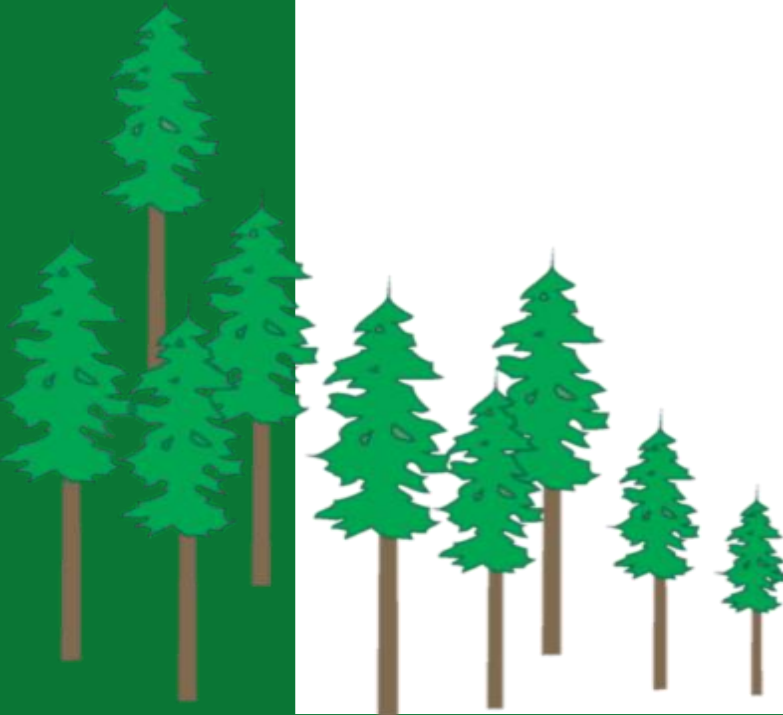




# Coast Appraisal Training

## Module 2

### Professional Practice



Coast Area  
October 2024



**Disclaimer:** This document is intended for use during appraisal training activities and as a general guide to appraisals. It is not intended as a basis for legal interpretation of the *Coast Appraisal Manual (CAM)*. If there is any discrepancy between these materials and the *CAM*, the *CAM* in force on the effective date of the cutting authority is correct. The *CAM* is posted on Timber Pricing Branch's website is the official version. If there are any questions about a specific appraisal issue, please contact Coast Area appraisal staff at the Coast Area office.

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# Introduction to Professional Principles in Timber Pricing

Module 2 is intended to assist forest professionals in their timber pricing practice under their legislated authority (the *Professional Governance Act*) in British Columbia. The Professional Governance Act (PGA) replaced the Foresters Act on February 5, 2021 once the regulations were fully developed under PGA to allow the repealing of the Foresters Act. The Forest Professionals Regulation continues the existing reserved practice rights and titles and the FPBC Forest Professionals British Columbia (FPBC) has enacted a number of new bylaws to complete the transition from the Foresters Act and to meet new requirements of the PGA.

The Professional Governance Act (PGA) was passed by the BC Legislature on November 27, 2018. The PGA is administered by the Office of the Superintendent of Professional Governance (OSPG) within the Ministry of the Attorney General. The OSPG was created, and a superintendent appointed in June 2019.

The intent of the PGA is to provide a consistent framework for governance of self-regulated professions. The self-regulated natural resource professions currently identified in the PGA include the Applied Science Technologists and Technicians of BC, the Forest Professionals British Columbia, the Association of Professional Engineers and Geoscientists of BC, the BC Institute of Agrologists and the College of Applied Biology.

The Association of British Columbia Forest Professionals (FPBC) continues to be the regulator for forest professionals, for the practice of professional forestry and for Technical Occupations Related to the Practice, within BC. As a 'Regulatory Body' under the PGA, the FPBC has enacted a number of new bylaws:

- Bylaw 9 a new Code of Ethical and Professional Conduct.
- Bylaw 10 for mandatory continuing education program, including requirements that support Indigenous reconciliation and tracking of professional development.
- Bylaw 11 allowing for practice reviews that can lead to mandatory actions.
- Bylaw 13 is a requirement for the FPBC to provide more information in a public online directory of forest professionals.

The PGA Section 58 also lays out a statutory duty to report unsafe or harmful practices, both of registrants of the FPBC or any other professional that is governed by the PGA. Over the long-term, the PGA will also enable the FPBC to regulate firms as registrants under the PGA. The definition of "firms" is still being determined but could include forest companies, consultants, government agencies and ministries, non-profits, and non-government organizations (NGO's) who employ forest professionals. Under the PGA registrant professionals will also be required to file declarations of their competency to perform specific work and to ensure that they are not in a conflict of interest; however, the policy work to implement these declarations is still underway.

The authority for an FPBC registrant to engage in professional practice is given when certain conditions are met and can be revoked when the FPBC registrant fails to follow the

professional principles set out by the FPBC in bylaws; specifically, the Code of Ethical and Professional Conduct, and other practice direction to members.

Valuation and appraisal of forest resources is one of the practices specifically identified by the definition of professional forestry in the *Forest Professionals Regulation*. Timber pricing contains these practices plus several others that fit within the practice of professional forestry. This module will outline the member's practice obligations related to submission and review of appraisal data.

Professional principles, described in legislation, regulation and bylaws are fundamental statements or positions that create a foundation for service and conduct of professionals who engage in the practice of their profession. The key principles are currently found in the *Code of Ethical and Professional Conduct*. They include competence, independence, conflict of interest, due diligence integrity, forest stewardship, safety, professionalism, and reporting.

## **Implementing the Professional Governance Act**

FPBC training sessions have been and continue to be offered on changes to legislative and regulatory framework with the implementation of the PGA. Other changes will be developed over the next few years and will include;

- Every mention of the word "member" can be replaced with the word "registrant"
- The introduction and application of new terminology, including reserved practice, specialized practice, restricted activities, and rosters.
- The development of aspects of practice requiring the demonstration of specific competencies.
- Declarations of Competence and Conflict of Interest; Duty to Report.
- The development and imposed requirements under approved professional guidance.

## Professional Accountability

Professional Accountability is “...an acknowledgement and assumption of obligations under professional legislation and accompanying bylaws, including the potential for investigations and discipline to be imposed by the profession”.<sup>1</sup>

The FPBC is required to maintain a set of ethical requirements and standards of conduct and competence for members to follow. Professional accountability for timber pricing is important to ensure that there are incentives to maintain high standards and consequences for not meeting those standards.

Accountability means to answer for specific outcomes. The inherent value of accountability is that the person accountable for an outcome, is best positioned to answer for that outcome because they are knowledgeable, they assume responsibility for actions, products, decisions, policies, they understand their role, the encompassing obligations related to the issues, and they are above all trusted and respected. However, accountability cannot exist without agreed upon standards and a means of measuring outcomes. This measure protects the professional because they know what standard must be met and supports the professional by establishing a consistent process. An absence of standards and measurement is an absence of accountability.

There is a high degree of financial accountability for both government in collecting Crown revenue, and for corporations in answering to shareholders. As a result, a reliance on professionals in the timber pricing process must demonstrate integrity and a fair and defensible method. Clear and functioning accountabilities for all parties are a key component of a successful framework. The accountability framework needs to have strong provisions to address poor quality reviews or submissions.

A strong confidence by those who rely on professional service will in turn support professionals and result in increased efficiencies and revenue for government and corporations. Critical perspectives and reviews are important. It is the way we engage these reviews that secures confidence, and all parties should communicate in a respectful and professional manner. Confidence in the professionals can be derived from several factors. One significant factor is accountability.

Where money is concerned, government and corporations view the timber pricing process differently. Similarly, the professionals who are tasked with representing their employer’s interests are also likely to have differences of perspective and opinion. What makes the forest professional valuable to the government, or the corporation is the professionals’ ability to use their specialized knowledge to address practical problems and independently work on solutions (aside from what might be considered their vested interest). This is a healthy use of professional service that will continue to realise benefits.

Despite standards and communication there may still be disputes. The FPBC developed a dispute resolution process to help solve differences of professional opinion, as well as identify problem areas of professional work.

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<sup>1</sup> Applying Professional reliance Under FRPA. FPBC Guidance. April 2008

## Trust and Respectful Regard

In the early development of the professional reliance model in BC, it was recognized that trust and respectful regard would be a requirement for successful forest industry culture change. The FPBC has a paper that discusses this subject.<sup>2</sup>

**Trust** is an applied concept that arises out of the knowledge and experience of working with others.

**Respectful Regard** means that a professional's work product, opinions, and judgments are given weight and credibility.

As practitioners, we learn to work within the regulatory framework, we understand the operating environment described by policies and we experience the external pressures of day-to-day management. As a result of these inputs, we learn to expect certain behaviours from those people and systems working around us. Described another way, professional trust is expecting that other professionals we work with will not take advantage of us or exploit circumstances to our employer's detriment.

Beyond the definitions, trust is the confidence that one has in the people and organizations that work and deliver professional service to the extent that one can rely on the performance of other professionals, their work product, opinions, and judgments.

When professional trust is low, we construct and prescribe formal systems, forms, rules, etc., and attempt to ensure that we receive a specific behaviour from professionals. There is a general threat of punishment if we don't achieve the prescribed formality. This is a loss of respectful regard and has the effect of reducing the benefits of professional reliance.

When professional trust is high, we rely more on those personal professional connections and develop ways of working together. Practice aptitudes that involve diligence, pursuit of competence, communication and reasonableness are evident in behaviour between professionals. In this circumstance, respectful regard between professionals becomes second nature. This has the effect of enhancing professional reliance and the corresponding benefits such as innovation and operational expedience.

This is not to say that trust and respectful regard in professional service is the main solution to all management and professional interactions. In fact, many circumstances that contain significant public accountabilities require more formal frameworks. Timber pricing is one of the government functions that require fiscal and social accountability. The legislative authority for timber pricing and the stumpage appraisal system are provided under the *Forest Act*, including in sections 105 and others. In these sections of the *Forest Act* responsibilities are also clearly stated for professionals involved in timber pricing. Forest professionals operating in this framework, wherever they work, are required to either achieve or demonstrate the achievement of certain outcomes, even when the process is operating with a high level of trust.

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<sup>2</sup> Describing Professional Trust and Respectful Regard. FPBC Paper. May 2013.

The timber pricing professional can ensure professional service is delivered in a consistent manner by using a principled approach to their practice. The kinds of things to consider in your practice are:

1. Effective communication (one-to-one dialogue, written, non-personal professional information):
  - a. look for available guidance, policy, general direction,
  - b. develop professional connections and communicate frequently,
  - c. participate in a community of practice involving professionals from several business interests, and
  - d. learn the definitions and specific culture of timber pricing and appraisals.
2. Comprehension of legal and established frameworks (function within the established frameworks)
  - a. Learn the definitions, function and specific culture of the framework
3. Best practices articulate the target standard. A best practice is one that is practical and achieved most of the time by yourself and others.
4. Record keeping and record sharing is an essential aspect of the post-harvest appraisal reconciliation method (PHARM) introduced on April 1, 2019 for fully appraised, non-auctioned cutting authorities on the coast. Expectations are clearly described in the Coastal Appraisal Manual (CAM) for record keeping and should form part of best practices for a forest professional.

Properly applied, professional trust and respectful regard are essential underpinnings to relying on professional judgement in natural resources.



## Instruments and Benchmarks

A resource professional acquires a science-based knowledge that they continue to build upon throughout their career. The professional then applies the knowledge to specific management, tasks, and environments. Therefore, professional service is the application of knowledge to find practical solutions, or, in transacting processes established by others. It is the latter element that is important to the timber pricing process and forest professionals.

In the delivery of service and work the forest professional must rely on various instruments and benchmarks associated with a process.

## Documentation as Information Delivery

Often, information is required for others to complete agreements and transactions. Forms, formats, the content, steps in processes, are features of a business that the forest professional is expected to follow and achieve. These features may, or may not, be the practice of professional forestry, however, they do fall within the requirements and standards for the profession because they frame a professional's conduct. These responsibilities are provided for in the Forest Act and described in the CAM for stumpage appraisals.

Documentation is a requirement in the CAM for initial appraisal data submissions (ADS's) and an essential part of post-harvest ADS's. This responsibility lies with the submitting forest professional (SFP).

## Documentation as Professional Records

A professional keeps a record of their practice and other service related to their employ. The records are separate and distinct from payment forms or invoices. It is a record of professional work, content of communications, actions required, informal agreements, dates of work completion and transaction, etc. These documents are independent documents of the forest professional and are reliable sources of information for employers and others. Examples of the kinds of information are, a practice diary, or a record of project communication. When an employer specifically requests these documents as part of the deliverables of a project then the document is owned by that employer.

Professional documents and records are referenced in the bylaws and guidance as documents containing professional work. Appropriate documentation and a level of transparency that supports the public's trust in professionals is also consistent with the PGA and will align with the longer-term requirement for professionals to declare their competence. Professional documents can also be documents enabled by other legislation, regulation, such as the Appraisal Data Submission<sup>3</sup>, or written instructions by a professional for terrain stability assessments.<sup>4</sup>

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<sup>3</sup> Coast Appraisal Manual section 2.3.2

<sup>4</sup> Occupational Health and Safety Regulation section

## Professional Rationale

As forest professionals we are obligated to be competent in our fields of practice. We support our decisions and actions in writing, to the degree of care that a prudent professional would exercise under the same or similar circumstances. A product of our competence is the professional decision and supporting rationale that demonstrates we are worthy of the public's trust and professional reliance. The purpose of a rationale is to support a decision or action, avoid a misunderstanding, demonstrate due diligence and clearly explain the intent so the decision or prescription can be understood and implemented. Written professional rationales are often required in appraisal data submissions, an example would be a helicopter logging rationale where the harvest, access conditions and any other constraints are explained as to why helicopter logging is the best and sometimes only harvesting system available.

A rationale is a description of the underlying foundation for an action taken or decision made. It is an explanation of the controlling principles in the circumstance, the intellectual or sensible path chosen and the logic toward the expected outcome, opinion, or practice. Depending on the situation, decision or action, the rationale is often written, provides supporting documentation, identifies the accountability linkages, and reveals the diligence or zeal with which the professional undertook the work.<sup>5</sup>

## Monitoring and Peer Review

The main objective of the peer review program is to elevate a member's level of practice through the mentorship and confidential advice offered by a trusted colleague. Peer reviews are also a critical review of a specific professional work. Professionals support their decisions and actions in writing and undertake enough due diligence to ensure that their work meets the standard of care expected by the profession. In some professions, there are obligatory peer reviews that carry an extended professional liability onto the reviewer.

The timber pricing system has enough complexity and changing methodology in the CAM, that it is of great benefit to have ongoing peer review and mentoring of the work of submitting forest professionals, reviewers, and statutory decision makers.

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<sup>5</sup> Guidance for Professional Quality Rationales and Commitments. September 2008. [Professional Quality Rationales](#)

## Resolution and Communication

Beyond the timber pricing framework of definitions, flowcharts, parameters, estimations, data, and other components is the action and interpretation of professional judgment. The application of forest science, and the measurement and valuation of forests and forest resources is the practice of professional forestry. These aspects need to be undertaken by forest professionals, and they raise the standard of the timber pricing framework because they are transacted by forest professionals. Disagreement about differences of professional judgment or opinion does occur. When all the forest professionals engaged in this practice area have this understanding then disagreements are less frequent and localized solutions are developed.

There are separate circumstances described in the CAM such as the discovery of correctable errors in an ADS, a redetermination of stumpage rate by agreement, requests for clarification, stumpage appeals, and others. These processes are procedures that are part of the CAM that forest professionals follow in timber pricing and stumpage appraisals. They are not part of the resolution options described below but may be the outcome of the communication between forest professionals.

The professional reliance axiom states that the benefit of the doubt would go to the prescriber (submitter) as part of the Standards of Review. If disagreements of professional judgement remain beyond this, they should follow the hierarchical procedure discussed below. Preferably, disagreements should be mutually resolved before initiating official complaints to appropriate regulatory associations.

NOTE • **this process reflects current practices / guidance and may be updated when the PGA is fully implemented**

Steps 1 through 4 (below) describe one type of process and step 5 is a separate regulating body discipline process.

1. Whenever possible and appropriate, resolve the issue with a friendly phone call. The issue may possibly be a difference in opinion around an interpretation or conclusion.
2. If not resolved in step 1, request clarification at a face-to-face meeting. Disagreements about differences of professional judgment or opinion are often better resolved in person rather than over the phone or by writing. Face-to-face meetings to achieve clarification are often more effective with field visits rather than office meetings;
3. If mutual resolution between the parties by phone or meeting is not achieved, the next step may be to refer the matter to respective supervisors;
4. If the matter is not resolved at step 3, independent, mutually acceptable third party or parties may be invited to provide advice and/or to mediate. The FPBC may be approached to assist by referring parties to independent (arms-length) mediators or to refer the matter to mentors for confidential resolution and/or advice;
5. The final step, if all others fail or are inappropriate in the circumstances, would be to initiate a complaint to the appropriate regulatory association. Before pursuing this route, one must make sure that all the facts are clear, and one has gone through the

previous steps unless it were impossible or inappropriate in the circumstances to do so. For example, in some circumstances (consistent poor-quality submissions or reviews, flagrant disregard of legislation or professional obligations, or serious matters of professional conduct) this step could be initiated without going through the previous steps.

The above is the more formal process, in July 2011 the FPBC produced a Professional Accountability Processes guide that provides guidance and options for members as to how they might go about resolving professional disputes themselves<sup>6</sup>. Currently, the FPBC suggests several non-discipline options to improve registrant competency to be attempted before initiating the Complaint Resolution Process (CRP). The options described are primarily registrant-driven with the FPBC acting as a facilitator in options 4 and 5. The non-discipline options are voluntary, and members are not required to participate in them. These processes may also be updated in the transition to the PGA, as FPBC complaints and discipline bylaws and policies are updated to align with the new legislation.

Non-discipline options to improve registrant competency:

- Informal agreement between the registrants
- Formal agreement between the registrants
- The Voluntary Peer Review process
- FPBC assists the registrants in reaching a consensus (accountability process)
- FPBC coordinates a work review

The non-discipline options described could be attempted before a Complaints Resolution Procedures is initiated.

The question often arises as to when the FPBC should be notified when a registrant has concerns with another registrant's professional work. Once you are satisfied that you have the relevant information and have discussed the matter with the other registrant you have to decide if the issue is resolved. If resolved notify the other registrant, if not resolved and you decide you must report then notify the other registrant of your intention to notify the FPBC.

The FPBC generally expects registrants to report directly where:

- There are safety concerns;
- There is the potential for environmental damage;
- There could be significant damage to other resource values (e.g., First Nation's values, fisheries, private land, or downstream resources);
- There are examples of continuous errors or a history of poor-quality work;
- The subject registrant has previously been disciplined for similar actions;
- It is reasonable to believe that the alleged action was intentional and serious;

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<sup>6</sup> Professional Accountability Processes. FPBC Guidance. July 2011.

- It is reasonable to believe that the subject registrant was motivated by personal gain or received a benefit from the alleged action;
- The alleged action is of a nature such that a failure to deal with the matter in a formal, transparent, and public manner would tend to bring the profession and its discipline process into disrepute; or
- Any other circumstance where you as a registrant believe another registrant is not complying with the Bylaws or Code of Ethics.”

The ‘duty to report’ for professionals regulated by the PGA Section 58, is a new legislated requirement of an existing responsibility of forest professionals. The duty to report under the PGA is a requirement of professionals where they encounter conduct on the part of a registrant under the PGA that puts the environment or the public’s health and safety at significant risk.

## Best Practices for Submission of Appraisal Data

Organisations that value and support their forest appraisal staff in encouraging high quality submissions and reviews as well as promoting the understanding of the need for and use of the forest appraisal submission and review process in their work duties will have less Clarifies in Electronic Commerce Appraisal Submission (ECAS) and a more effective timber pricing submission and review process.

Best practises of organisations that employ forest appraisal data submitters and reviewers include:

### Human Resources

- Engage forest professionals who have competence in the practice area of timber pricing. (This can include skills such as a propensity for numbers, detail focus, understand conflict resolution process, and support professional reliance in forestry practises and value forest appraisal administrative duties).
- Retain professionals who have qualifications over long term (10+ years).
- Provide known career paths in their organisations for their forest professionals to follow.

### Training

- Organise regular in-house training exercises that support maintenance of a high standard of work.
- Foster a culture of positive cooperation between forest appraisal data gatherers, submitters, and reviewers both in-house and outside organisations.
- Support professional involvement in committees and workshops in the forest appraisal field.
- When firms become regulated by the FPBC as the regulations are developed in the PGA, continuing education opportunities will become a responsibility to demonstrate actions on for regulated firms.

### Mentoring

Provide a mentor experienced in the forest appraisal process, for professionals wanting to acquire competence to support a job function.

### In-house Expert

Maintain a competent forest appraisal practitioner who is readily accessible to all forestry staff to provide answers to questions, quality control and advice.

### Peer Reviews

Conduct peer reviews of ADS practises internal to organisation.

## Experienced Forest Harvesting Staff

Consult senior logging and engineering supervisory staff in the organisation for guidance and understanding of forest harvesting practises.

## Procedures Used by Submitters

Submitters have procedures in place for guidance on submissions, e.g., non-tabular development cost (NDC) projects, cruise data, compilations, checklists (see sample below).

The following is a partial sample of an ADS checklist for information purposes only. Each submitter should develop their own format for checking their ADS. Also, a checklist could be developed for use by Peer Reviewers in the submitter’s organization.

\*\*\*SAMPLE ONLY\*\*\*

### Appraisal Data Submission Review Checklist

Have the volumes been entered into the correct harvest system?			All boxes with no volume should have zeros
Has the CP Average Volume per log been provided and does it match the conifer piece size in the Appraisal Summary Report of the cruise compilation?			Net per 10 m log to 2 decimal places, coniferous only
Has NHSVPH and/or HS been entered, as well as zeros?			Vol/ha of coniferous for all harvest methods except heli select, and skyline select. Must be to 2 decimal places
Has the correct Point of Origin Areas(s) been selected?			
Has Road Use Charge been applied for, and did it receive prior approval from Region?			
Is there Routine Road Management required?			No when it is 100% heli water drop.
Has Basic Silviculture been claimed, and if so, is it applicable?			
Has the Crew Transportation distance been entered?			
Is the Cutting Permit correctly identified as accessible or isolated?			
<b>Specified Operations (ECAS 34):</b>			
Have any Specified Ops been identified? If yes, supporting calculations attached			Applies to: TCM, EBM, inland water transportation, barging, and Clayoquot Sound Operating Costs
<b>Appraised Roads (ECAS 47):</b>			
Have all tributary roads been included?			
<b>Tabular Roads (ECAS 37):</b>			
Have all roads identified on the appraisal map been included in the appraisal data sheets and vice versa?			
Do the start and end stations on the map match with the stations shown on Tab Roads screen?			
Has the appropriate rock type been entered - <b>Hard</b> or <b>Soft</b> ?			
Bank Height category, RMC, Crown %, and Amortize % is correct?			
Have any sections been identified ‘As Built’?			
Is any Pro Rating required for roads through Private Land?			
Has any Road Amortization been identified?			
Do roads and labels match appraisal maps?			
Do road names in ECAS match FTA?			

<b>Road Development Check:</b>		
Are the Road Stations continuous?		No gaps between stations
Are there any tabular road overlaps with tabular bridges, NDC bridges, EH sections or road reconstruction sections?		



## Professional Reliance in Timber Pricing

Professional Reliance is “...the practice of accepting and relying upon the decisions and advice of professionals who accept responsibility and can be held accountable for the decisions they make and the advice they give”.

**PR** = Relying on the Professional (Judgment + Accountability)

**Judgement** = function of individual professional, and includes competence and independence in the application of science of forests

**Accountability** = a professional can answer for their actions or judgments; an acknowledgement and assumption of obligations under professional legislation and accompanying bylaws.

“Professional reliance is a measured approach to receiving advice or delegating work and shared accountability by an employer or government official to a professional with the intent to ensure quality. Professional reliance is also a measured approach to providing and receiving sound advice between non-government professionals and government professionals. It is a mechanism that allows parties to exchange and rely on data or information that is used to manage and administer the provinces forest resources. It is not an avenue to divest responsibility or elude accountability, nor an excuse to blindly defer to another professional’s judgement or advice.

There are several reasons why an employer, or a regulator, requires the services of a professional within their business.

One reason is that the professional is accountable to a set of standards, established by the profession and defined by a legislative framework. The legislation includes the potential for complaints and discipline based on the professional conduct of the members. The professional holds their conduct to a higher standard and receives respect and credibility (public trust) from society for this place. The employer therefore utilizes professional service to ensure a competent level of practice is achieved and to demonstrate their own credibility and diligence for other regulators, or the marketplace.

Another reason that is more specific to the type of professional legislation is professionals are used because a law requires it. The employer utilizes the services of the forest professional because their business requires the practice of professional forestry in order to transact their venture(s).

## FRPA Forest Practices Explanation

The following is an explanation of forest practices taken from the *Forest and Range Practices Act* (FRPA) for information purposes only.

NOTE: Appraisals Data Submissions and Review are legislated under the *Forest Act*.

Definition in FRPA for “forest practice” means a prescribed activity that is carried out by the government and / or the tenure holder, or person ...on Crown forest land.”<sup>7</sup>

This is of fundamental importance because the two are in parallel and confirm that the actual actions on the ground are carried out by the tenure holder and government. There is a decision framework and tests that exist where the tenure holder proposes planning, and the government approves the plans because the propositions meet primary objectives set by the government.

The forest professional provides advice, judgement, and direction in the course of their work for both the tenure holder, government and others. The practice of professional forestry supports, plans, directs the forest practice in FRPA; forest practice utilizes the practice of professional forestry to successfully achieve the action.

The tenure holder and the government make the choice of forest practice and carry out the actions on the land, based on the forest professional service within the practice of professional forestry.

Stewardship under FRPA is the result of the actions by the tenure holder and government based on the practice of resource professionals. Another aspect of the professional service in the case of the Code of Ethical and Professional Conduct is that the forest professionals must conduct practice consistent with principles of stewardship.

Professional reliance works in this example because FRPA contains requirements, tenure holders engage forest professionals and follow their advice, and forest professionals follow a standard of professional practice in providing their direction and advice.

The presence of a particular legislation or obligation does not prevent the other legislations and obligations (there may be a defined priority assigned by law).

- The onus is on the employers to understand and use professional service when undertaking the practice of professional forestry.
- The onus is on the profession to enforce the use of forest professionals and to establish and enforce standards for the profession and conduct by members.
- The onus is on the forest professional to undertake the practice consistent with expectations and bylaws of the FPBC and the regulations of the PGA.

The public interest is served because there are multiple legislations at play with each protecting the public interest in some way. The onus is on the professional to understand and articulate the mechanisms.

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<sup>7</sup> *Forest and Range Practices Act* (2002), section 1, Definitions.

Professional reliance is an important attribute of several legislations, regulations and policies that might be considered specific, or rules based. Examples include the Riparian Areas Regulation under the *Fish Protection Act*, the *Occupational Health and Safety regulations under the Workers Compensation Act (1996)*, and the *National Instrument 43-101 Standards of Disclosure for Mineral Projects under the Securities Act*.

Some of the legislations go as far as identifying the professional associations and defining qualified professionals who will undertake work. Others leave it to regulation, policy, and the professionals themselves to identify the parameters of required professional service. The acceptable professional practice that goes into the parameters is defined by the professions through bylaws and resolutions.

The discussion of professional reliance/accountability and the parallel legislation framework that it works within is complex and requires additional commentary. Some points are as follows:

- Increasing the rules in a legislation, regulation or policy should provide increased focus on what it is that professional service is supposed to achieve.
- Increasing rules does not necessarily equate to reducing the value of the professional service.
- Increasing the rules may change the function of the accountability/ reliance formula. An increasing quantity of rules will have the effect of limiting what it is that the forest professional is entitled to advise or direct their employer to do (with respect to the practice of professional forestry). We would be relying less on the judgement and advice of the professional within the parameters of the rules and therefore they would not be accountable for the implications outside that reliance.
- Professional reliance and professional accountability are a continuum of professional service.
  - Reliance and accountability are equal; a decrease or increase in reliance carries a corresponding decrease or increase in accountability.
  - When the professional provides advice and judgement to an employer and the decision to undertake the action rests with the employer, then the professional is accountable for their advice and not necessarily the decision of the employer (they would be accountable, and potentially professionally liable, if the employer reasonably followed that professionals advise when they acted, and a negative outcome resulted from that action). It needs to be noted that the regulation of firms is a longer-term facet of implementation of the PGA. In the case of regulated firms, the company would bear responsibility for the implementation and transaction of professional service.
  - When the reliance on professional judgement covers only a specific aspect of a requirement, then the accountability covers only that specific aspect, plus the intended circumstances. (i.e., the professional cannot ignore the reasonable and obvious outcomes of their practice)

## Definition of Practice of Professional Forestry

The definition of the “Practice of professional forestry” includes four parts:

1. **Action:** “for fees or other remuneration, advising on, performing or directing works, services or undertakings which...”
2. **Scope:** “because of their scope and implications respecting forests, forest lands, forest resources and forest ecosystems...”
3. **Knowledge:** “require the specialized education, knowledge, training and experience of a registered member, an enrolled member or a special permit holder, and...”
4. **Examples:** “includes the following: (list of the kinds of things one would find within the practice of professional forestry) (Parts bolded to reflect timber pricing and appraisal)
  - 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”<sup>8</sup>

With the PGA, the definition of the practice of professional forestry will remain the same, and be prescribed by regulation under PGA and bylaws of the FPBC.

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<sup>8</sup>Former repealed Foresters Act (2003), Section 1 Definitions