing and approving plans or project designs. In so doing, government relies on the professionalism of the qualified professional, the professional and ethical codes they are required to follow, and oversight by the professional associations to which they belong.

We understand that the Province of British Columbia is seeking specific feedback on the following:

1. Please tell us what you think is working well with the current professional reliance model in B.C., and what is not.
2. What changes, if any, are needed to maintain or improve public trust in the professional reliance model?
3. Do you have any other observations or recommendations you would like to make about this review?

The Port of Vancouver is Canada's largest, offering the broadest range of cargo-handling options of any port in North America. One of every three dollars of Canada's trade in goods outside of North America moves through the Port of Vancouver.

The Vancouver Fraser Port Authority is responsible for the stewardship of federal port lands and waters in and around Vancouver, British Columbia. Like all Canada Port Authorities, the Vancouver Fraser Port Authority is established by the Government of Canada pursuant to the *Canada Marine Act*, and accountable to the federal Minister of Transport. The act sets out a mandate for the port authority to facilitate Canada's trade objectives, ensuring goods

and passengers are moved safely and efficiently, while protecting the environment and considering local communities.

The Vancouver Fraser Port Authority regularly retains qualified professionals such as engineers, geoscientists, biologists, agrologists and applied science technologists to conduct studies on our behalf to support ongoing port-operations and port-led development projects. Further, as a federal authority under the *Canadian Environmental Assessment Act, 2012*, the Vancouver Fraser Port Authority is also required to review projects and activities proposed on the federal lands that we manage to determine whether or not a project is likely to cause significant adverse environmental effects. In 2017, we conducted over 200 such reviews.

Like the province, we rely on information from qualified professionals, conducted on behalf of project proponents, to support our project and environmental review decisions. Additionally, the Vancouver Fraser Port Authority directly employs professional engineers, geoscientists, biologists, agrologists and applied science technologists who are members in good standing of their respective professional organizations.

As a federal entity, the Vancouver Fraser Port Authority does not have substantive experience with the Province of British Columbia's use of the professional reliance model, however we offer the following feedback based on our own use and employment of qualified professionals:

- As a federal entity, the port authority is not mandated to have qualified professionals registered with B.C. professional organizations. However, we do make sure that the professionals we rely on, especially those working on port-led development projects, are registered in B.C.
- The port authority, like other government entities, relies on qualified professionals to provide expert knowledge and additional capacity to supplement and augment the work of our on-staff professionals. This system is working well for us, as we would not be able to directly employ the broad range of professionals we need, given the fluctuating demands of our business.
 - We also call on third-party experts to provide an independent review and/or oversight of the deliverables we receive from qualified professionals.
 - We evaluate our qualified professional consultants upon completion of large contracts to provide input to future selection of professionals.
- The legislation within which professionals operate guides their conduct and defines their responsibility and duty to protect the public interest. Professionals must meet certain qualifications and standards and adhere to a code of ethics. For example, Engineers and Geoscientists British Columbia support the practice of their member professionals through such things as:
 - Requiring members to keep up-to-date in compliance with the Continuing Professional Development Guideline
 - Develop Professional Practice Guidelines and Quality Management Guidelines to assist the practicing professional with meeting the obligations of the *Engineers and Geoscientists Act*
 - Conduct an ongoing Practice Review Program of its members
 - Require the passing of a professional practice exam, including topics on law and ethics, before qualifying for professional registration

- We observe that the oversight provided by professional associations, such as enforcing codes of ethics, developing professional standards and conducting disciplinary processes, seems appropriate.
- It is the responsibility of each of the self-regulating professional associations to provide appropriate oversight, investigation, and discipline. To enhance transparency and public trust, the Province of B.C. may wish to formalize a process of periodic review or audit of those associations as a more effective means of addressing professional reliance.
- To earn public trust, we support and encourage efforts by the Province of B.C. and professional associations to educate the public about the legislation and standards under which these professionals operate.
- We encourage the government, in its procurement of qualified professionals, to provide clear standards, criteria, and requirements for the scope of work to ensure the appropriate level of specific expertise for the task at hand. We also encourage the province to communicate more clearly about how, and when, they make use of qualified professionals on resource development projects, including the specific requirements that professionals must meet.

Thank you for the opportunity to provide our views on the current professional reliance model used in B.C. Please contact us if you have any questions.

Yours truly,

VANCOUVER FRASER PORT AUTHORITY

A handwritten signature in black ink, appearing to read "Duncan Wilson", with a small flourish at the end.

Duncan Wilson
Vice President, Corporate Social Responsibility