



New Legislation & Professional Reliance Review - October 22, 2018

**Document updated November 8*

Summary:

Further to the [independent report](#) commissioned by the government in the fall of 2017, new enabling legislation was tabled on October 22, 2018: the [Professional Governance Act](#). This new Act will cover Professionals working in the Natural Resource sector, including agrologists, applied biologists; applied science technologists and technicians; engineers and geoscientists; and forest professionals.

The aim of the Act is to establish a centralized statutory authority for professional governance. The primary outcomes will include consistent standards across regulated professions and a new “Office of the Superintendent of Professional Governance” to be administered by the Ministry of Attorney General.

The College has been involved in comprehensive consultations with the government throughout the summer and fall of 2018. During this process, the College raised many concerns and although there is still some uncertainty, the College remains cautiously optimistic that government will continue to carefully consider input from the College during the implementation phase for this new legislation. Visit the [College website](#) for additional updates.

FAQ

1. What is included in the new legislation?

- New requirements for a merit-based process to run for Council
- Increased public representation required on Councils
- Right to Practice for applied biology professionals
- Bylaws in the public interest can be changed without going to referendum (i.e. Bylaws around Code of Ethics, Practice Standards, Fees, and CPD)
- New office will provide oversight on governance issues (not practice)
- Additional provisions regarding Code of Ethics
- New provision to regulate firms and businesses
- Standardized structure will be required for Council and Committees across natural resource regulators

For more details, see the [press release and backgrounders](#) prepared by the provincial government.

2. When does the new bill come into effect?

The legislation was introduced in the provincial legislature on October 22, 2018 and is intended to be passed in the fall 2018. After that, the legislation will be proclaimed by the lieutenant governor and at that point, it becomes law. Not all provisions will come into effect at



proclamation – many, such as Right to Practice, will come into effect with a regulation at a later point. Government anticipates that the new governance regime will be fully implemented within 5 years.

3. Does the new Act mean the College is losing its authority?

No. The College will maintain its existing authority over all statutory obligations including Credentials, Audit & Practice Review programs, and Discipline. While the new Act may bring some shifts for consistency between regulatory associations, the College's programs remain intact.

4. Is the new Act a result of deficiencies found in College procedures?

No. The government did not identify any deficiencies in the College's statutory policies and procedures based on the government audit conducted in fall 2017. One area for improvement was noted to be Practice Review and the College is currently developing a Practice Review program to be implemented in 2019.

5. I am currently a College member, how will Right to Practice affect me?

If you are already a College member, your membership status will not change.

6. I am interested in becoming a College member but I don't have the required courses and I don't want to go back to school. What are my options?

The College is currently working on developing new pathways for people practicing applied biology to come into compliance with the new legislation by becoming regulated under the College.

7. I have worked as a Biologist for many years, why do I need to join the College now?

Once the new regulation comes into effect, you will be legally required to be a member of the College to practice applied biology in BC.

8. Does Right to Practice mean I can't work as a biologist unless I am a College member?

Like the medical and health care professions, you will be required to become a member of a regulatory body to practice applied biology in BC.

9. Does Right to Practice legislation apply outside of BC?

No, the new legislation and Right to Practice only apply to professionals working in BC. If you live outside of BC, you must be a member of the College if you wish to conduct work in applied biology in BC.

10. Will Right to Practice come into effect immediately?

No. Members, non-member practicing biologists, and the public at large will be consulted on Right to Practice. The College will work with government to establish a reasonable time frame for the Right to Practice regulation to come into effect. Government has advised that they will launch a consultation process and we will notify members as soon as that is initiated.



11. If I live and practice outside of BC, how will this new legislation affect me?

If you are a College member, you will still have the same rights and obligations that you had prior to the Act coming into effect. Your status with the College will not change and you still have the benefits of being part of a regulated body of professionals.

12. Has the College communicated with members on the Professional Reliance Review process and on Right to Practice?

Yes, the College has been communicating with members regularly since the government initiated the Professional Reliance Review in 2017. Updates were provided to members through several mechanisms including College Connections, College Notice, and College Matters. All updates were also posted to a [webpage](#) accessible from the College's main website. In addition, professional reliance was the theme of the College's 2018 annual conference. Right to Practice has been consistently communicated as one of the tenets of the College's position to protect the public interest, refer to the [College's position paper](#) submitted to government in December 2017.

13. What are the benefits of Right to Practice?

The benefit of having Right to Practice is the recognition that everyone working as a professional will have the same level of oversight. Right to Practice is an important step in the evolution of the profession of applied biology. In addition, because only registered professionals will have right to practice, the public can be assured that practitioners are meeting high standards thereby enhancing public trust.

14. Other than Right to Practice, what other changes will have the potential to impact the College and its members?

There are other potentially important changes that will modify some of the College's governance policies and procedures such as implementing a more structured merit-based process to help determine who runs for Council, changes to statutory committees to bring them in line with other regulators, and the regulation of firms. The College has already initiated a review of its current governance Rules and policies to identify what may need to change to align with the new Act. The College will work with government and other regulators to determine a reasonable time frame for these changes to take effect.

15. What happens when the College of Applied Biology Act is repealed?

The College will conduct policy analyses and will do a full legal review of any proposed legislation. Communicating with members and the public will be a priority. The Act will stay in place until the new statute comes into effect. Then the Act will be replaced by new regulations under the larger statute. Government anticipates that the new governance regime will be fully implemented within 5 years.



16. Will other regulated professionals now have Right to Practice too?

Foresters and engineers in BC already have Right to Practice. Under this new regulation, professional agrologists and applied science technologists will also be granted Right to Practice.

17. Will the College increase annual dues as a result of the new legislation?

The College will need to assess the situation. This will depend on several factors, including the additional functions required by the new legislation and the staff capacity needs of the College.

18. What activities will be considered “applied biology”?

The College has initiated a Task Force to look at Scope of Practice for applied biology in order to define the types of work and activities that fall within this field. Members of the Task Force include Council members with a range of professional experience in applied biology. As part of this Task Force, the College will be engaging with members for input this fall and into 2019.

19. How can I provide my input?

The government posted an [Intentions Paper](#) on the new legislation on October 31. [Feedback](#) on specific aspects of the legislation will be collected until January 31, 2019 at 4pm. In addition, you can contact the College office anytime if you have specific comments or questions (see Question 17).

20. Who can I contact if I have more questions?

For questions about the new Act, please call or email Christine Houghton, Executive Director ExecutiveDirector@cab-bc.org (250) 383-3306 ext 1. For questions about credential requirements to the College, please contact Derek Marcoux, Registrar at (250) 383-3306 ext 2 Registrar@cab-bc.org