

# A Licence to Plan or Just Government Oversight?

## Considering British Columbia's Professional Governance Act

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On the occasion of its 60th anniversary in 2018, the Planning Institute of British Columbia published a special commemorative issue of *Planning West* reflecting on the Institute's humble beginnings and notable milestones<sup>i</sup>. Don South, one of the eight founding members, recounted that, "in 1954, there were fewer than 20 people earning a living in planning in British Columbia." The overarching desire was to create a community of planners. Also top of mind for the founding members was the right to practice: "How you let the good in and keep the bad out was, and is, an insoluble problem. Some of us were looking at the possibility of a licensing act to protect us and the public from the unqualified whoever they might be."

Unlike some allied professions, like engineering and architecture, and planners in other provinces, Registered Professional Planners (RPPs) in British Columbia and Yukon do not have unique legislation under provincial law. Many planners in other provinces today are regulated to varying degrees by provincial legislation, and some provinces require only certain work to be done by RPPs, for example:

- *Newfoundland/Labrador's Urban and Rural Planning Act*: "A plan and development regulations made under this Act and amendments to them shall be certified by a person who is a fellow or full member of the Canadian Institute of Planners."
- *Saskatchewan's Planning and Development Act*: "The official community plan shall be prepared in consultation with a registered professional planner."

Today, the Institute serves as the professional member-services organization and self-regulator for 1,600 planners in British Columbia and Yukon. PIBC's membership has been instrumental in providing clear direction about the operations and governance. In 2003, members voted to introduce a new mandatory Continuous Professional Learning reporting system. In 2012, members approved bylaws that restructured standards for membership and professional conduct, and updated the Institute's governance structures. This also coincided with the transition to the current protected occupational title of "Registered Professional Planner", which is now the common designation across Canada.<sup>ii</sup> As the Institute closes in on its seventh decade, the opportunity to establish in statute the right to practice as a profession – one of the motivations for founding the Institute – may be coming into view.

Prompted by major environmental failings in the natural resource sector, the Province of BC in 2018 enacted the *Professional Governance Act* (PGA). The stated intent was to set out a consistent governance framework for self-regulating professions previously operating under separate statutes to better prioritize and protect the public interest, reduce the

risks of incompetent and unethical practice, and help the public understand who is qualified to practise in a designated profession.

The Province required six professions to transition to the PGA: agronomists, applied biologists, applied science technologists and technicians, architects, engineers and geoscientists, and forest professionals. Standalone legislative acts that had governed these professions were repealed. The Office of the Superintendent of Professional Governance (OSPG) was established to administer the PGA and develop best practices for professional governance.<sup>iii</sup>

PGA-governed professionals have title rights (e.g., Registered Professional Biologist) and exclusive scope of practice also known as "reserved practice". Reserved practices help to ensure unregistered, unaccountable, and potentially incompetent individuals are not providing service that requires the knowledge and skills of a registered professional, and who would escape accountability to standards of ethics, competence, and professional conduct set by the regulatory body.

PGA regulatory bodies must have a single, clear mandate to regulate their profession in the public interest. That limits advocacy, awards, or other member services that might create a conflict with the task of regulating professional conduct.

Voluntary applications from the landscape architects and home inspectors are currently under review by the OSPG. With so many allied professions now regulated, or have voluntarily applied to be regulated, under the PGA, the PIBC Board has identified engagement on the matter as a strategic priority.

The following is a sampling of the queries that can be anticipated from the membership:

- *Is the public interest better served in the current governance model, or under the PGA?*
- *Under the PGA, what could PIBC still do, and what must it stop doing?*
- *Is it possible to arrive at a consensus about a reserved practice for planning? Is it worth voluntarily applying for PGA regulation if the Province does not grant a "reserved practice"?*
- *In addition to RPP, what other titles should be protected for the exclusive use of registrants?*
- *What are the effects, if any, on the goal of decolonizing the planning profession?*
- *What are the effects, if any, on labour mobility across provinces and territories?*
- *What will happen to PIBC members who work in Yukon?*
- *What are the effects, if any, on membership attraction or retention?*

- How will the Institute's governance change to comply with the PGA?
- What are the impacts to PIBC's operating costs and membership fees?
- What happens to PIBC's relationship with the Canadian Institute of Planners and the national Professional Standards Board?

PIBC must be able to provide cogent responses and information about trade-offs. This is why the Institute's Policy and Public Affairs Committee and its RPP Regulation Subcommittee are embarking on research and engagement. Because of the crosscutting nature of this matter, all PIBC Committees will be involved, and opportunities for wider engagement with members will be offered.<sup>iv</sup>

Planning is one of the few professions dedicated to thinking about the future and actively working to shape it for a broader public interest. In the same respect, the Planning Institute of British Columbia is now steering the profession through the ways that planners may wish to be regulated in the province, and how the profession's longstanding obligation to practice with the public interest at the forefront will be protected and strengthened.

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<sup>i</sup>Planning West 60 Years Anniversary Issue: <https://www.pibc.bc.ca/sites/default/files/2019-06/PlanningWest-v60-No4-60Anniversary2018.pdf>

<sup>ii</sup>Under the *Societies Act*, PIBC is an occupational title society that has one of its purposes the representation of the interests of an occupation or profession. In 1989, PIBC secured and registered occupational title protection for the "Registered Planner" title. In 2012, PIBC amended the protected title to "Registered Professional Planner" and added the protected designation of "RPP."

<sup>iii</sup>Office of the Superintendent of Professional Governance: <https://professionalgovernancebc.ca/>

<sup>iv</sup>Special thanks to members who connected with PIBC Board Directors at the Let's Chat table at the 2024 BC Land Summit.

<sup>v</sup>Intentions Report for the Designation of Landscape Architects: <https://professionalgovernancebc.ca/2022/07/12/ospg-publishes-intentions-report-for-the-designation-of-landscape-architects/>

**Note:** An earlier version of this article that previously appeared has been revised from the original to correct and update the title and author information.

## Key PGA Concepts

To encourage the membership to begin thinking and talking about the *Professional Governance Act*, some of the key concepts in the Act are presented below:

**Registrants:** Under the PGA, 'registrants' replaces 'members'. Prior to the PGA, some but not all professional bodies had a dual mandate: advocating for the interests of the profession and its members, in addition to regulating standards for entry and standards of practice. Under the PGA, regulatory bodies have a primary duty to regulate their profession in the public interest.

**Regulated practice:** Defined in the PGA as 'carrying on of a profession by a registrant of a regulatory body,' this concept covers the broad scope of practice by a registrant that is subject to standards of ethics, competence, and professional conduct set by the regulatory body.

**Reserved practice:** Also known as practice rights, this is the subset of duties and services within a regulated practice that is reserved for registrants of a regulatory body.

**Reserved titles:** The titles reserved for the exclusive use of registrants, for example, "Registered Professional Planner," would likely remain and additional reserved titles could be considered.

**Advocacy:** When professional associations have dual mandates for regulating and advocating for the interests of its registrants, the Province believes the public interest can be compromised in perception or in reality. For this reason, the PGA expressly limits advocacy to a prescribed scope.

**Designation Considerations:** when assessing the merit of a designation application, the OSPG has generally asked three questions to gauge whether the benefits of PGA regulation outweigh the costs:<sup>v</sup>

1. Should there be a regulatory regime for a profession or occupation?
2. What right touch regulation options are appropriate?
3. Is the PGA appropriate? If not, what is the Superintendent's recommendation?