

January 19, 2018

Honourable George Heyman  
Minister of Environment and Climate Change Strategy  
PO Box 9047 Stn Prov Govt  
Victoria BC V8W 9E3

Via email: CitizenEngagement@gov.bc.ca

Dear Minister:

**Re: Review of the Professional Reliance Model**

The Independent Contractors and Businesses Association (ICBA) is pleased to make a brief submission on the provincial government's review of the professional reliance model as it applies to resource and industrial development in British Columbia.

By way of background, ICBA has been the voice of BC's construction industry for 42 years, representing more than 2,000 members and clients who collectively employ over 50,000 workers. ICBA advocates for its members in support of a vibrant construction industry, responsible resource development, and a growing economy for the benefit of all British Columbians.

The provincial government's review of the professional reliance model, under its terms of reference, seeks to "ensure the highest professional, technical and ethical standards are being applied to natural resource development in British Columbia". Further the provincial review will make recommendations about whether:

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

To begin, ICBA members' role in responsible resource development is to provide construction services on the land base and other industrial settings once a project has been approved and permitted. This process requires the expertise of numerous professionals to assist project proponents and government officials balance complex trade-offs between economic, technical, and environmental considerations. Our member companies – and other participants in BC's economy – are acutely affected by project permitting and approval timelines.

Unfortunately, BC, and indeed Canada, is fast becoming known as a jurisdiction where planning, approving and permitting major projects is extremely difficult. Our members and the broader business community are concerned about the consequences this has for well-paid family-supporting job creation and funding for public services such as health care and education. We are also acutely concerned about the reputational effects indeterminate delays have on BC's ability to attract investment for major projects. Being labelled a jurisdiction where it is simply too difficult to get projects approved will hurt our

competitiveness and threaten our long-term prosperity. There needs to be a focus on what is required to attract both investment and talent to our province and an assessment process that is independent, fair with standards clearly defined and timelines that allow investment decisions to be made in a reasonable period of time without excessive delays.

In our view, BC's professional reliance system is not broken. Many professional disciplines are engaged in providing professional reliance, and overall ICBA believes this approach has generally served BC well. In a province as rich and diverse as ours', the professional reliance model allows government and industry to source expertise -- across many disciplines and both domestic and international -- suited to specific technical considerations as needed on a project-by-project basis. The result is a review framework that is both rigorous and robust.

It is also important to understand that professional reliance is not a "one-way street" in which government decision-making has somehow devolved to qualified professionals. Rather, government always retains responsibility for setting legislative goals (and cascading regulation, policy and guidelines), and inspecting, reviewing and monitoring for desired outcomes in the public interest. Statutory decision making -- including approvals and permitting -- are the final steps in the project-development process. Flexibility provided by the professional reliance model allows government and proponents to source highly qualified professionals with specific on-the-ground expertise for which they are then accountable to their governing professional body. Self-governing professional organizations are an important aspect of making modern, responsive regulatory regimes function. Professional associations -- with appropriate government consultation and oversight -- are generally best-placed to determine where improvements are required within their respective "communities of practice".

As the provincial government works with individual professional associations to improve the professional reliance system, we encourage policy makers to be mindful of the following:

- 1) There are literally thousands of instances annually where professional advice supports and informs private sector proponent planning and risk mitigation efforts. At the same time, within government professional reliance informs statutory decision making, compliance reviews and other related activities. Rather than eliminate or unduly restrict professional reliance, the provincial government should work with professional associations to enhance this framework. The goal should be a process that is not only independent and robust but also one that provides process certainty and fairness for project proponents.
- 2) The current review of professional reliance should -- to the greatest extent possible -- continue to focus on encouraging proponents and qualified professionals to achieve results, rather than add more government "in-house" process and compliance requirements. Flexibility is required in order to ensure responsible resource development is enabled in as timely a fashion as possible. And professional associations are best placed to oversee credentials, professional development and practice standards.
- 3) As part of government "checks and balances" in discharging its obligation to oversee the public interest, ICBA supports use of independent auditing and compliance and enforcement mechanisms.
- 4) Both government and professional associations with a stake in land-based and industrial projects, should work together to foster a culture of continuous improvement in the professional reliance system. As part of this, professional associations and the provincial government should increase

public knowledge about professional reliance and its critical role in project planning, risk management, and risk mitigation on major infrastructure and responsible resource development projects.

ICBA appreciates the opportunity to provide our perspective on the provincial government's review of the professional reliance system within the natural resource sector. Overall, we believe that the public interest has been well-served by this approach to stewardship of the land-base and industrial settings. We acknowledge that there is room for improvement in some areas. Through this and other stakeholder engagement, we urge government to carefully consider the input of individual professional associations and make adjustments to the current regime as opposed to making radical changes or adopting an entirely new framework.

In conclusion, we strongly advise against undoing the professional reliance system or any move to replace it within an "in house" model within government. In our view, this would not be effective or efficient and the negative consequences would be far-reaching and detrimental to attracting investment, creating jobs and growing our economy.

Thank you again for the opportunity to provide our input on the professional reliance system in British Columbia.

Respectfully,

Independent Contractors and Businesses Association



Chris Gardner  
President