

A Citizen's Submission to Professional Reliance Review

One Example of Failure with Professional Reliance

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The following example is specific to file 16-3 that is posted on the College of Applied Biologists "Discipline Digest" web page: <https://www.cab-bc.org/discipline-digest>

I believe this file is one example of a professional association failing to hold a member to account for poor practices. As complainant, I found my dealings with both the Qualified Professional Statutory Decision-Maker (QP-SDM), and the COAB discipline process to be devoid of transparency and extraordinarily biased. To me the COAB organization looks and acts more like another government agency than a true professional association. Despite many volumes of sophisticated documentation that promotes the BC Professional Reliance Model in the public interest, I found the underlying spirit of the model to be delusion and confusion that results in a loss of trust due to institutional shenanigans. In a global context, I am aware that the BC model stands alone and doesn't hold water anywhere else.

As a consequence of BC Parks mishandling of a park use occupancy permit granted to the ONLY gun club to operate in a Class A provincial park in 2004, the gun club built a "trap shooting" facility without the required formal Parks approval in 2010. However, BC Parks subsequently granted approval in early 2011, and the gun club operated the trap range on an on-going basis in violation of the *Wildlife Act* - Closed Area Regulation, Schedule 3, section 19(3) – "*No Shooting or No Hunting Areas*" within 100 m of a regional district park. Hunting and shooting is prohibited in the remaining 1400+ hectares of the park.

Early in March 2016 nearby residents became aware of the violation and began making repeated complaints to the Conservation Officer Service. In late April 2016, BC Parks Regional Director conceded that the gun club had contravened the Closed Area Regulation. The gun club was ordered to cease shooting at the trap range. But, two months later the Ministry of Forests Lands and Natural Resources biologist QP-SDM surreptitiously granted the gun club an exemption to the Regulation. As a result, the gun club continues the same illegal activity today in the Class A park... of shooting within 100 m of a heavily used regional district park.

The *Wildlife Act*, section 19 gives the regional manager of the recreational fisheries and wildlife program the power to issue a permit authorizing a person to do something that is prohibited under the *Wildlife Act* or its regulations. The power to grant an exemption is considered valid (under the "*Permit Regulation*" – BC Reg 253/2000) to allow people special privileges under the *Wildlife Act*.

In early May and throughout June 2016, on behalf of many nearby residents opposed to the trap range, I made repeated enquiries by email and voicemail to folks at the regional MFLNR office, including the Executive Director, the Senior Wildlife Biologist and others, asking who to contact about the process to get exemption from the Regulations under the *Wildlife Act*. My repeated attempts to make contact with

the PQ-SDM were willfully ignored, and I was rebuffed with silence when I requested to meet and view the QP file records. The end result was that citizens were willfully excluded from his decision.

Dozens of residents living in three nearby neighborhoods adjoining the park, and in close proximity to the gun club, wanted to know who the official decision maker was so they could send their submissions of opposition. As a group, we expected that any exemption request would be subject to an objective and impartial process that would include our participation. The residents believed adjudication to be a formal process by which the official decision maker reviews evidence and argumentation, including reasoning set forth by opposing parties to come to a decision which determines rights and obligations between the parties involved.

Because the QP-SDM stonewalled nearby residents from participating in this decision, I believe he breached his responsibility to follow basic guidance set out in the MFLNR document “Statutory Decision Making for Ministry of Forest Staff”. This document is based on two fundamental principles that footnote every chapter. Principle 2 clearly states: *A decision-maker must be unbiased, procedurally fair and independent: Where a citizen may be significantly impacted by a decision, that person is entitled to an unbiased decision-maker who will give them notice, hear their side of the story and make an independent decision.* **That never happened, so the citizens most affected were denied the opportunity to tell their side of the story.** (emphasis added)

I resubmitted my complaint again in 2017, and I was swiftly rebuffed a second time. I believe the application of the current BC model in regards to my complaint appears to be a political decision based on minimized standards that are less than fair. No wonder many folks have lost confidence in PR.

Who thinks QPs get to pick and choose what rules to follow? Who thinks this situation makes sense? It seems BC Parks, MFLNR, and the College of Applied Biologists do.

Recommendations:

1. Ask the COAB to explain their rationale for file 16-3 to the review committee, and include it in the final report.
2. Put regulatory mechanisms in place for public input and open public meetings; especially when citizens are impacted.
3. Eliminate the common practice of ostracizing or stonewalling citizens from having input into decisions, by embedding procedural fairness in regulations and codes of ethics.
4. Establish a proper and easily understood appeal process for contesting controversial decisions.
5. Require QP decision makers to document reasons for their decisions and to disclose their rationale when requested by a citizen.
6. Require professional associations to become more transparent and to give complainants a copy of their discipline committee reports that describes the information used in making their decision and stating understandable reasons for not proceeding to a discipline hearing.
7. Set requirements for timeliness to implement recommendations 1 – 6 above.

End of Submission