Consolidated Feedback

Developing a Professional Reliance Opportunity Assessment Tool: Challenge Paper Feedback

Sponsored by

Corporate Initiatives Division
BC Ministry of Forests, Lands and Natural Resource Operations

March 2012

Assembled for:

Garth Webber Atkins, Project Manager

Professional Reliance Cross-Ministry Working Group

Assembled by:

Terje Vold, Terje Vold & Associates Consulting Ltd.

Warren Mitchell, W. Mitchell Consulting

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[1] Input request #6b asked about interest and ability to attend a Workshop and was used to send Workshop invitations

Consolidated Feedback

Developing a Professional Reliance Opportunity Assessment Tool

A Challenge Paper on 'Developing a Professional Reliance Opportunity Assessment Tool' was widely distributed in February 2012 with a request for feedback on various input request questions. Below is the verbatim unattributed feedback received from 53 people through 40 submissions.

Input Request #1: Key Issue Consider – *Do you agree with the Key Issue? What is missing? What additional clarification would be helpful? What other ideas does this statement spark in your mind?*	
a	The proposed Key Issue statement may be interpreted as a criticism. How about, 'natural resource agencies can find administrative efficiency and will be able to add value to decisions by increasing the use of professionals and other qualified persons (QPs).'

b	1. Yes there is agreement with the key issue
	 2. The respective professional associations set standards for competency and these must be defined more clearly in terms of what competency looks like and how competency can be measured and built. As it sits it is up to the professional to decide if they are competent which leaves too much room for "interpretation" by the professional.
	 3. It would be highly beneficial to establish local professional 'groups' that could foster 'communities of practice'. This will enable
	     a. Mentorship opportunities
	     b. Sharing of expertise and experience
	     c. Consistency in practice development and implementation
	     d. Opportunities for continuous improvement at the local level that focuses on local issues
	 4. In the BCTS model Licensees are at arms-length so any model must address expectations of Licensees including professional oversight of all harvesting related activities which must be legally required within the terms of the License, and, as required by the ABCFP. This must include the use of other QP's as needed to ensure that legislative and 3rd party certification requirements are upheld in relation to any professional plans prepared by a QP including amending these plans.

c	The issue is not where we need professional reliance but does the current model work? Before we head down this path with increased reliance we better make sure that we have the support of the people that own the resource. The word "need " is to dramatic The latest audit of the forest industry by the auditor general certainly casts a shadow on the effectiveness of the professional reliance model to date in this

	province Both the public and Govt staff need to know that there are more rigouress checks and balances in the system to ensure that stewardship of the resources is paramount in any professional review.
d	• Recommend including the words "the more efficient and effective use" within the issue statement. • The inclusion of professionals and QPs is misleading as it implies that the two groups are at the same level and could be substitutes. • I recommend a discussion regarding Qualified Persons Vs Professionals. In my opinion they are very different, and only in rare circumstances should a qualified person be on an equal level as a professional. In forestry circles, especially with the growing use of professionals, there is growing momentum for a "qualified professional" designation. This is being driven in part by how broad the practice of professional forestry is, and how the professional designation does not provide any clues as to the individual professional's specific area or areas of expertise. • Recommend changing the name to "Qualified Professionals" and including a definition at the beginning of the document. This name will better align this initiative, Developing a Professional Reliance Opportunity Assessment Tool", with the "Professional Reliance Cross-Ministry Working Group". • Some statutes (Foresters Act) limit who can carry out specific practices (registered members only), thereby limiting QPs to professionals.
e	No. The bulk of authorizing work - say 80 % - will not ever see the use of QPs so it won't make a large impact on government streamlining. And, QPs very often deliver poor quality work based on factors such as personal competence and their clients' hiring them specifically to skirt regulations, take shortcuts, reduce applicant/project cost. Yet, with having spent money on a QP, a proponent and the QP themselves having a professional designation, have an expectation that government will take their work verbatim and give leeway of sorts in many aspects of adjudicating an application.
f	Agree with the key issue. Suggest adding a section specific to the objective of using professionals to achieve a more efficient and effective way of achieving the collective government and industry goals.
g	'natural resource agencies need to be making better and more appropriate use of professionals and other qualified persons (QPs).' Need to distinguish the circumstances where you won't rely on QPs or where the PR model is inappropriate. Critical to this is having the Resource Ministries identify the types of decisions that they want to have QPs' be responsible for. Based on our experience the PR/QP function will grow once there is demonstrated competence and reliability.
h	• We agree with the key issue. • Fully utilizing qualified professionals is essential. Not only does this reduce

	ministry costs, it also ensures that the most qualified people from a wide range of professional backgrounds can participate in environmental work. • The definition of Qualified Professionals should be based on documented competency and not limited to discipline-specific associations. Allowing a broader definition based on competence allows for multi-disciplinary input and participation. Further, a broader definition it is essential to avoid the dangers of monopolistic situations which would reduce competitiveness within the labor market.
i	Yes
j	I agree with Key Issue. • QP definition is rather broad – may need clarity at the operational level. • Must recognize the tenure and statutory obligation of tenure holder as well as the reliance on QP.
k	Agree
l	Yes and a key piece will be to really look at the scope of practice of the various professionals to ensure they are being fully utilized.
m	In order to "agree or not" with the key issue, I would have to know more about how professionals and other qualified persons are being used now; more about the screening and accountability processes that "qualified persons" would be subject to; more about how the public interest will be served by this approach; more about how qualified persons would be used, i.e. how they would mesh, or not, with tasks undertaken by qualified professionals, etc
n	1. Congratulations generally on the framework document / program. A great beginning! General support for the key issue. 2. The QP model is embedded in many areas of BC Legislation, Regulation and Policy. This initiative furthers Governments intent of further utilizing the skills of QPs to achieve common goals in delivering services and holding QPs accountable and doing so in a manner which achieves Government's goals at lower cost. 3. The approach will be most effective and inclusive when the document uses language which ensures full engagement. 4. Suggest the use of one term – 'Qualified Person' to simplify and ensure inclusivity, eg in the first para under 'Purpose' the doc speaks of '"… work of professionals and other QPs…" and many other similar references. 5. The definition of QP as a footnote at the bottom of page 3 is for 'Qualified Person' but the definition does not appear consistent with the overall goal of including all appropriately qualified persons…?
o	I agree with the key issue statement. The missing elements have to do with what the QPs can do for a regulator that does not diminish their statutory authority yet assist them in managing natural resources. Does there need to be modifications to statutes, regulatory or associated protocols or procedures to accommodate the use of QPs?

p	I think that we need to move from a statement to a question. That being "what is preventing government from making use of qualified professionals?"
r	Sure, if there is value added information and it leads to more efficient decision making. We already use many professionals, however, its usually only larger applicants with deep pockets that can afford the use of consultants. Many clients can't afford these up front costs. Also, it very different when we expect all these costs upfront with virtually no certainty on the decision outcome. By comparison, where Forest licenses are already issued, and they have AAC certainty, it's much easier to use professional reliance (they also have a detailed operational legislation, FRPA) as cash flow upon resource extraction is almost guaranteed. QP's is interesting and may have merit.
s	The Key Issue does not differentiate between government professionals and private sector professionals, though I believe the intent is to make more use of private sector professionals. This should be clarified. My view of the Key Issue statement depends on context. If government intends to increasingly regulate NRS activities through a results based regime, then the Key Issue statement makes sense.. I have two concerns with increasing government's reliance on professionals to streamline authorizations. First, in my experience, resource values such as wildlife, fish, biodiversity are placed at more risk within a results- based professional reliance governance regime than within a more classic regulatory regime. Second, there is some indication that an expanded reliance on professionals will translate to staff resource savings for government. This can be true, however, a successful results- based regime relies on monitoring, which will likely be dependent on government for implementing. Any staff savings incurred at the project review/authorization stage could be offset at the project monitoring stage. Currently, we are diligent getting authorizations through, but pretty slack around monitoring. Monitoring is an often overlooked but integral stage of a successful PR model.
t	I agree that NRA's need to make better and more use of professionals. I have serious concerns about professionals being lumped into the QP category along with individuals who may only hold permits or certificates. Being a professional is much more that passing an exam.
u	Yes I agree with the key issue.
v	The key issue statement "… need to be making better and more use of professionals…" is not specific enough to be outcome or action focused. I get the feel the review is somewhat narrow and is looking at only authorizations and certain areas of administration. There should be an indication that there is strong support or advocacy for expanding the use and reliance on professionals within government to:

	• Develop standards that are more results based versus prescriptive; • Reduced direct involvement/back and forth on reviews and authorizations between government professionals and proponents; • Put more importance on credibility, or "respectful regard" for submitting professional.
w	The Key issue needs to be qualified. Is the ultimate purpose and outcome to expedite management decisions and assure regulatory compliance? QPs with appropriate expertise may provide facts and information in a shorter period of time, thus allowing better management decisions to be made within a shorter timeframe. However, it is critical that input provided by QPs is unbiased and scientifically and technically sound. I would suggest rewording the key issue to: "Expedite decision making and regulations compliance monitoring in natural resource management through appropriate use of professionals and other qualified persons (QPs)." While this initiative may address QPs both working within the government and outside, I would focus my comments on the use of QPs from outside of government, that is, consultants and staff of tenure holders or proponents. From my experience, conflict of interest and advocacy have led to bias in work products. This is a serious concern with outside QPs. As for QPs working in the government, I would assume, as in water licensing, that most (if not all in GLP and other qualified persons) have been providing input as bases for government decisions, either by preparing the analyses themselves or by reviewing work products submitted. This initiative would then be to formalize the practice. If there are other considerations such as externalizing the cost to government, or improving the quality of work where government resource is lacking, the Key Issue would need to be further qualified.
y	Yes, I agree with the key issue. That statement may need to include a reference to our clients/applicants as they will be the ones hiring these professionals and the work completed by the professionals will be used by them as well.
z	We regularly use a lot of different professionals in our business I suggest, simply, that natural resource agencies need to expand the types of qualified registered professionals utilized in our business. I suggest that we stick to qualified registered professionals, in keeping with the "Professional" in Professional Reliance. The professional can hire the qualified persons but sign off the report. The different registered professionals can be expanded and identified.
aa	I would suggest that the key issue is that understanding of professional reliance needs to be better understood and implemented. It is not about "using" professionals and qualified persons but understanding and practicing professional reliance.
bb	Disagree – Increasing PR is not the *issue*, rather it's a solution to the key issues that

	are in the background and elsewhere – govt has limited resources, need to reduce transactional cost, decision makers have become too risk averse, the end result is more important than how we get there etc.
cc	Not necessarily. There is always a trade-off between economics and timing. Does QP's used by Industry reduce approval timing windows. One would think it should but that hasn't always been the case. So the Key Issue should include a result or an objective. As it is it would just suggest another level of bureaucracy for Industry.
dd	**'natural resource agencies need to be making better and more use of professionals and other qualified persons (QPs).'** The issue should be to make <u>better use</u> (not more use) of professionals and other QPs; i.e. only where professional or specialized knowledge and expertise is essential. Using professionals and other QPs more doesn't necessarily make things better, less costly or more efficient! In fact, for small area based forest tenure holders, where the use of professionals and/or QPs supplants a licensee or practitioner from doing the work, costs and administration increase because the licensee must retain a professional or QP consultant.
ee	I agree with the issue, but don't think a tool is the answer. Relying on professionals is a trust issue, which cannot be solved with a tool. A tool may indicate opportunities, but without building increased trust between professionals, it may create more problems than it solves. The primary problem will be the handling of expectations of blind deference, that if a professional signs something off that another professional will not question it. What is missing with the issue is why is this an issue and who says it is an issue.
ff	I agree with the key issue. The definition of a "Qualified Person" (QP) should include the points under 2. Background #3. There must be some form of significant sanction attributed to a QP that is found to produce substandard work. If there are no significant consequences associated with substandard work there will be no incentive to consistently produce the high quality product sought, and to be relied upon, under PR.
gg	• Generally yes. • The 2nd bullet under Step 1 on page 9 of the Challenge Paper ("To encourage government to use QPs (either consultants or staff) to support functions such as peer reviews and providing decision-making support") would benefit from clarification. Mention of "staff" changes the context significantly.

	• Should be clear in the Key Issues and in the paper that QP is external only? Responses in this questionnaire are based on this assumption (external QPs only). ➢ The issue implies we need to hire more consultants on contract because we don't have the expertise or capacity to do our work. While this may be true, staff will still need to understand the work that is being done by QPs to ensure the deliverable is correct and valid, and to ensure products received are consistent and follow government standards. ➢ Industry is making more use of professionals and QPs. However, not all QPs follow government standards and the work from one QP to another is often not consistent. Caution would need to be exercised as professional designation does not always ensure a high quality of work.
hh	Yes, but also need to improve "collaboration" amongst the QPs throughout various stages of major works projects. Not to only ensure QPs are brought in for specific stages of a project but to ensure they are not left out of other big picture planning where their expertise may better direct refined outcomes (e.g. don't just bring a biologist in to do a Northern Goshawk nest survey - bring them in to view the big picture and plan how blocks can be laid out in conjunction with management of other resource values. Get them talking to the person responsible for certification, climate change (carbon sinks), etc).
ii	Yes, the BCAPA agrees with the key issue and notes that one agency the BC Oil and Gas Commission (OGC) is already making use of Qualified Professionals (QP) in the discipline of archaeology. Associations like ours should be involved during the development of the Professional Reliance Opportunity Assessment Tool (PROAT), as well as any resulting Professional Reliance (PR) frameworks. Qualified professionals should also be active participants in assessing the effectiveness of the PROAT and PR framework to allow for continual improvement and enhancement of best practices. Currently there is no feedback mechanism for the OGC's PR framework and associations representing QPs were not able to provide input during the development of their PR framework. **Other Ideas:** Specific to archaeology, the key issue statement might be worded more appropriately as "more efficient use" instead of just "more use". It is important to note that the QPs represented by the BCAPA request regulators to respect QP's qualifications and expertise; give credence to their advice and recommendations; bring QPs to the table early in decision making process to incorporate input and reduce "catch up" time and reduce the potential for disenchantment/alienation at end of the process. Also, we have some concern about economic protectionism and what this system may mean for individuals that might be considered QPs in other provincial

	jurisdictions and how this concept may affect their ability to work in BC. For many other jurisdictions in Canada, there is no equivalent to the BCAPA and as such there is no real opportunity for reciprocal accreditation, similar to the College of Applied Biology.
jj	The short answer is yes, but use of QP's alone is not sufficient and does not ensure professional reliance. Indeed, the concept of professional reliance by definition includes both the use of QP's and the framework for reliance, which provides both the mandate and expectations for QP's and their clients. For example, both a Proponent and Government Agencies may seek the advice of QRP's on a specific project issue – but without the concept of deference and constructive interactions between the QRP's, Proponent, and Agencies then it can be difficult for the parties to resolve issues.

kk	Yes and No. We agree with the key issue as a general statement of intent.
	
	The general statement might misdirect readers regarding what professional means in "professional reliance," and the legislations that support it, for example
	    *understanding role of professional licensure,
	    *understanding a law of general application
	and so on.
	
	Suggest:
	insert '*regulated*' and remove '*other*'
	'*natural resource agencies need to be making better and more use of regulated professionals and qualified persons*'

ll	I do and don't agree with the key issue. I agree that we need to make better and more use of professionals; however, the issue is identifying those QPs. In the document they define a QP as "an individual who has been approved by an organization as being qualified to conduct a certain type of work." I feel this is where the system falls apart, because it is not what we are seeing from "professionals". When we are receiving referrals from local consultants, we generally know the individuals and whether they are qualified, but the issue is when a proponent uses a professional from somewhere else. Overall, I don't think the issue is that we need to make better and more use of professional and other qualified persons, but rather we need to be making better and more use of truly qualified professionals and other QPs. We need a method of identifying who these truly qualified professional and other QPs are.
mm	'Professionals' and 'Qualified Persons' need to be featured and defined beyond a footnote and perhaps pulled up from 3.1 (Assumptions.Qualified Persons). The footnoted definition of QP needs to be expanded to include compliance with all relevant acts and regulations, approval conditions and requirements of application processes. Will the provincial government be maintaining a list of QPs?

Input Request #2: Background Statements

Consider – Do you have any comments or reactions to the statements? What other ideas did the statements spark in your mind? Please refer to the statement number in your response so we know which one you are referring to. What other important background is missing that would help inform the challenge we are addressing?

a	I have no general disagreements with these statements. In my opinion, there should be recognition of social interests as an input to making a decision about the use of PR.
b	1. #3 & #6: There are limited opportunities for true clarity concerning what "competency" means within the professional association(s). Most guidance is strategic with no true measures of competency therefore there are limited opportunities for measures of competency or standards of professional work when issues arise. a. Development of 'communities of practice' will enable clearer definitions that would address ;scope of practice issues and should involve the appropriate governing bodies like the ABCFP, College of Applied Biology, etc 2. The background statements should provide more clarity/text around the use of risk ratings of individual tasks as this will also determine what QP to use, their scope of practice, and, determine if peer review is required and/or who should do the peer review and what a peer review should entail prior to the sign-off and/or submission of professional work.
c	The whole purpose of self regulating professionals is certainly in question especially with the recent concerns on biodiversity and lack of landscape planning in BC . Professionals are usually focused on defined areas and often lack the mandate or the desire to deal with these landscape issues. This may be government's role however we certainly do not have that mandate currently. I have had Foresters tell me that if they do not take that last stand of timber in their overlapping operating area then they know another company will. Professional accountability –come on ??
d	• Within the "Background" section, acknowledge the need for change, and the need for a competitive industry • As stated above, change the name to Qualified Professionals and include a definition • Suggest including a section that recognizes the range of professionals working across the resource sector. Include a brief description of how they are defined and treated within existing legislation (i.e. some are self-regulating, while others aren't), their current use and how it may vary from one resource sector to the next • When discussing opportunities for advancing professional reliance be sure to distinguish between professional reliance and reducing government oversight
e	Statement 1. 80 % of the applications are small, and with proponents not having

	significant financial resources, won't hire QPs. The complex projects already mostly utilize QPs anyway. Won't streamline much, and will have issues with staff not accepting recommendations of QPs who are trying to get short cuts. Statement 3. The issue of short cuts, and benefits of using QPs by a proponent, might possibly be resolved by establishing tests for projects with QPs or without QPs involved. The QPs need to have strict guidelines to work within, and staff need guidelines and policy with which to be able to adjudicate and address the output of QPs.
f	There is no mention of the goal within the background document to enhance the global competiveness of Industry within the natural resource sector. Suggest that the background should speak to the desire to be focused on final results/ outcomes rather than just the process
g	Critical to this is having the Resource Ministries identify and risk rank the types of decisions that they want to have QPs' be responsible for. You will need some independent advice on these rankings as many staff will view what they hold self interest in as being critical to the role of the regulator.
h	• Statement 3: In order for the government to rely on qualified professionals it is important that the QP definition is competency based and not mere membership based. Also, there should be a professional development/ongoing professional practice requirement to ensure that QPs are maintaining or increasing their competence. Also, the QP's should hold mandatory individual Errors & Omissions insurance on top of the organizational coverage provided. This would further reduce risks both for the QP's and the government. • Statement 5: The conclusion mentioned that there are a "wide range of professionals that can play a part" is a critical statement that we support. The environment and natural resource sectors are multi-disciplinary in nature, involving competent professionals from a wide range of science, engineering, and other fields of specialization. • Statement 6: ECO Canada, representing Environmental Professionals (EP's) in BC would be happy to collaborate with other associations, consultants, and the government in the development of the assessment tool. The inclusive approach suggested here makes sense.
j	# 3: definition of PR: Should the definition include; relying on the advice and/or decisions of a QP and that a QP is accountable for the advice, recommendation and decisions they make? #4: to summarize; this section implies that the intent is to expand existing professional reliance model to include other accredited practitioners as QPs? Is this the intent? # 5: this statement speaks only to professionals not QPs. There may be an opportunity of expand scope of practice is some professions. Perhaps include a statement that mentions that the tenure holder, agreement holder or person carrying out an activity on Crown land does have

	responsibility and obligations. I have been involved in situations where determining who is at fault or in non compliance has been difficult. In cases where tenure holder fails to meet obligations under the tenure, then the tenure /agreement holder has some responsibility. However if the tenure holder hired and relied on the advice (or lack of) a professional then it becomes more complex.
k	My initial reaction is that the tool sounds like a good idea, unless it is always applied rigidly. There may be circumstances where some flexibility in application is required and it would be good to know that agencies have such flexibility.
l	With respect to number 5 developing an up-to-date inventory will be essential.
m	1. It is one thing to encourage the appropriate skill set to be applied in an efficient manner, and another if the effort is to look to shift administrative burden. How is the public interest met by this activity? 3. What will competency requirements consist of – i.e. will only ongoing ability be examined, or will training, experience, etc be considered? Are the kinds of tasks undertaken by qualified persons (as opposed to qualified professionals) be limited to "rote" type activities, or will qualified persons be exercising discretion? If discretion is to be exercised, what checks and balances are in place to ensure appropriate foundation knowledge (which is often different from demonstrated competence in routine activities) 5. As I have not seen the report referenced in this point, it is difficult to comment. I note however that the report seemed to address "professionals" which to me suggests individuals who are members of organizations established by specific statute, who have met entry standards and practice within an established accountability regime. This would seem to be different from the "qualified person" approach explored in this discussion document. One of the themes running through the points is the need to address this issue in a consistent way. I agree that this is important as consistency in this approach will assist with managing expectations (of public, of practitioners, of government staff, of employers).
n	1. Generally supportive. 2. #3 spells out the purpose of 'professional reliance' and this definition should be included in the front end of the document. This suggestion also applies to the definition of QP. 3. In #4 the doc speaks to the work of other committee and working groups (last four lines) and suggest salient info be released as could provide useful background information. 4. In #5 suggest making available (did I miss this somewhere) the "Reliance on professionals.." doc dated June 2011.
o	Statement 3 – Competency, standards for work and accountability – Agreed but

	there needs to be room for professional judgment in that the guidelines are just that – guidelines. I say this because no project fits any guidelines perfectly. Standards of practice need to deal heavily with ethics. As for accountability it is important not to be punitive except for egregious work products. Being too ready to punish a QP will drive them to become ever more conservative in their work. There also needs to be a significant effort with education of the QPs on a continuous basis to guide and continuously improve professional ability. Statement 6 – agreed that there needs to be consultation with all of those listed, I would suggest including selected professionals within the various associations. It is essential to obtain input from the affected industries and to give sufficient time for them to respond.
p	Background Statement 1. Increasing reliance on QPs with little effectiveness monitoring to determine if what has been done so far is in the best interest of the Province. RAR audits have shown that training and very closed parameters are still resulting in less than appropriate levels of compliance. BS 3. All the systems are not in place to support PR, and as such QPs are frustrated with gov't service (e.g. data accessibility, training support, and other tools that gov't staff are expecting to be used.
q	The Agencies that manage the use of natural resources in BC include federal government agencies, in particular, DFO. The Province should consider opportunities to coordinate a QP policy with GOC. It would be a good idea to consider this as we build the BC model and not wait until after a completely inward-looking structure is completed. This review should broadly consider "independent" provincial agencies that could benefit from use of QPs, such as the Agricultural Land Commission which is already working with FLNRO.
r	I think the term Professional reliance is a bit confusing unless you read the definition. As a professional myself, it means only exercising my professional mandated according to my code of ethics. Using a professional in a broader sense is fine and often very important, however, they may not be legally exercising their "profession". So using a QP may be fine, but you won't get accountability via their professional designation, unless the work being done requires their legal signoff. For QP's, it will be interesting how government will ensure accountability.
s	Point # 1. Regarding streamlining, the intent is to make the process of authorization more efficient. Authorization is not synonymous with management, which implies some level of stewardship. PR can streamline authorizations and reduce administrative burden, but this comes with risk, in particular to values like fish, wildlife, water quality, viewscapes, etc. Some level of stewardship requirement must be in place to backstop a streamlined authorization process. This principle seems to be absent from this dialogue.

	Point #3. While some of the concern I allude to in Point #1 can be addressed through "standards for their work", the stewardship piece has to be consciously pursued as part of the authorization process or it will get lost in the drive to get permits out the door.
t	Government can rely on the work of registered professionals because they are regulated by provincially enacted legislation. Again I see a disconnect between reliance on the work of a registered professional and the work of any other QP
u	1) Our small steps in QP usage are being driven by lack of FTE resource capacity. There is not enough Government technical expertise available to review all the incoming technical reports related to various major projects etc. resulting in a backlog of decision making on the land and water etc.. To help address the back log, contracts are issued to QP to review documents and provide a professional opinion so the decision maker can adjudicate in a timely way. • As an aside You may want to check the Surveyor General decision a number of years ago to re-direct the general public to use professional surveyors for any work that they require and that those hired surveyors must complete their work according to the professional standards that are required of them through their association…which in turn requires them to provide a particular high standard of work….BEFORE their work is sent into the SG for finalizing.
v	Statement #1 It would be helpful to understand what the other "streamlining" initiatives are and how they are intended to link with or complement the increased opportunities for use of professionals. Concern of course is increase in admin burden for licensees at the expense of reduced burden for government. Statement #3 Just a caution, professional reliance is not stand alone, and is complemented by professional accountability as well as professional deference. Statement #4 If this exercise is to work the objective should be expanded beyond just authorizations and administration. Clearly, if the operating framework on policies / standards remains largely prescriptive the bar on professional reliance will not move much. Statement #5 Was this report ever distributed beyond government ministries? If not it should be to inform collective input in this initiative. Statement #6 What would be an example of other PR-related organizations?
w	As discussed in my input to Request #1, my comments below focus on the use of external (to the government) QPs and are shaped by my experience. If the purpose of the initiative is to expedite decision making, the vision on the role of external QPs would need to be clarified. Would external QPs be drafting reports for critical reviews by government staff, or would they serve the role of government

experts and provide information that government would use to base its decisions on? In the latter case, there must be a reliable framework to ensure accountability and to assure that there would be serious consequences (disciplinary actions) to individuals responsible for erroneous or misleading work or unethical behavior. I would like to provide an overview of my past experience as they shape my input to the requests.

Water Stewardship has been relying on external QPs to administer certain regulatory functions in the past decade. Specifically, constructions of waterpower projects have been overseen by Independent Engineers and Environmental Monitors. Both are QPs hired and paid for by the licensees, but they work as the government's agents to ensure that the design and construction of waterpower projects meet licence conditions and regulatory requirements. Independent Engineers (IEs) are professional engineers registered in the province and Environmental Monitors (EMs) are registered as fishery biologists or other appropriate environmental professional designations. They are interviewed by Water Stewardship staff to assure that they have the appropriate expertise before they are accepted for the role. Regardless, the performance of IEs and IEMs varies. While I have seen detailed, conscientious, and careful work to ensure compliance, I have also seen blatant omissions where key requirements were overlooked.

Regional offices have used QPs (in this case Professional Engineers) to prepare Water Licence Technical Reports. A Technical Report is the key document that provides the basis of decision to a water licence application. While I have read only a handful of them, I have seen significantly different quality of work even if the reports were signed off by the same professional.

I have also reviewed a number of technical reports prepared by consultants. Again the quality varies widely. The conclusion in one report could be developed from meticulous and well reasoned analyses while in another, the methodology would be unsound or misleading and the conclusion would be scientifically indefensible.

I found that poor performances were not due to a lack of expertise on the technical issue in question, or a lack of understanding of government requirements and interests. I also found that performance is not correlated to the "professional prestige" of the individual or the firm. Gross errors have been found in reports prepared or reviewed by well regarded registered professionals.

One of the key factors affecting the performance of a QP appears to be the time and resource the QP could allocate to the task at hand. If this is in fact the case, the use of QPs may be subject to the same challenge as having the tasks done by government employees. Competent and well regarded QPs may become "too busy" to do a good job on many of their assignments. Budget constraints could also play a part.

There is likely an equally important factor, and one which could be of even greater concern – the ethics and integrity of the QP. It is often difficult to ascertain if an erroneous analysis that lead to a conclusion favorable to the licensee's financial interest is intentional, or if it is just the result of carelessness (a "rush job").

In summary, the use of external QPs critically depends on the assurance that their

	work products are reliable – the element of trust. What would be the mechanism to assure that the information provided to the government is credible? The erroneous information I was provided were all prepared by well-established QPs. If government staff have to review every work product by external QPs in detail, and to go back and forth at length before deficiencies would be addressed and resolved, would the use of external QPs be that much more efficient than if government staff were to do the analyses themselves? What are the added values that external QPs could provide?
y	One thing that appears to be missing is the involvement of the clients who will be required to hire various professionals in support of their application over Crown lands. Perhaps the reference to "industry" in background statement 4 is meant to cover this off. The clients may be incurring significant additional costs and will likely need to commence work on their application well in advance of submission to ensure that the necessary professional documentation is included with their applications. Professional reliance (PR) will be new to some of our clients; others are already very aware of the need to engage professionals. Outreach to clients and information on our websites would be helpful. At times, we are able to credit clients for some of the costs incurred by engaging professionals. This has been primarily limited to surveyors and appraisers. If the work the professional is doing adds value to the Crown land or provides us with additional information about specific sites, we may want to consider a process to credit clients for some of their out-of-pocket expenses, provided we are able to utilize the information gathered to assist us in more effective management of the land base.
aa	The concerns I have is that the model is promoting blind reliance or blind deference which is not professional reliance.
cc	1) Sounds like work offload – what is the outcome on Industry's side? 4) Good – creation and allowance of a broader spectrum of QP's rather than just the standard fare.
dd	**Background statement #1:** Government shifting its administrative burden onto licensees with the added requirement that the work must be done by professionals and/or QPs is not streamlining – <u>it is simply government off-loading its costs, responsibilities and workload onto licensees.</u> If government can't bear the administrative burden it has created, then industry can't either! The objective should be to eliminate un-necessary administration, not shift the onus. True streamlining is achieved by getting rid of un-necessary administration. **Background Statement #5:** *"One of the conclusions is that are a wide range of professionals that can play a part in, and a wide range of functions that can be*

	performed by them." True statement. Arguably a professional could do everything and anything. But does that make sense? Heck, a neurosurgeon could empty bedpans but is that an appropriate use of their knowledge and expertise? Maintaining a focused scope of practice is very important. Small tenure holders (log sellers) can't afford to pay overqualified people just to reduce government's administrative burden.
ee	Statement 3: Initial reaction – the word "willingness" is missing. In many circumstance staff already have the ability to rely on the work or qualified persons, they choose not to. Statement 4: Framework will be difficult to implement if professionals are not willing. Statement 5: I agree there are opportunities for increased professional reliance, but consensus and dialogue will need to occur in order for the NRS to be able to take advantage of them. This will have to happen between the professionals and will require buy in, facilitation and time. Statement 6: The development of the tool, feels a bit like the cart before the horse. The underlying issues of why professionals are not relied upon needs to be addressed before we can move forward. It is the elephant in the room.
ff	Statements seem reasonable.
gg	- Understanding of government's role and regulatory process should be an important qualification of the QP in their role. - For bullet 4 – authorizations need consistent decisions - For bullet 6 – should consider a framework to ensure decisions/advice is consistent from one project to the next.
hh	3. The overall PR system needs to have improved mentoring and information/ documentation sharing. 4. "Expand the use of QPs" – would want to be careful and ensure QP individuals are aware when the may be inching towards practicing outside their area of expertise, training and/or experience. At least need a disclaimer to state this, that just because the designation/certification is listed, this doesn't necessarily grant expertise. Pretty self explanatory but would be beneficial to emphasize this key tenet. 6. Also "to help agencies identify opportunities" could the government improve their own internal mentorship programs to allow individual QPs to advertise and let others know where they are qualified and possess expertise that could help other districts (MFL/NRO) and business areas (BCTS))? (e.g. field technician many have a past life conducting extensive bridge surveys (this information may be forgotten once they are hired, resumes don't necessarily get looked at again)). Have a central repository of the 14 main functions where QPs (on a regional basis)

	could put their names forward as being "qualified"/"certified" would be very beneficial. The APB does have a breakdown of membership where one could search: (see right of our homepage: www.professionalbiology.com- this is used by the public/ other individuals on a frequent basis) to search for QPs.
ii	1) Within archaeology and outside of the OGC's use of QPs, there is little reliance upon QPs. The Archaeology Branch (MFLNRO) administers the Heritage Conservation Act (HCA) and creates guidelines for identifying QPs that is reinforced by a permitting system. The current permitting and report review system is slow, dissimilar to other jurisdictions, and detracts from reliance on QPs. What would be the requirements for establishing QPs under the professional reliance streamlining structure? Would the BCAPA have to be legislated like the BC Association of Professional Foresters? What would be the mechanism for holding QPs accountable and what are the punishments for non-compliance? 2) The advancement of the use of QPs within the forestry sector is a good example of how the process can work. There is good information to draw upon from current Archaeology Branch guidelines and BCAPA membership requirements to determine what level of experience a QP should have. 3) The qualifications of QPs (e.g., RPCA) within the BCAPA are largely parallel with the requirements of the Archaeology Branch for individuals to be eligible to hold a HCA inspection permit. The OGC undertakes audits of QPs, the Archaeology Branch and the BCAPA do not. The OGC field audit system is flawed as there is no set practice, no documentation, and no feedback system to allow for continual improvement of QPs. Would the "system" for professional reliance be consistent across the board for all QPs or specific to each discipline? Would associations or government bodies administer the system? 4) Members of both professional associations and industry should be included from the onset in the development of the PR framework and determining what a QP is. The Ministry of Transportation and Infrastructure's RISP system does define what an appropriately qualified individual is in many instances. 5) Seems like common sense. 6) Yes, the PROAT should be developed in consultation with QPs and their respective associations. Also, individuals not associated with a professional organization should be provided opportunity to comment. Other: A review of government auditing methods and results (made available to all

		parties involved) would further the understanding of what does or doesn't work for the development of the framework. This should include auditing methods and results of both the Archaeology Branch and the Oil and Gas Commission audits.

jj		CEABC has the following comments on the Background Statements:
		
		Item 3) needs to include the following concepts: framework (as per vision statement above); continuous learning; and professional independence.
		
		Item 4) needs to incorporate the concept of "communities of practice". A community of practice in the context of professional reliance, would include <u>all</u> of the QP's (industry, agency, consultants) engaged in a specific activity or type of assessment (such as riparian zone management, roads, or fish habitat management). Structuring the concept of professional reliance around communities of practice promotes the independence of QP's for the professional reliance model.
		
		Note: From www.wikipedia.org, A community of practice (CoP) is… a group of people who share a craft and/or a profession. The group can evolve naturally because of the members' common interest in a particular domain or area, or it can be created specifically with the goal of gaining knowledge related to their field. It is through the process of sharing information and experiences with the group that the members learn from each other, and have an opportunity to develop themselves personally and professionally. CoPs can exist online, such as within discussion boards and newsgroups, or in real life, such as in a lunch room at work, in a field setting, on a factory floor, or elsewhere in the environment.
		
		Item 5) reference does not appear on-line. Perhaps distribute by email prior to the workshop on March 14?
		
		Item 6) refers to a single tool for determining the opportunities for PR. However, it may be that a tool developed for use at the Project level needs to be supported by a separate tool (or strategy) to foster a community of practice, with due regard for the legislated mandates of the professional associations.
		
		While not listed in the Background section, it may be appropriate to provide explicit comments regarding the expectations of/for:
		    1) Government agencies
		    2) Industry proponents;
		    3) Professional Associations and other Certification Bodies;
		    4) Key Stakeholders and the General Public.

kk		The definition of QP is very broad and includes everyone that belongs to any organization. Combining regulated professions with any organizational certificate in this way and then deciding that this is professional reliance is inconsistent with the application of professional reliance underlying FRPA. *Unintended consequence:* confusion for those trying to understand the progress of

	professional reliance under FRPA. *Suggestion:* Change the definition of QP or call the process something other than Professional Reliance. 1. Suggest remove 'other' and 'collective' reference to QP. (by wrapping the two concepts together the term misunderstands professional reliance and speaks only to eligibility instead of what is authority and competence) 2. No Comments or Suggestions. 3. No suggestions. I think that the Working Group captured the key features of why users of professional service can rely on the professional and PR 4. Good idea. 5. No Comments or Suggestions. 6. No Comments or Suggestions. Other Background: a) What forms of Professional Reliance will you to where you want to go? The parallel legislation (FRPA, Mineral Tenure Act, etc) has a lot to do with the application of the professional service and professional reliance. b) Does the professional has to have the ability to carry out the task or will professionals be in awkward positions and exposed to a variety of problems and expectations.
ll	Statement 3 "Professional Reliance" needs to be the foundation/built first before a PR Opportunity Assessment Tool can be developed. In discussion with several other members of natural resource agencies, it is the issue of PR that prevents the desire to use QPs at a greater capacity. We often see unqualified individuals providing recommendations or inaccurate information, but because they are members of a self-regulating body we must accept they information or confront them. A system/data base needs to be developed that identifies a QPs competencies and ensures accountability. A system like this would strengthen our confidence in the QPs.

Input Request #3: Assumption Statements

Consider – *Do you agree with the assumptions? Which ones do you disagree with and why? What other important assumptions are missing that would help inform the challenge we are addressing? What other ideas did the assumptions spark in your mind? Please refer to the statement number in your response so we know which one you are referring to.*

a	I agree with the assumptions. Is there intent to include AP's in this review? If the answer is no, the option should be removed from the dialogue. If the answer is yes, there should be a link within the assumptions to identify the role of AP's.
b	1. Yes the assumptions are correct but it is missing the preparation, content, and use of Professional Rationales. 2. Item "m" should also address the need for sign-off of certification statements; e.g., ABCFP Bylaws 10.6.1 and 10.6.2. Clarity must also

	address what each certification statement applies to and means in terms of professional responsibilities. As it sits there is a wide range of interpretations of the use and meaning of these certification statements.
d	In my opinion, qualified persons are professionals that may require some additional accreditation to demonstrate specific knowledge, expertise and/or training in a field. This can be achieved through standards, self declarations, certification, practice reviews, 3rd party audits, education, quality management programs, etc. In terms of functions, professionals also review, approve and implement plans.
e	Yes
f	Generally agree with assumptions. Assumption I – do not necessarily need to be a qualified professional (QP) to conduct activities. In some cases activities can be conducted under the supervision of a QP. Suggest this be reflected in the assumption. Assumption k – Depending on the type of certification do not always need to be a QP (e.g., an ISO like certification which relies strictly on following a pre-determined process)
g	For both 1(a) and 1(b), members must maintain their status in their area of practice and maintain their professional development credits in order to maintain their competency, particularly as legislation and standards change over time. Ensuring that all APs are subject to audit will hold them accountable. Further you want to ensure that you APs' actually practice in their field of expertise, some only use the QP label for marketing.
h	• Statement 1.a.: The final sentence in this section addressing "enactment" is logical. Ensuring that the definition of Qualified Professionals is not limited by various acts ensures that professionals can participate based on their competence and not prevented from fully practicing in their field. This definition also allows for a broader pool of competent professionals to serve BC. • Statement 4: The BC government is well served with a process that constantly explores opportunities for new uses of QP's, but we would also recommend a process that allows for a flexible inclusion of new QP's by keeping the definition competency based and not specifically mentioning specific associations acceptable to provide QP's. This ensures that should a new emerging area of environmental or natural resource work emerge, the organizations tasked with certification can produce QP's without having to amend or change regulations. This allows for more rapid response to industry changes and keeps with the logic of ensuring that the QP definition remains competency based.
i	Agree
j	I agree with the Assumptions. I would consider adding "provide advice and recommendations" in the 14 main functions. However it may be covered in (n) *SDM support*

k	Agree with the assumptions. For assumption 2, I would add that a professional function includes collaborating to establish best practices. Perhaps this was thought to be included under "Develop standards" but I see best practices as the ways to achieve those standards.
l	Looks fine
m	1. I disagree with statement a) as in order to be a self-regulating professional, there must be a specific statute defining the profession – otherwise individuals cannot be held to the appropriate level of accountability. Without a provincial enactment, the association is under either the provincial society act (corporate structure, member interest organization) or the federal equivalent (Canada Not for Profit Corporations Act) which is not authorized to regulate a profession or trade (Note: Eco Canada is registered under the precursor statute to this so their professional certification regime appears to be at odds with their legislative construct). For b) – there are many "for profit" registration schemes that may or may not be inappropriate for a public interest approach so I would need to know more to better understand the approach anticipated for the "accredited practitioners". The more I read, the more uncomfortable I am with the term QP applying to Qualified Professionals and Qualified Persons. It may be that differentiation between Qualified Professional and Accredited Practitioner is a better way to go.
n	1. Good characterization of the two main groups of Qualified Persons'. Again note that this term is not used consistently throughout doc. 2. In #2 suggest also include: test and inspect and report 3. In #4 suggest detailing/noting: - skills will be utilized to full potential - competency-based assessment of which QPs identified - define process for identifying priorities - clearly articulated process, open and transparent with plenty of time for consideration and input by all affected stakeholders - convene open forums at regular intervals
o	Agree
r	Self regulating professionals are folks that use their professional seal to sign off and abide by their respective code of ethics. Accredited practitioners may be professionals or others that become qualified. Again, how are they held accountable?
s	Looks fine as presented.
t	I do not believe that the assumptions are robust enough to differentiate between the two groups of QP's in terms of regulation, protection of the public interest, compliance, conduct, discipline, enforcement, etc.

u	4) Not sure it will allow you to identify opportunities for new uses of QP…
v	It is not clear to me how this assumptions section will help in developing the proposed Assessment Tool. It might be useful to identify areas where government currently requires the use of and or signing of documents being submitted for government review and authorization and what weight is being placed on those submissions. For example, in the area of stumpage appraisal submissions there is a requirement for professional sign off, but there is for the most part 100% review of the submitted information.
w	In considering each function listed in section 3.2, it would be important to have a clear understanding on the level of details of information that a statutory decision-maker for the specific natural resource sector would have to consider. QPs could be valuable resources to develop this information, but sufficient supporting materials must be made available in their work products so that the source and reliability of the information are clear. As discussed above, my past experience would caution against putting external QPs in the role of decisions making functions such as certification (item 2k) and statutory decision-maker support (item 2n). For the other functions, there must be a reliable framework to ensure accountability and to assure that disciplinary actions are certain for unprofessional performance. An assessment on the potential of using QPs for different functions must also consider the need for an arrangement for follow-ups or clarifications in the future, after the contract with the QP for the specific function expires.
y	I agree with the assumptions. What may be missing is any type of analytical process in Statement 2 under Functions. "Gather and provide information" could be expanded to include analysis of information. The list appears to be a mix of individual professional responsibilities and the responsibilities of the governing body or other governing body members. It may help to differentiate between the two.
z	I think we should keep to registered professionals.
aa	What's missing is that professionals provide advice within their training and experience that must be founded on good science and good professional judgment. To do so requires a clear understanding of the limitations not only of the science but of one's training and experience.
bb	Agree
cc	Yes- Accredited practitioners are very important to ensure we do not get a labour/skills shortage by enacting such legislation too quickly (i.e. WorkSafeBC's RFPT QP's for Avalanche Control above roads)
dd	**Qualified Persons** There needs to be a 3rd category of QP for licensees and practitioners who by virtue of being awarded their licence, years of acceptable practice and performance, are

	considered qualified. Over 800 (est.) of BC's 875 woodlot licenses were awarded to people because they had the necessary <u>qualifications</u> - education, experience and management intent. They have managed their WLs admirably for decades. Is the challenge paper suggesting they are no longer qualified to continue doing the same work they have been doing for years? **Functions** The list of functions pretty much mirrors woodlot licensees' legal obligations. The list is not unique to professionals. It's the scope of professional practice that needs to be defined. The function and role of a professional or QP must be integrated with the obligations and responsibilities of those authorized to manage crown resources or is the challenge paper suggesting professionals & QPs should supplant tenure holders? **Assessment Tool** Don't understand the role of an assessment tool in determining new uses of QPs and how that would relate to professional practice. More on this later.
ee	Statement 1 & 2: I agree more or less. Statement 3: Not sure how this would work or what is being suggested? Do you mean apply to? How can the tool support the functions? Statement 4: I agree, but as previously mentioned the tool may identify opportunities, but if professionals are unwilling to rely on each other, this will not help us move forward.
ff	I'd like to see "Prescriptions" added to the list of functions. Perhaps that element would fit under prepare plans, but prescriptions to me are specific documents designed for a specific set of parameters, plans are broader in scope.
gg	- Agree - QPs could be used for structured decision making and to support policy development
hh	3. Yes but due consideration should be given to 1a being bound by practice standards and ethics while 1b generally does not adhere to the same level of stringent practice requirements (unless a member of another professional regulatory body). 4. Once again, a preface to this should be that "yes" QPs could be used in further opportunities but QPs really need to have a full understanding of scope of practice and when they may be potentially be faced with starting to operate outside their expertise area and in adherence to education/training/experience.

ii	1) Archaeologists working in BC need to meet the experience requirements as determined by the Archaeology Branch. Many archaeologists are members of the BCAPA and some are not (approximately 80% of BC Permit Holders are BCAPA members). Considering this, QPs in archaeology belong to both groups currently. Province wide regulation is applied through review and issuance of HCA permits on a project-by-project basis. In addition, some archaeologists working in BC operate outside the purview of the Province (e.g., on federally owned land); these individuals fall outside of these two groups. 2) BCAPA members do not perform some of these functions but the list seems inclusive of what our members do. 3) There should be some sort of limiting wording here, considering the response in point No.2 above. 4) Archaeologists in BC already need to be QPs as set out in Archaeology Branch guidelines, so the need for "new uses" is somewhat moot. Eventually, BCAPA members should be moving toward having less direct provincial oversight through stronger professional reliance opportunities.
jj	For the list of QP functions in Item 2, it would be helpful to separate the functions of associations (or communities of practice) from those functions carried out by a QP during a specific project. This would separate and clarify the working constraints of a QP (Peer/Association expectations around technical competence, ethics, standards of practice, etc) from the project-specific considerations. The assumptions need to include provisions to create and foster "communities of practice" to support professional reliance. This is especially important to knowledge transfer and improving the standard of practice overall among all members of the community.
kk	1. QP Qualified person – concern is stated earlier. Another way to consider this is …separate from the self-regulated professional are various other forms, primarily technical occupations involving certifications, accreditations, licence schemes, that establish an eligibility for a person to undertake certain tasks. These persons are referred to as Qualified Persons. 2. Functions: may want to reference government; also the word "main" implies that the list is complete. Suggest: *"there are generally 14 functions that professionals perform for government agencies,"* : the list of general functions will vary dependent on the professional legislation. For example, the practice of professional forestry includes the *verification of activities*, or the *confirmation that objectives have been achieved*, or *approving methods for engaging in valuation, appraisal, conservation, rehabilitation of forest land*. Still, great to have a list of the kinds of things that the professional generally does for government agencies. 3. Good idea. 4. Good idea.

	Other Potentially Missing Assumptions

The text might need to address that the regulated professions are themselves different. For example,
  - the self-regulating profession may or may not have an enactment that sets out certain practice rights or obligations;
  - practice rights might reside in another legislation;
  - specific obligations in one act may not be present in another act.

The profession is generally required to ensure competency of members and also enforce the act including the practice definition, principles of stewardship or other. |
| nn | I can provide some more details when we chat. Generally the challenge paper covers the topic well. The key feedback I received from myself and my staff fall into three main points:

1. Biology/ecology is a uniquely challenging field to apply the PR model to because:
• The field is relatively small and aspects are constantly developing, making it challenging to:
  - Assess competency
  - Clarify expectations/standards/methods and therefore
  - Ensure accountability
• Biological responses are inherently variable, meaning:
  - They are challenging to predict and
  - Expensive to meaningfully measure
• 'Values' are not universally understood/accepted (for instance: a universal value of structural engineering is human health and safety)
2. The issue of 'independence' of professionals becomes an issue when the competency requirements and operational expectations are not specific enough to ensure accountability.
• This is partially addressed in the paper through the concept of a third party/ arm's length body.
3. Defined competencies and expectations are most durable when developed/agreed upon by both public and private sector professionals.

Based on this feedback it may be appropriate to specifically scope out what parts of government business/decision-making currently involves ecology/biology and provide an initial scan of what components the PR model fits well with (or not). This would better inform us up-front of the potential efficiencies to be gained (or not) through more intense efforts to define the competence, expectations and accountabilities in this field.

One last point: the paper does not explicitly state that a key objective of the PR model is to improve efficiency through an increased reliance on private-sector professionals in the place of public sector staff (costs borne by proponents rather |

	than the public).

	Input Request #4a: Professionals Reliance Vision and Outcomes Consider – *Do you agree with the vision and outcomes? If not, which ones do you disagree with and why? Are there missing outcomes?*
a	Government transaction costs *may* be reduced. Applicant transaction costs will increase. How about, "reduced government transaction costs". Inclusion of participants to learn about social concerns should be included. It may be possible to seek input from a representative of UBCM
b	Agree with them noting that local 'communities of practice' groups would facilitate the desired outcomes
c	The vision is lofty The goal of reduced transaction costs is always a driver and over exaggerated by the forest industry. The reality now is that landscape planning barely exists and that cutting permits take on average 16 days to rubber stamp .This is not a big cost driver any more however the advocacy associations continue to push resulting now in a Professional reliance model for the appraisal system !!! What has been lacking in this process to date is a clear understanding by the public, industry professionals and the govt people on their roles. To have a strong professional reliance program you need clear accountabilities as well as clear monitoring and audit standards .I see very little of this currently. Govt has a role in the cumulative effects tracking process and we need to get a better handle on the health of our watersheds. We had a much better idea of these 10 years ago when we had watershed assessment tools, access mgmt plans, local planning groups etc
d	The Vision should include the expectation that professionals will balance the public's economic, environmental and social objectives as part of their decision making process Additional benefits of Professional Reliance include: • Improved stewardship of natural resources • Increased understanding & trust or professionals • More effective application of risk management
e	Outcomes: Is having a QP on board being seen as a way to queue-jump, or get a rubber stamp? The mutual trust piece can be stretched by a QP seeking to move their client's application through post-haste without hassle or comments back on

	changes required, simply on the basis of being a QP, despite poor quality work. Poor work is not easily pursued by regulatory associations as that is expensive process and often the work is poor but not poor enough to warrant a full disciplinary investigation.
f	Suggest a definition of professional reliance be included as a footnote (e.g., relying on advice and decisions of professionals who are willing to accept both responsibility and accountability for the advice and decisions). Outcome b – Suggest that reduced transactional costs an outcome for both government and industry. Outcome c – suggest this outcome also include a reference to reduced administrative complexity. Outcome g – suggest this read "shared" accountability rather than clear Additional outcomes • Increased natural resource sector global competitiveness • Increased flexibility and freedom to manage • Increased clarity regarding roles and responsibilities
g	**Outcomes:** Reducing transactions costs may be a misnomer. Reducing the number of transactions by government may be more realistic. You'll need to be mindful of the increased costs to government in time and FTE/Contractor expenses to prepare and make available the guidance and procedures needed by QP that they are accountable for following and that they can point to in any audit. You'll need to be cautious on the use of "innovative" practices. Government may want to retain some oversight on truly innovative approaches to ensure they meet the desired outcomes. Lesser government oversight on innovative practices imported to BC from other jurisdictions may be more appropriate. Regarding accountabilities you'll need to be clear in respect to the role of the QP vs the regulator and the distinction between law and policy or guidance.
h	• Statement 1: Vision is good. • Statement 2: Add a point h.: utilization of broad skill sets to meet complex challenges
i	Agree
j	• It appears clear in the context of self regulated Professionals. Not clear how it applied to QPs.
k	Agree with the outcomes. Would add something around improved decisions. It seems to that is the essence of doing this and the other outcomes are actually secondary.
l	Again looks fine
m	Self regulating professions have been in the business of licensing and regulating

	professionals prior to government establishing a "Professional Reliance" legislative regime. Given that I have no problem with the section as it applies to self regulating professions established in stand-alone legislation. For the reasons set out earlier however, I do not believe that this can apply to those who are not members of such an organization.
n	1. Solid statements 2. #4a – references 'training' and while this is appropriate it may be a bit narrow and should include other factors such as experience..?
o	Agreed, I can't think of any specific missing items.
p	Not sure what is intended by (e) – do we want more or less risk in decisions Suggest adding: Equivalent level of environmental management/protection
r	Unless government really employs compliance and audits, this will be a challenging piece. Not so now.
s	The vision statement is fine. One key outcome that is missing is stewardship of natural resources. This could read something like: "a regime that supports sound stewardship of natural resources".
t	Yes
u	Yes I agree
v	For the most part there are already professional associations in place so the vision should not be focusing on "relying upon a professional reliance system", rather it should be more explicit and "…rely on professionals…" The outcomes appear to focus on accountabilities for professionals on the submitting end of things, there also needs to be a focus on responsibilities and accountabilities of reviewers and approvers where an authorization is required. More importantly there is no indication that the Assessment Tool is considering opportunities to reduce the need for authorizations in some areas. For instance in working with DFO a notification process was established for works in the marine environment. Proponents can proceed with works for heli-drops and reactivated log dumps with a 10-day notification where a professional has assessed the area with regard to established criteria.
w	My experience with QP work products, some of them alarming, shapes my response to Input Request #4. Is the vision as stated realistic? Is it possible to have a sufficiently robust professional reliance system that the government can confidently rely on for sound stewardship of the province's natural resources? What about a scaled back vision, for example:

	"Government, licensees, professionals and the public understand and accept that a professional reliance system for certain stewardship functions could be the most efficient approach to manage the province's natural resources if an appropriate level of oversight is in place."
y	Yes, I agree with the vision. The outcomes for government appear to be a fairly comprehensive list. I believe what is missing is the outcome for clients. On the negative side – increased timelines related to application preparation; increased costs to hire professionals. Given the multi-faceted nature of the review undertaken on Crown land applications, there may also be no more certainty of outcome of their application even with supporting professional reports. A client may engage one or more professionals to assist with their application, only to find that a tenure cannot be issued for one reason or another. On the positive side, PR may provide more certainty for the client as there is a better likelihood that they have "done their homework" in advance of submitting an application.
z	**Vision**: Government, licensees, professionals and the public understand, accept and can confidently rely upon a professional reliance system to ensure sound stewardship of the province's natural resources. I am not sure you can confidently rely on a professional reliance system without talking about a compliance and enforcement component and I am not sure how this would fit into a Crown grant application. The vision is fine, but doesn't cover all aspects of the work and, since it doesn't, how is the 'fairness' criteria of Lands business affected, especially talking about cost. Many of our clients are "Mom & Pop" operations. Will this process exclude them from tenures because they cannot afford the additional use of professionals if the hiring of extra professionals becomes the required instead of optional? **Outcomes**: Anticipated outcomes and benefits of achieving the above vision include: a. a shared government-industry understanding of professional reliance and a culture of mutual respect and trust b. reduced transaction costs I am not entirely certain that this procedure will reduce costs because each professional report will have to be reviewed and for any given application, there may be several. In addition, working with the professional to get an acceptable application or report may create additional time and the possibility of officially induced error
aa	Disagree – professional reliance is not a "system" but a way of practice, a way of being. Application of professional reliance may not result in "efficiencies".

bb	Agree
cc	A more efficient process is critical to industry
dd	**Vision:** *This doesn't make sense!* The vision statement is the same as the definition of professional forestry (see Background, bullet #3). As written, the vision statement/definition could be the goal of organizations that represent professionals and QPs. It may also be a goal that government supports. From a government perspective, the vision needs to be about the natural resources and upholding the public interest in those resources…and the role professionals & QPs are to play. Professionals & QPs support tenure holders, not the other way around, which is what the challenge paper appears to being trying to promote. **Outcomes:** (b)There appears to be an erroneous assumption that increased involvement of professionals & QPs will reduce transactional costs. While that may be true for corporations with professionals on staff or where the scale of operations can afford increased use of professionals, the same does not hold true for small tenure holders such as woodlot licensees. Using a professional is a consulting cost. So any expanded use of professionals or QPs results in an additional expense! ***Keep in mind, if an average professional is $750/day, then for an average WL that works out to approx. $.60/m3 of additional cost!*** (d) Doubtful, at least where small tenures are involved. Currently, the requirements to justify innovation are unaffordable. Adding high priced professionals won't make it better. (f) If limitations of time, people and money are the issues, then paying higher priced people to do the work doesn't address the issue (from a small tenure holder perspective). Getting rid of unnecessary administration, simplifying processes, reducing the e-burden, etc. are better ways to address those issues. A few years ago, Minister Coleman expressed his dis-satisfaction that the Woodlot Licence Program was 8% of the Ministry of Forests' workload but only 2% of the province's timber harvest. A very good point!!! But it is Government, not woodlot licensees, that created the 8% and surely a shift to professional reliance does not address the core issues regarding workload. The amount of administration must align to the size of the tenure, risks involved, etc. While much good work has been done by a Joint Working Group there is still much more to be done…long before PR gets applied. (g) Accountability is a big issue. Currently, as provided for in legislation, the Province exacts accountability on the licensee, not the professional or QP. Expanded use of professionals & QPs will necessitate a comprehensive re-examination and re-write of the enforcement provisions in natural resource legislation. If professionals want more responsibility and involvement then they,

	and not their clients or employers, must be held directly accountable.
ee	Vision: Could have used fewer words, but I agree in general with the vision. Outcomes seem reasonable if vision is achieved. Missing outcomes: Improved relationships and communication between professionals.
ff	My personal belief is that PR allows reliance on a QP's work and an accepted understanding that there may be more than one approach taken to achieve a desired outcome. I also believe (this may or may not fit the PR model) that PR does not mean that those QP's submitting work should have the expectation that their work be blindly accepted by government without the ability to have their work questioned. There needs to exist (when needed) the ability to discuss submitted work on a professional basis to determine if an approach taken is indeed appropriate. The ability to professionally discuss submitted work needs to be included as an important part of the mutual respect and trust piece.
gg	• Attainment of Vision and Outcomes will depend largely on how the model is implemented and how well the QP is used: how well the problem is posed, how much time is available to address the problem at hand. ➢ Generally agree with this section. ➢ The success of this initiative will depend on how well outcome 2a is achieved – a shared government-industry understanding of professional reliance and a culture or mutual respect and trust. There are often differences between the level of expertise among QPs and proposed approach to evaluate projects such as EIAs which results in a lack of consistency and means staff spend more time reviewing the information. Government should be clear on its expectations and provide guidelines on methodology and approaches that should be used for the evaluations. ➢ 4c will require careful consideration. There should be a mechanism to deal with work that does not meant quality and methodological standards.
hh	1 First Nations considered under public? Should be listed as a separate entity-different Gov't to Gov't discussions and legislative requirements. 2d/e. Adaptive Management is case in point (need improved discussion amongst QPs so we can learn from one another)
ii	The BCAPA would like to see a PR framework with inputs for continual improvement along with mechanisms for standardization of best management practices and advancement of those best practices. 1) Include "First Nations" within the initial list of groups, especially in relation to stewardship. The "vision" is confusing to the reader as it does not define which "natural resources" are slated for sound stewardship. Is this the natural beauty of our province and the abundant wildlife; or, is it the ore, gas, or

	trees that our economy relies upon and the sustainable development of natural resource extraction projects? Consider altering the wording from "natural resources" to "public resources". 2) "First Nations" should be added into the outcomes statement. Inviting First Nations to the discussion early in the process would provide transparency and would allow for consideration of their experiences and cultural values. Additional outcomes: - An increased awareness within industry and the public as to the importance of these natural resources (e.g. archaeological resources). - A better understanding of the archaeological record in BC through both increased standards by which QPs operate and a wider involvement by the BCAPA. - Culture shift with respect to the public's opinion on heritage.
jj	It may be helpful to categorize the outcomes for the various parties with a stake the development and implementation of professional reliance, namely: 1) Government agencies; 2) Industry proponents; 3) Professional Associations; 4) QPs and Communities of Practice; and 5) Key Stakeholders and General Public. It would also be important to include the increased efficient/effective use of government resources (less time spent on low risk issues/applications, greater time spent on high risk issues/applications).
kk	1. The Vision should include First Nations *Government, First Nations, licensees, professionals and the public understand, accept* *and can confidently rely upon a professional reliance system to ensure sound* *stewardship of the province's natural resources.* 2. Outcomes okay

Input Request #4b: Professional Reliance Framework

Consider – *Do you agree that those three elements are a key part of the Framework? If not, what do you think the Framework should look like? Are there other elements or considerations that are key to the overall Framework? What 'next steps' do you think are needed to develop the Framework? Who should be involved?*

a	Item 4a is agreeable. Items 4b & 4c are the most important and controversial

	elements discussed whenever the topic of PR is raised.
	b) Clarity of expectations: with objectives, standards, guidelines, protocols and checklists that advise QPs who undertake work, support quality assurance and can be used in audits
	It is a daunting task to create new objectives that will cover the broad areas of practice found within Land Act disposition business areas; it can be done. It may be prudent to make better use of existing regulation and legislation and require QP's to assure pertinent steps are in place to address those directions. *{In my opinion, the easiest part of a Land Act disposition is making the decision specific to the occupation of the land. It is rather systematic to answer the basic question; "is the land available?" We expend most of our energy seeking input on matters directly linked to environmental concerns, First Nations interests, and some social conflicts. In every case, there exists legislation, regulation, and legal opinion that dictate the outcome.*
	c) Accountability: to ensure performance and consequences e.g. an audit system to periodically determine individual competence in a given discipline, and the ability to bring QPs back to acceptable performance standards either by complaint resolution or audit.
	My understanding is that accountability for performance rests with the licensee and not the QP that prepared the management plan. In a scenario where the QP is employed by the licensee expectations for proper implementation are high. Most of the non-forest based resource sectors do not have QP's as employees and I assume those licensees will rarely recall the QP once work commences. If the plan is not implemented, the QP is not responsible for consequences. The outcome is not different from today's practice and this leads us to ask; what was the point of seeking the services of a QP in the first place? In addition, the individual associations are legally responsible for addressing member conduct and I expect resistance to developing another system to override historic practice.
	Of great concern to decision makers is whether they will be supported by executive and government if the outcome of the decision or attracts negative attention *(this includes the actual decision and the implementation of the management plan).* The decision to increase use of PR has to be measured with a view that includes public acceptance of a practice that relies heavily on external advice ("trust me-I'm a professional") to manage public resources. Public and professional criticism of forest management would indicate the answer is no.
	In my opinion, item 5 is a non-starter. There is currently a C&E function within the ministry and it can be used to conduct priority audits. It is unlikely new money will become available to establish another watchdog.
b	1. #5: There is no need for another level of auditing. The applicable associations should maintain their own independent disciplinary systems. If

	an association has no formal disciplinary process then a 3rd party entity maybe useful. 2. 'Community of Practice' groups could have their own internal auditing processes that are informal and become vehicles for continuous improvement. It would also provide a venue for professionals to bring their specific issues to a group of peers who operate in the same 'environment' for input, advice, and sounding boards especially for innovative ideas which in turn would create opportunities for continuous improvement across all professionals regardless of their individual professional statuses.
d	Accountability should be mentioned first and strengthened, to stress its importance and the fact that it is an integral part of any professional reliance system An important aspect of any framework is to establish the bounds in which a professional operates and can be held accountable. Without bounds, the system becomes ineffective. I am opposed to the creation of a new body responsible to administer a professional reliance system. Such an initiative would add costs, process and bureaucracy for no real value.
e	Framework, 4. An audit system could be in place but would not likely be used frequently and create hard feelings to pursue a QP whose performance is poor or even marginal. Arm's length body is another bureaucracy to create which would have strict operating guidelines and typically many of the irritant files and QPs would not really get dealt with, so the deterrent may not actually transpire operationally.
f	Suggest there is a need for monitoring component. This is different than an audit. Element B sounds somewhat prescriptive. Suggest we do not mention "check lists, standards etc" but rather stick to best management practices. The goal of professional reliance is allow professionals to make use of their education, knowledge and experience to provide advice and make decisions. Each situation is different so we want to stay away from using a checklist approach. It is best if the professional can utilize information (science based etc) to help with rational to support advice or decision
g	**Framework:** The framework will need to evolve with time and with demonstrated competency in the model to grow capacity in the PR model. You will need to develop a catalogue of guidance, procedures and protocols that the QPs can follow. You'll need to develop a risk outcome framework for the audit process so that the QPs, regulator and public understand the consequences of audit findings (i.e. distinction between need for better education or guidance vs strict disciplinary measures). I'd suggest adding the need for insurance for QPs to the framework, as you'll need something to backstop the costs when a QP fails.

h	• The proposed framework is strong. In particular the three basic elements are vital. • Statement 5: It will be important to ensure that multiple arm's length bodies are utilized to ensure the three basic elements of the framework are upheld. Associations' ability to ensure these three elements should be prerequisites for becoming a recognized body. Again, not legislating which associations meet the requirement (or leaving flexibility to add new) will be important to ensure BC does not create an exclusive framework that restricts competent people from practicing.
i	Agree
j	I generally agree with the 3 basic elements and offer the following comments: a) Competency: not sure what is meant by "with an organization" – is this a governing body, educational institute, government agency…. Should be based on qualifications and experience of the individual as well as with credentials of some sort. b)Clarity of expectations: challenge may be to have transparency, quality assurance and defining the scope for QPs. c)Accountability: for most professionals the accountability element is already built in (forestry profession – Foresters Act). How do you monitor performance standards and conduct for QPs? What are the consequences for misconduct of QPs? What is considered misconduct? # 5: The above questions could be solved with an arm's length body but that aspect may be very complex and onerous and may not meet the efficiency outcome.
k	Agree with these elements and believe an arm's length body is essential to ensuring those elements are met. It would be unrealistic to expect the BC government to do that. Next steps would be to identify the sectors you want to include, determine whether there is an association or other body that represents the sector and determine whether they can meet the requirements set out in the framework.
l	Same (i.e. looks fine)
m	Point 5 above is interesting – if this initiative is about reducing government bureaucracy, and given that there are already organizations administering self regulating professionals, why would there be an additional organization established to administer the system? If this is necessary because of the intention to bring in practitioners who cannot meet the registration requirements of the legally established professions, you need to re-think the approach.
n	1. 3 elements are appropriate 2. Consider 'professional regulatory authority' for those registering QPs as an element worthy of mention. 3. #5 – the notion of an 'at-arms-length body to oversee professional reliance has merit and should be pursued.

o	Item 4 – see comment in request 2. Training can not be a one time effort, there must be ongoing training as guidance changes and new items are discovered/encountered. Having punitive outcomes to substandard or slightly off the mark reports will cause ever more conservative work and will stifle innovation.
p	The biggest issues are loose definition of "qualified", lack of standards to keep QPs within the goalposts, and no audit system. I think that one of the biggest reasons that gov't (at the staff level) are reluctant to move to professional reliance is 'trust'. In order to remove that barrier, standards must be in place. From a forestry perspective, in order to meet long term timber availability/sustainability gov't has gone to great lengths to develop guidance (e.g. ecological classification, stocking standards, pest mgmt, seed sources, survey standards, etc). This type of information is not available for biological resources. The number of 'at risk species' is overwhelming, and we are wanting to rely on QPs to do the right thing, when we do not have the support systems in place. In discussions with QPs, they are wanting to ensure that their work is included. We have a checklist in place for one QP reliance piece that we are working on. This is forwarded to the decision maker, independent of any impact assessment and/or final proponent submission to SDM. It outlines if they are a QP, if they followed standards, and what the risk is of the project that they have assessed and/or mitigated for. This type of system allows for a self assessment by QPs, maintains independence of the proponent, and outlines implications to the SDM. Audit system required.
r	Government must still have respective legislative expertise to manage all programs, that's even if you do move forward with more prof. reliance and QP's. I still see government being the final decision maker, approving any work that comes forward.
s	I think these three elements are the basis for success of any professional association. I believe one of the most important keys to a successful PR regime is having an effective and <u>efficient</u> process for holding professionals accountable. While current processes may be considered effective, they don't seem to be very efficient. It is very time consuming and onerous for government staff to formally challenge professionals, and the predicted outcome of these challenges is uncertain. In my experience, government staff are hesitant to engage because of this. We need a better process for challenging professionals. Not sure if this is in-scope or not.
u	5) …..perhaps smaller steps…work with established Professional Associations that felt the need to established themselves to bring more credibility and accountability to their profession.

v	As stated earlier, the framework appears to be a one-sided focus on professionals working on behalf of proponents (standards, guidelines, quality assurance, performance and consequences, audit to determine individual competence, given discipline etc.) Many professional associations with right to practice legislation (i.e. Foresters Act) already require members to adhere to certain standards, competence requirements, code of ethics, etc.) The Assessment Tool does not appear to speak to exploring opportunities to better use what already exists. I would not support the creation of another organization to administer a professional reliance system. It would be unnecessary duplication and rather than provide clarity around professional reliance, it would likely create more confusion.
w	I would like to point out that the three basic elements to the framework (item 4) are also emphasized by the Association of Professional Engineers and Geoscientists of BC (APEGBC) to its members. A few of the erroneous or misleading professional work products I reviewed and alluded to previously were prepared by registered Professional Engineers in BC. APEGBC has a clearly defined and well publicized framework for disciplinary and enforcement actions for unethical behaviors and unprofessional conducts (http://www.apeg.bc.ca/enforcement/index.html). However, I suspect that there is a sizable fraction of violations that were never brought to the attention of APEGBC. For those substandard work products I reviewed, I chose to work with the external QPs to correct the issues, sometimes expanding considerable efforts in the process. Other than my reluctance to initiate adverse confrontations, I was also mindful that those erroneous reports could be results of carelessness or "honest mistakes". There is also the consideration of time and effort required to elevate the issue to APEGBC. However, if those mistakes had not been discovered, the consequence and potential damage to the environment could be significant. How could the Professional Reliance Framework be designed to function better than the current APEGBC model? I would think that for all work products of high consequence, an appropriate level of professional oversight by government staff remains critical. There must also be a well established and certain (that is, not discretionary) process to ensure accountability, that providing erroneous information would definitely have consequences (disciplinary actions). Whether the role of APEGBC could be expanded to administer part of the professional reliance system may be worth investigating.
y	Yes, I think the key elements have been captured. Other elements or considerations that are key to the overall Framework may be identified when the model is exposed to a larger group of interested parties. To fully develop the Framework, all stakeholders should be involved.
z	You discuss individual competence, I am assuming, relates to the professional. However, who is going to ensure that the conditions are met. You have not discussed compliance and enforcement. In a tenure application based on professional reliance, C&E is a key component.

aa	Competency cannot be obtained through training alone – experience is also required. Competency cannot be obtained through experience alone. Competency requires a combination of both training and experience. It is unclear as to what the purpose of an "arm's length body responsible for administering a professional reliance system" would be given that the proposed three point framework is the responsibility of the professional associations.
bb	See comments in 6c below
cc	Competency must has a defined assessment = Training, Knowledge (experience), and skill – only 2 of these does not make one competent
dd	There is no mention of Licensee Reliance in this section. Government's clients are tenure holders – licensees, permittees, lessees, etc. – and this is the group who government should be talking with first because the real question is how best to involve professionals and qualified persons to help licensees meet their legal obligations. We also need to talk about the workers; i.e. the people that actually do the work (cut the tree, dig the mineral, haul the resource, etc. and understand how increased PR affects them! This is missing from the Challenge paper. Also, the part of the framework that is missing has to do with professionals and QPs in government. If the functions listed in the previous section are what professionals do, then those in government approving, checking, auditing, enforcing, etc. will have to have the necessary credentials.
ee	Yes the three elements are a key part of the Framework. The element that is missing is communication/relationship side which will need to be worked on prior to the framework being put into place. Next step: Get professionals talking about what it would take for them to rely on other professionals
ff	One observation I've made with respect to PR involves what I call the chain of custody. What happens at the point on the continuum from Planning to Approval to Prescribing to Implementation of work where there no longer exists a QP by definition. For instance a contractor is hired to turn the sod or twist the nut but no certifying body is in the background demanding accountability of the contractor. Does PR breakdown at this point? How is it going to be assured that the PR work relied upon in the levels above makes it to implementation. This is usually tackled by using contract language during implementation, I'm not sure how successful this has been, especially in situations where a QP is not supervising the end result.
gg	• One of the competencies for the QP should be solid understanding of government's role and specific regulatory process.

	• What is commonly missing is available training for external QPs to become knowledgeable in the government and regulatory areas. • As part of the next steps, if this has not already been done, should have key representatives from the NRS ministries identify the types of projects, business functions and decisions (transactions) for which QPs would be used. This information would help the development and testing of the assessment tool.
hh	4a. Competency should not only come from "top down" direction (organization) but also from "boots on the ground" (from individual assessing and reevaluating own skill set. This is already inherently built into most requirements for being a member of the regulatory associations but what about for those that are not members and are considered QPs (certificate holders, etc).) 4b. Yes need consistent application of practice (not always the same, but consistency in consideration of risk) Need due diligence and documentation of material for data transfer. 4c And audit and <u>"peer review"</u> very important for this cross pollination and data sharing at similar hierarchy levels of practice areas. 5. Will you be using existing Professional Associations or a new formulated one? Next steps: Framework Who: All Natural Resource Associations, please remember to include all the designations. We have seen some recent gov't literature on this initiative and the QPs seems to overlook Registered Biology Technologists (RBTechs). Next steps, you may also wish to canvas individual QPs on why they are struggling with implementing/expanding PR on the ground in operations around the province.

ii	Yes, with questions for clarification.
	
	  a) Competency - how will individuals be designated as qualified to determine the competency of another? Will it be knowledge-based or skills-based or both? Some disciplines' experience is specific to different regions of the province (there are different archaeological experience requirements in each region); how would this diversity of experience requirements be managed?
	  b) Clarity - who will administer the policies, checklists, etc? Who will upkeep them with continuous improvement over time as situations change?
	  c) Accountability - Current auditing procedures for archaeology, undertaken by the province and its agencies, are not transparent and lack mechanisms to encourage continual improvement. Again, First Nations need to be a part of this process to achieve accountability.
	
	  5 Would the envisioned arm's-length body be for-profit, not-for-profit, a crown corporation, or a provincial resource sector agency like to OGC? There is

	some support for an entity such as this, with appropriate input from stakeholders.
jj	Item 4a) needs to include the concept of the scope of practice within technical competency (QP's only practice within the bounds of their training and experience) Item 4d) needs to be Independence (duty to profession over and above duty to employer or customer). This is mentioned in Item 5, but it is not optional – without independence, it is not possible to have true professional reliance. Lastly, the overall goal of the framework for professional reliance is to create and maintain a level of <u>integrity</u> that is recognized both within a specific project process as well as for the review and regulation of all projects.

kk	3. Good idea.
	
	4. Do I agree with 3 elements? Not really. If you are speaking of *Person* Reliance engaged in a technical task then the three step approach works (1. Make sure the person knows how; 2. Tell them specifically what you expect; 3. Measure). However, the natural environment is more complex and complicated than a technical task outcome. It requires Professional Reliance. Additionally, I think you also want more than a conceptual framework composed of principles and approaches. We have found that professional reliance in the natural environment which is comprised of multiple outcomes, requires practicality – it actually has to work in practice and not just in theory. So, in our view your framework also requires physical stuff – parts and processes – like structure and function.
	
	A Professional Reliance Framework is composed of the Essential pieces, that when used together in the correct and appropriate manner deliver a stronger outcome than the application of the individual parts.
	
	Start with legislation as the structure. For example,
	  a. The legislations provide the shape or limits of authority part of the framework – (everything has to fit within these stated curbs)
	       i) Actions, authorizations, agreements, etc
	       ii) Advice, prescribing, auditing, supervising, etc
	  b. End Results: Goals, Tasks, Assignment, Allocation, Responsibilities, Expectations
	  c. Competence: Foundation Knowledge, Skill Development, Application, Evaluation, Create/Design/Prescribe/Confirm
	  d. Development Support: professional requires support to continually service competence
	  e. Resources: professional and government agency require adequate resources to achieve the End Results

	f. Accountability and Enforcement Mechanisms I think that there are more or different pieces that could be discussed. 5. **Professional Reliance Police**: Not necessary and counter to streamline thinking.
ll	I agree with the three elements of the Frameworks, but would add that they are not equally weighted. At the beginning of a project there is far more emphasis on competency. We need to know that that the individuals doing the work are the right people. At completion of the project, there needs to be accountability. Until the "how" of these elements are fleshed out, it is difficult to move on to step #1 of the Draft PR Opportunity Assessment Tool.

Input Request #5: Draft PR Opportunity Assessment Tool

Consider – *Do you agree that this draft Assessment Tool, with refinements, could work? If so, what changes can be made to make it work better? If not, what are the main concerns? What do you think we need to consider as we develop the Tool? Please refer to the various stages and steps (by #) in the Tool where applicable.*

a	It may work. The only way to confirm value is to put it into practice. I suggest the assessment tool should be created in an electronic format so that the user will generate an automatic assessment after inputs from step 3 are entered.
b	1. Step 2 "Low" the opportunity to not use a QP can only exist dependent upon the applicable association's bylaws and code of ethics. 2. Step 2 "Low" Cost should not determine the use of a QP. It is the applicable association's bylaws and code of ethics and 'standards of practice' that determine this. 3. Step #3: risk factors should also include requirements of 3rd party certification entities 4. The draft assessment tool could work with adjustments overtime.
c	The concept is good as an initial cut however I think we need to break it down by business line (i.e. water ,lands mining etc) The tool refers to low areas not being suitable however this may be exactly where we want o have our QPs working such as in private moorage applications. More of the complex work we may want to leave up to government staff
d	Based on the limited information provided, I am not sure the PR Opportunity Assessment Tool would work. It is unclear whether the Tool is sensitive enough to adequately capture and represent the differences between professions and governing statutes. It is also unclear whether the tool could pick up on some of the underlying resistance to advancing PR within segments of the resource industries. Could it

	distinguish between attitudes, resistance, lack of understanding of PR, etc., all of which contribute to the barriers faced when trying to advance PR
e	I think this can work, but I feel that a large number of applications will fall in the categories not requiring a QP anyway, and the complex and major project applications have more capital and QP usage already, so it might be a small amount of applications provincially that fall in the low end of complex/major that might benefit from this and give some guidance. Step 1, What. The statement about QP usage resulting in potentially abbreviated review process. This is where clarity needs to be given to QPs and proponents that the work must be of high quality and meet quality tests, that government experts and decision makers can and will review QP output and have ultimate discretion so that the presence of a QP in an application proponent team does not automatically gain approval or recommendations get automatically accepted or that there is significant queue-jumping granted.
f	Assessment tool approach seems reasonable Who: QP professionals should also be used for conducting monitoring or effectiveness evaluations by government. What: Need to make sure we focus on professional reliance not deference. Government likely still needs to ensure that it reviews operational plans in the context of legislated approval tests. Step 3; Another risk factor is something that is new or a creative idea. A risk assessment is critical when evaluating a new creative idea. Use of QP may help reduce the risk when supported by a professional quality rational.
g	Suggestions for step 1 What - What are the risks to government if staff no longer doing certain types of work? - You'll need to additionally look at functions/transactions that represent too much work for staff and that result in a backlog to industry, could these be taken over by QPs? Step 2 - Give yourself the flexibility to have a clause that "may rely on QPs" in addition to shall or must rely on QP; provides flexibility to take on work you will be directed to oversee due to the political pressures associate with the file. Low. The work is straightforward and the solution is clear (e.g. administrative or technical aspects) – these conditions would appear to favour delegating such work

	to QPs as opposed to work, decisions and outcomes that are less clear or are technically challenging. In our case MoE staff deal with high risk only, but we offer preapproval of feedback to QPs on a defined scope of medium risk work that we know will be challenging for QPs to deal with at present. Costs of using QP are not practicable given the situation – you need to balance this statement with the costs and timelines for proponents waiting for government approvals that are backlogged. All of the green (low) outcomes in Table 3 on page 11 are ideal candidates for work that should be done by QPs under the PR model, government can then focus its' staff and resources to the other categories. As the PR model and QPs demonstrate competency and capability you can delegate the medium work to them and focus government resource on the high and extreme outcomes.
h	• The draft assessment tool is logical and could work with government commitment to the process.
i	Agree
j	Generally speaking this form of assessment could work. I thought Step 4 lacks explanation. Cookie cutter approach may not work in all scenarios so some flexibility and discretion should be built in overall process.
k	Interesting that you chose a model for continuous improvement. It may be more complex than you need for this. Maybe I'm missing the point, but isn't the key purpose to be able to decide whether a particular outcome would be enhanced through the use of a QP? If yes, wouldn't a simpler decision-making model be more appropriate? That is, something to help decide whether a QP would be useful and, if so, which one(s). The Deming model can be effective, but I suspect it gets short circuited especially after a person uses it a couple of times and thinks he/she can reach the required decision faster without it. Step 3 - Title for Likelihood vs Consequence chart: Do you mean "**fail** risk ratings"?
l	Looks fine
m	It depends on what this tool is to be used for. I believe that if this tool is to be a way for government to determine whether to extend legislated professional reliance to other tasks undertaken by legislated professionals, it could prove helpful as it would be an objective way of demonstrating the decision process. If however, it is to be used to extend this approach to those who are not practicing with the benefit of membership in self regulating professions, it could be problematic as there is no independent accountability mechanism in place (i.e. with legislation comes restrictions, obligations and privileges – the restrictions and obligations are lacking where there is no professional legislation).

n	1. A good starting point for further consideration/discussion 2. Under 'Step 1' – Who – suggest in first bullet adding 'implementation, as built, inspection and testing. 3. Under Step 1 – Where – suggest removing reference to RPBio…the one time in the doc referencing a specific QP 4. Step 2 – High – under first bullet add as an e.g. 'professional legislation requires due to restricted practice'
o	I agree with the tool in terms of self improvement but have trouble visualizing how it will actually work.
p	As mentioned previously, there is quite a leap in faith to assume that the QP can help to offset risk. The systems need to be in place, and the proponent must they follow the recommendations of the QP. Gov't must ensure that risk is minimized through established standards, and training for QPs. The risk based assessment that is identified is the model that we use as government, to determine our level of involvement. The higher the risk – the more we get involved. We look to see if baseline info has been used, inventory standards followed, and significant efforts have been made to avoid significant impacts (to fish and wildlife, and ecosystems at risk). Government has made some commitments at a higher level, such as accord for the management of species at risk. Government has an oversite role. In some cases, this may be necessary at the project level.
r	Looks good, interesting it somewhat mirrors what we do now, except this is formalized.
s	Keep in mind, as risk goes up, government's engagement goes up as well. In my experience, the higher the risk, the less reliant government is on non-government professional opinion.
t	It's a good start.
u	Not sure
v	Unfortunately, time does not permit an adequate response to this section other than it appears to be overly cumbersome and complicated. It might be worthwhile to step back and review the intent and application of professional reliance (results-based) model developed for FRPA as well as mandate of professional engineers and requirements for structures, etc. It is unclear why if you have a competent professional, standards etc as noted in this section would vary at provincial, regional or site specific scale.
w	As discussed previously, I have concerns about consultants or external staff providing decision-making support if the role includes drawing conclusions or making recommendations. The use of internal (government employee) QPs in

	water licensing and management as envisioned in Step 2 is in place (albeit perhaps not formally) in a few regional offices and in the Victoria office. Where outside QPs are used, I have frequently run into erroneous work products that would bias management decisions in favor of the licensees. These experiences have been described in my input to section 2 (Background). My comments on Steps 3, 4, and 5 would focus on the use of external QPs. I would emphasis that a check and review system must be in place that should commensurate with the consequence of erroneous information. If a function performed by QPs could mislead management decision and result in significant harm to the environment, a system to address liability for erroneous information would be critical. A "results based" initiative must also quantify the fault tolerance that the government (and the public) is willing to accept. How outside QPs are selected, paid, and managed must also be addressed. Budget constraints and competition for the same job could be key factors in the performance of QPs in protecting the government's interests. If the initiative is to proceed, a Sharepoint site to provide a database on consultant information and past performance on various tasks (along with internal government contacts for reference) would be valuable.
x	• This model appears to promote increased hiring of QP's outside of government. Government is responsible for management of crown assets and resources. Private and industry sector QP's may be in "conflict of interest situations " due to the nature (vision, mandate, expectations etc) of their employer versus those of government. The proposed model does not discuss the risks associated with "conflict of interest" and how this will be addressed. • This model refers to accountability but it does not include tools that are workable for government. The current model requires that complaints be made against QP's (for improper conduct or practice) so, for government, this would require the time and expertise of a gov. (or possibly other) QP to make a complaint and then to follow through with evidence and participation in the association's due process-hearings etc. Gov. rarely has time to do this and therefore it hasn't proved to be a workable solution. An alternative to this would be to develop fines for failed competency. • For range and management of crown range, professional input <u>should</u> be required to develop range plans, evaluate effectiveness of range plans, and to evaluate conditions and impacts resulting from livestock use and haycutting on all FRPA values which are extremely complex. The current FRPA governance model for range has limited to no professional reliance. • The livestock industry has limited capacity to pay for QP's outside of government and they should be consulted before adopting a model that relies on non-gov. QPs.
y	I think the draft Assessment Tool has merit and believe it is likely a tool that will be refined as it is used. As the tool is developed and brought into use, one of the key factors will be to

	ensure synchronization with the Ministry website information. Long delays in the release of information to the public cause issues when the applications are received. Early and often is the best mantra for release of information. There may also need to be a training component for those staff who are reviewing applications. The potential risk factors listed under Step 3 – Rick-based need for PR and QP's - should include an analysis of the suitability of the application area to support the proposed activity.
z	Who is making the decision on the need for a QP? If it is the client, where will the information come from that informs that decision? The Risk-based need identified in Step 3 provides lots of information on which to base the need of a professional, most of which a client is going to have to get from government so he can make his decision. Therefore, this does not really reduce the amount of time spent on an application and could increase government staff time, which is contrary to the intent. It is counter-productive to decrease the time spent on an application for one business area (tenuring) while increasing the workload for another (FCBC) to complete the same application.
bb	See comments in 6c below
cc	Conceptually the risk matrix makes sense but it is how it is implemented that matters. The risk matrix must be more defined in terms of falls into each needs category. Then the outcomes also must be more defined – as in actionable.
dd	The use of a PR opportunity assessment tool is premature without first understanding the scope of professional practice for each profession. To do an opportunity assessment, the role of a professional need be defined. For example, in my view, the goal of a professional should be to provide a plan that their client can implement with the least amount of future involvement (cost) of that professional? This approach will provide significantly different opportunity assessment results than an objective to maximize professional involvement in the day-to-day management and administration of resource tenures. The Plan-Do-Check-Act is a standard approach to management applicable to anyone. It is not exclusive to professionals. As such, and if used to assess professional reliance without due consideration to interests and responsibilities of tenure holders, workers, government, the public, etc., the results will be biased. There is much work to be done before using such a tool is even contemplated.
ee	Yes, the tool could work, if the relationships and trust are worked on first.
ff	Seems reasonable. The only observation I'd make would be under Step 2: Low (Risk). My concern would be the non use of QP's for work designated as low risk. I have no context to work with here so I don't have a clear picture of what work would be considered

	low risk. My experiences indicate that non-compliance issues are generated at all levels of risk. The fact that a QP would not be involved in submitting low risk work in my mind increases the level of risk right from the start. This completely hinges on the level of risk Govt. is willing to accept.
gg	• The draft tool seems logical at this level. ➢ Stage 1, Step 1: "encourage… proponents to use QPs…" – proponents are currently using QPs in preparing applications for EIAs and other authorizations, and some of the products do not follow government standards and guidelines. The recommendations therefore need careful review and this can result in a drain on internal resources instead of saving time.
hh	1a. Definitely need to incorporate Professional Associations to review this list of functions/programs before establishing in stone. These Associations have a thorough understanding on baseline education/experience requirements for members entering the profession and could provide great clarity here. Between Stage 2 and 3; How exactly is monitoring going to occur? Surveys with QPs (or public/First Nations/clients?)? Ground checks to see if innovative practices, not prescriptive (true PR application) are being applied?
ii	General Comments: It is unclear as to when the PROAT would be used and by whom and what would preclude its use. A few examples or case studies with comments would allow for a more robust assessment of its merit. "Use of a PROAT to determine if an archaeological assessment is or isn't warranted". This type of risk management matrix, with no QP involvement, may have a higher degree of risk and more severe consequences than what the matrix suggests (complexities that will vary from region to region). However, archaeological models are already being used within industries prior to the involvement of QPs to this effect, so a revamped matrix could be beneficial in the context of regional overview studies. This may allow for auditing of areas that are considered low risk by QPs and the BCAPA to determine if the matrix is effective. "Use of a PROAT to determine what level of archaeological assessment is warranted". A PROAT could be very effective in determining an appropriate level of archaeological inquiry (e.g., desk-top study vs. intensive field study). This may also provide triggers for archaeological assessments where they are currently lacking. We would hope that development of a PROAT could streamline the archaeological assessment process based on risk assessment.
jj	This section seems to imply that one tool can serve to provide professional reliance at a project level and also provide a basis for looking for PR opportunities in the

	overall process of project review. It may be helpful to develop a robust, clear decision support tool as a starting point for the project level, and then engage the agency staff and project proponents in the opportunities to incorporate the tool at specific points in the review process. This could look like revising the matrix on page to look at "Site Complexity" on the vertical axis and "Site Risk" on the horizontal axis, for a specific issue/assessment. Outcomes within the matrix could provide level of QRP/QP involvement/engagement.
kk	There is a lot here that appeals to me as a general analysis method. Good for discussion of how an agency might look at their end results and assess the application of professional service. I do have lots of questions that maybe I am missing in the detail e.g. where is the law that the user (tenure holder) has to meet? Also is the legal part missing? Often the legislature has not left an assessment of risk completely to the user or the government agency. The legislature has assessed risk and decided to set the skeletal part of the framework in law already.
ll	Before even Step #1 we need a better way of identifying the QPs.
mm	As risk becomes higher, there should be an explicit mechanism to engage a QP with the proper skill set. A higher risk reliance should engage 'Self-regulated professionals' while a lower risk reliance should engage 'Accredited practitioners'. Definition of same per Section 4, 'Professional Reliance'; subsection 'Framework'; 'Three basic elements - Competency, Clarity of expectations, Accountability'.

Input Request #6a: Next Steps	
b	1. Having only one workshop will not be effective. The working group must go out to the range of professionals across the province for proper input.
e	No, it's fine.
f	Next steps appear reasonable
h	• No concerns, the next steps are very transparent as all interested parties can review and be kept up to speed on developments.
i	Nil
k	No questions
l	No I think this is a good start
n	1. The timelines are very tight and the hope / ask is that in future the process will be such that there is much more time for consideration, dialogue and input. 2. THANKS for the opportunity to comment
o	No

s	Next steps look good.
t	Ambitious but do-able.
v	What is the work plan and engagement post the March 14 workshop?
w	It is a complex undertaking and there would be substantial resource requirements to develop the framework and assessment tools, if real life experiences with QPs are to be properly taken into account. The resource needs of government in the oversight and administering the professional reliance system, and review of the work products of QPs, would also be substantial. At this point it would be appropriate to take a step back and ask what the actual "savings" to the government are in following through with this initiative. I would hope that the Workshop would clarify a number of issues: • How does this initiative apply to QPs within the government? • How would past experience with outside QPs be factored into the development of the Professional Reliance Framework and Assessment Tools? What level of details would the functions proposed in section 3.2 be developed for different sectors (e.g. water licensing and management) for consideration in building the assessment tool?
z	There should be some clear development processes and expectations for the QP identified in the next steps, including Terms of Reference. We have already experienced agents who are essentially asking the land officer to build the application for them. This takes up a lot of LO time and raises expectations that the application will be approved thus introducing the possibility of officially induced error. How does this proposal affect the competitive process? It should not, in general, because it is the application that is adjudicated, but does the process address this issue? How is this process affected by "highest and best use". A client who hires a professional to build an appropriate application may still be disallowed because the proposal is not considered to be the highest and best use of the land. Is this possibility accounted for in the process? How is this process affected by cumulative effect or a disallowance, in general? The issue is the perception that hiring a professional at some cost should produce favourable results and if it doesn't the client is going to be angry and this may result in an increase of complaints to the MLA. Will the process account for a disallowance? Finally, this process may require input by other government agencies and it may end up as a dispute. For example, the clients' RPBio indicates that the proposal is

	possible but the Government RPBio thinks there are significant issues that would lead to disallowance. We have a dispute process, but does the process identify a dispute resolution or challenge by a government professional?
gg	How will issues raised be addressed?
hh	Would be useful to see Master Plan of upcoming dates for meeting and how Associations and other parties will be included.
ii	Step 1 - How would use of QPs vs. Non-QPs affect approval timelines? Currently the permitting process is slow as is report review and approval. Are there opportunities for peer review? Would the peers need to be QPs as well? Step 2 – There is concern that cross-provincial workers may be adversely affected by this process and a mechanism should be established to allow for some latitude in this regard. Also this may affect trans-provincial projects, especially those projects regulated by national agencies (e.g., National Energy Board, CEAA).

Input Request #6c: Other questions or comments	
c	Sorry –all the time I have
e	No. Thank you for this.
g	I would suggest that you consider inviting Jim Malick and Cindy Ott from the CSAP Society Board (http://www.csapsociety.bc.ca/about-csap/csap-board-members.html) as well as Phil de Leeuw (Industry representative and member of the Business Counsel of BC) so that you can ask them about our model and its limitations.
i	Good project that can build on the existing MFLNRO Advancing Professional Reliance Initiative successes.
j	Thanks for the opportunity. I did review and comment on this within a short time frame and I have not been very informed of the work leading up to this. I hope my comments are useful and that I have not misunderstood the material.
l	No
o	Not at this time
p	We need to be going to the QPs to see what they would need to make this work. There is a lack of landscape level context for QPs to use.
r	I know this project is to help government, but what about the client needs? It seems more attention should be directed at client interests.
v	Not at this time
w	I believe QPs could be a valuable resource to provide scientific and professional

	knowledge relevant to natural resource management decisions. However, professional reliance should not replace the role of statutory decision-makers to assimilate the facts and come to a conclusion consistent with applicable legislations and government policy.
y	The diversity of our program areas and the land base on which the proposed activities are going to occur can make it difficult to come up with a simple matrix to determine when PR/QP involvement is desirable.
bb	Developing an empirical tool/ranking system is one small step. Changing the culture across NRS agencies to even consider reliance on outside professionals is the more significant challenge. The tool will be fruitless without that culture change.
dd	We need to be really careful with how professional reliance is structured and implemented. If the same basic premise presented in this challenge paper was applied to medical practice in BC, then a person would need to see a specialist to get a prescription for aspirin. In other words, do less now and let PR evolve. Recognize that small tenure holders are not major corporate entities with the resources and scale of operations that can benefit from a wholesale switchover to a professional reliance model. Small tenure holders, by virtue of being awarded the tenure and proven practice are qualified persons!
ff	Interesting project – best of luck!
hh	Just general message we have been hearing across the board from APB members. All players (including government) needs to reinvest in continual training of its staff. It's fine to say use QPs (e.g RPBios, RPFs) but you must also continually provide training for staff members conducting on the ground practice (especially in the face of new research and very landscape level risk variables such a climate change). QPs can quickly become dated and their scope of expertise can shrink if they are not given opportunities to stay on top of their area of practice.
ii	We would like to stress the importance of having QPs and professional associations (e.g., the BCAPA) involved throughout the development and implementation of both the PR Framework and the development of a PROAT; both in creating the risk matrix and determining its effectiveness in different situations. We note that there are no archaeology representatives from outside government, the Archaeology Branch of MFLNRO, or the OGC on the list of workshop participants. We believe inclusion of technical expertise is essential for navigating the subtle nuances of archaeological assessment. Archaeologists in BC are already highly regulated – acquisition of a Professional

	designation (RPCA) through the BCAPA is tied strongly to the current provincial guidelines. There is no test, only region-specific experience requirements and past performance are used to evaluate and approve individuals as QPs.
jj	(Our Association) thanks the ministry for leadership in taking this issue forward – it's not new and we'd like to see concrete progress made.
kk	Just one comment – Good Job on the Challenge Paper, Garth, Terje, and Warren.
ll	A suggestion to improve the identification of QPs would be to adopt a combined system similar to Contaminated Sites Qualified Professional Roster and MOTIs RISP. The natural resource agencies could develop a roster of Qualified Professional for each discipline within each sector (i.e. Mine Reclamation, Aquatic Assessment, Terrestrial Assessment (Plants), Terrestrial Assessment (Animals), etc…). QPs could apply for their respective areas, by submitting examples of experience/training and references. Applications could then be reviewed by the agency and respective self-regulating body in order to accept or decline an individual as a QP for the respective discipline. The compiled list of QPs would then be available to proponents and agencies. At that point information, may only be accepted from identified QPs, thereby improving the agencies confidence in the QPs submitting information to the agencies. Associated with the roster there could be a opportunity for agencies/proponents to comment/evaluate a QPs competency. Negative evaluations could then serve the self-regulating bodies as a basis for auditing, thereby increasing the accountability of the QPs.
mm	Fantastic to be recognizing the broad range of 'Qualified Persons' working in different, and cross-discipline environments who may not be governed as 'Self-regulating professionals'. As agencies move toward this model, the definition of 'Qualified Persons' needs to be very carefully considered and defined. A very good product. I look forward to seeing the finished product. Thank you for contacting me for comment.