

June 2, 2023

VIA EMAIL: [CGelowitz@abcfp.ca](mailto:CGelowitz@abcfp.ca)

Christine Gelowitz  
Chief Executive Officer  
Association of BC Forest Professionals

Reference Number: 06/05/2023-FPBC-04

Dear Christine Gelowitz:

By way of this letter, I am confirming that the bylaws delivered to the superintendent by the Forest Professionals BC on June 1, 2023, have been filed with minister on June 5, 2023.

I hereby order that these bylaws are in force effective June 5, 2023, as per my authority under s.38 of the *Professional Governance Act*.

Sincerely,



Kate Haines  
Superintendent  
Office of the Superintendent of Professional Governance  
Province of British Columbia



# **BYLAWS OF FOREST PROFESSIONALS BRITISH COLUMBIA**

**As amended, June 5, 2023**

*Ensuring BC's Forests Are In Good Hands.*

# BYLAWS OF FOREST PROFESSIONALS BRITISH COLUMBIA

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# BYLAWS OF FOREST PROFESSIONALS BRITISH COLUMBIA

## BYLAW 1 – INTERPRETATION

### Definitions

1-1 (1) In these bylaws:

“**Act**” means the *Professional Governance Act*;

“**ASFIT program**” means the Allied Science Forester in Training program established under section 7-2(b) of Bylaw 7 (Trainees);

“**ASTFT program**” means the Allied Science Trainee Forest Technologist program established under section 7-2(d) of Bylaw 7 (Trainees);

“**at-large board member**” means a registrant board member under section 23(2)(a) of the Act other than the board chair or board vice chair;

“**basic certificate**” means a basic certificate under section 6-1.1 of Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences);

“**board**” means the board for FPBC under section 23 or 84(5) of the Act;

“**board chair**” means the registrant board member under section 23(2)(a) of the Act serving in the position of board chair in accordance with Bylaw 3 (Elections);

“**board vice chair**” means the registrant board member under section 23(2)(a) of the Act serving in the position of board vice chair in accordance with Bylaw 3 (Elections);

“**certified practice**” means a certified practice established by board policy under section 6-6(1) of Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences);

“**Code of Ethical and Professional Conduct**” means the Code of Ethical and Professional Conduct set out in Schedule A to Bylaw 9;

“**FIT program**” means the Forester in Training program established under section 7-2(a) of Bylaw 7 (Trainees);

“**Fee Schedule**” means the Fee Schedule for FPBC established by bylaw under section 50 of Act;

“**Forest Professionals Regulation**” means the *Forest Professionals Regulation*, B.C. Reg. 15/2021;

“**forestry reserved practice**” means the services prescribed under section 4 of the Forest Professionals Regulation that may only be provided by or under the supervision of a registrant of FPBC, including, without limitation, the services



included in the “practice of professional forestry” as defined in the former Act as it read immediately before the transition date;

**“forest stewardship”** means the responsible use of forest resources based on

- (a) the application of an ecological understanding at the stand, forest and landscape levels which maintains and protects ecosystem function, integrity and resilience, and
- (b) an ethical responsibility to the land and people for current and future generations;

**“former Act”** means the former *Foresters Act*, S.B.C. 2003, c. 19;

**“FPBC”** or **“Forest Professionals British Columbia”** means the Association of British Columbia Forest Professionals continued as a regulatory body under section 84(5) of the Act;

**“General Regulation”** means the *Professional Governance General Regulation*, B.C. Reg. 107/2019;

**“in good standing”** means, in respect of a registrant, that

- (a) the registrant’s registration in any category or subcategory of registrants is not suspended under the Act or bylaws,
- (b) no conditions or limitations are imposed on the registrant’s practice of professional forestry under section 67, 72, 73, 74, 75 or 76 of the Act, Bylaw 12 (Complaints, Investigations and Discipline), or Bylaw 14 (Indictable Offences),
- (c) no notice of non-compliance is outstanding against the registrant under section 10-2 of Bylaw 10 (Continuing Professional Development) or section 11-5 or 11-6 of Bylaw 11 (Audit and Practice Review), and
- (d) no notice of administrative suspension or cancellation is outstanding against the registrant under section 5-19 of Bylaw 5 (Registration);

**“limited licence”** means a limited licence under section 6-7 of Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences);

**“practice of professional forestry”** has the same meaning as in section 1 of the Forest Professionals Regulation, and, for greater certainty, includes

- (a) the provision of the services of managing, advising on, performing or directing works, services or undertakings respecting trees, forests, forest lands, forest resources, forest ecosystems or forest transportation systems in a natural or managed, rural or urban environment, and any related, incidental or ancillary services or activities, and
- (b) the promotion and implementation of principles of forest stewardship;

**“professional document”** means any report, estimate, statement, plan or other record containing or describing professional work;

**“professional work”** means any written or oral communication that is directly or indirectly related to the provision of services included in the practice of professional forestry, including advice, opinions, estimates, specific actions, reports, letters, memoranda, documents, plans or other material containing any professional opinion or work product in any format used for transmitting information;

**“registrant”** means a registrant of FPBC, as defined in section 6 of Schedule 1 of the Act;

**“registrant board member”** means a voting registrant board member under section 23(2)(a) of the Act;

**“regulations”** means the regulations under the Act, including the General Regulation and the Forest Professionals Regulation;

**“RFT”** means registered forest technologist;

**“RPF”** means registered professional forester;

**“superintendent”** means the superintendent of professional governance appointed under section 4 of the Act;

**“technical occupation”** means a technical occupation established under section 6-2 of Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences);

**“TNRP program”** means the Trainee Natural Resource Professional program established under section 7-2(e) of Bylaw 7 (Trainees);

**“TFT program”** means the Trainee Forest Technologist program established under section 7-2(c) of Bylaw 7 (Trainees);

**“transition date”** means February 5, 2021;

**“voting board member”** means a registrant board member under section 23(2)(a) of the Act or a lay board member under section 23(2)(b) of the Act.

- (2) Subject to sections 25 and 25.2 of the *Interpretation Act*, unless otherwise specified or a contrary intention appears in the bylaws, **“days”** means calendar days.
- (3) Unless otherwise specified or a contrary intention appears in the bylaws, a word or expression used in the bylaws has the same meaning as in the Act.

### **Delivery of notice or documents**

- 1-2 (1) Unless otherwise specified in the Act or bylaws, a notice or any document under the bylaws may be delivered in any manner that is permitted under section 115 of the Act.
- (2) Without limiting subsection (1), FPBC may deliver a notice or any document to any registrant by electronic transmission to the most recent e-mail address provided

by the registrant to FPBC for the purpose of receiving communications from FPBC, or by another equivalent form of electronic transmission.

## BYLAW 2 – BOARD OPERATIONS AND PROCEDURES

### Part A – Board

#### Powers and duties of the board

- 2-1 (1) The board must govern, control and administer the affairs of FPBC in accordance with this Act, the regulations and the bylaws.
- (2) Unless otherwise specified, the powers of FPBC under the Act, the regulations and the bylaws may be exercised by the board.

#### Board chair and board vice chair

- 2-2 (1) The board chair must
- (a) chair all board meetings and general meetings of FPBC, and
  - (b) act generally in accordance with the requirements of the office of board chair, for the proper carrying out of the duties of the board.
- (2) If the board chair is absent or unable to act, the board vice chair may exercise the powers and must perform the duties of the board chair.
- (3) If the board chair and board vice chair are both absent or unable to act, the board may authorize another board member to exercise the powers and perform the duties of the board chair.

#### Immediate past board chair

- 2-3 (1) Subject to subsection (2), the most recent individual to have served previously as board chair must act as immediate past board chair under section 23(2)(c) of the Act.<sup>1</sup>
- (2) If the individual described in subsection (1) is absent or unable or unwilling to act, the board may select another individual who has previously served as board chair to act as the immediate past board chair.

#### Board meetings

- 2-4 (1) The board must meet at least four times in each calendar year.<sup>2</sup>
- (2) A board meeting must be called by the executive director at the request of the board chair or any three board members.
- (3) The executive director must provide reasonable notice of a board meeting to all board members.

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<sup>1</sup> Under s. 23(2)(c) of the *PGA*, the immediate past board chair is a non-voting board member.

<sup>2</sup> Quorum for board meetings is fixed by s. 29(2) of the *PGA* to be a majority of the voting board members, with at least one lay board member required to be present under s. 29(1).

- (4) The accidental omission to deliver notice of a board meeting to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate proceedings of that board meeting.
- (5) The board may meet and conduct business in person, or by video, telephone conference, web casting, or an equivalent method of telecommunication that allows all board members in attendance to hear and interact with each other.
- (6) The board may meet in the absence of the public, or it may exclude any person who is not a board member from a meeting or any part of a meeting,
  - (a) for the purpose of considering or discussing any matter of a confidential or privileged nature,
  - (b) for the purpose of protecting the privacy of any individual whose personal information is being considered or discussed, or
  - (c) for any other reason that the board considers necessary or appropriate.
- (7) Subject to subsection (8), the executive director must ensure that minutes are taken at each board meeting and published on FPBC's website.
- (8) The executive director may edit minutes to be published on FPBC's website under subsection (7) to remove
  - (a) information about any matter that was considered or discussed in the absence of the public or while any person was excluded from the board meeting under subsection (6), or
  - (b) other information that is confidential or privileged in nature, or the publication of which would, in the executive director's opinion, be an unreasonable invasion of an individual's personal privacy.
- (9) Every voting board member in attendance or represented by proxy is entitled to cast one vote on each matter put to a vote at a board meeting.
- (10) In taking a vote at a board meeting, the chair must first determine those voting board members in favour, opposed and abstaining, after which the chair may cast their vote.
- (11) The chair is not required to vote on any matter, whether or not that vote would affect the outcome.
- (12) In the case of a tie vote, the chair does not have a second vote in addition to the vote they may cast as a voting board member, and the proposed resolution does not pass.
- (13) The board may adopt or establish additional rules or procedures, consistent with the Act, the regulations and the bylaws, for the purpose of regulating the conduct of board meetings.

### **Proxies at board meetings**

- 2-5 (1) A voting board member may appoint another voting board member as a proxy holder for a board meeting.
- (2) An appointment of a proxy holder
- (a) must be in writing,
  - (b) is valid only at the board meeting for which the appointment is given, and
  - (c) may be revoked at any time.
- (3) Unless limited in the appointment, a proxy holder may cast a vote on any matter put to a vote at the board meeting on behalf of the voting board member appointing the proxy holder.
- (4) A voting board member who appoints a proxy holder to vote on their behalf at a board meeting must not
- (a) be included in the quorum for the board meeting under section 29(2) of the Act, or
  - (b) be deemed to satisfy the requirement for a lay board member to be present at the board meeting under section 29(1) of the Act.

### **Resolutions in writing**

- 2-6 A resolution approved in writing, including by mail, facsimile or e-mail, by a majority of all voting board members is valid and binding and of the same effect as if such resolution had been duly passed at a meeting of the board.

### **Board policies**

- 2-7 The executive director must ensure that any policies or procedures established or maintained by the board under the bylaws are published on FPBC's website.

### **Board member expenses**

- 2-8 Board members are entitled to be reimbursed by FPBC for reasonable expenses incurred in connection with the business of FPBC.

### **Fiscal year**

- 2-9 The fiscal year of FPBC ends on November 30 in each year.

### **Auditor**

- 2-10 (1) The board must appoint a chartered professional accountant as auditor for FPBC.
- (2) For each fiscal year, the auditor appointed under subsection (1) must conduct an annual audit of FPBC's financial statements.

## **Part B – Officers**

### **Executive director**

- 2-11 (1) The board must appoint an executive director under section 32(1)(a) of the Act.
- (2) The executive director is the chief executive officer of FPBC, and may use the title “chief executive officer”.
- (3) Subject to the Act, the regulations, the bylaws, and any limitations established by board policy, the executive director holds final responsibility for all administrative and operational matters for FPBC.

### **Registrar and deputy registrars**

- 2-12 (1) The registrar appointed under section 31(1) of the Act
- (a) may exercise the powers and must perform the duties of the registrar, or delegated to the registrar, under the Act, the regulations and the bylaws, and
- (b) must perform such other duties as the executive director may direct.
- (2) The registrar is authorized to establish forms for the purpose of these bylaws, and to require the use of such forms by registrants or applicants for registration.
- (3) Subject to any limitations directed by the executive director, the registrar may designate a deputy registrar appointed under section 31(1) of the Act or another officer, employee or agent of FPBC to exercise any power or perform any duty of the registrar assigned by the registrar.
- (4) A deputy registrar or other officer, employee or agent referred to in subsection (3) has the same authority as the registrar when they are acting on the registrar’s behalf.

### **Registrar policies**

- 2-13 The executive director must ensure that any policies or procedures established or maintained by the registrar under the bylaws are published on FPBC’s website.

## **Part C – Committees**

### **Appointment of committee members**

- 2-14 (1) Subject to section 2-17(1) and (2), the board must appoint the members of each committee established under this Part, including the chair who must be selected and appointed in accordance with the merit-based selection principles prescribed under section 5 of the General Regulation.
- (2) The board may appoint one or more vice-chairs for each committee from among the committee members appointed under subsection (1) other than the chair.

- (3) The board must establish the terms of office of committee members, which must not exceed four years.
- (4) A committee member may be removed before the expiry of their term of office by resolution of the board.
- (5) A committee member may resign from the committee by delivering a written notice of resignation to the registrar.
- (6) Committee members and former committee members are eligible for reappointment to the committee at any time.

2-15 *[repealed]*

#### **Duties of committee chairs and vice-chairs**

- 2-16 (1) The chair of a committee must
- (a) chair meetings of the committee, other than meetings of a committee panel appointed under section 2-23,
  - (b) appoint committee panels from among the members of the committee in accordance with section 2-23, and
  - (c) perform any other duties assigned to them by the board.
- (2) If the chair of a committee is absent or unable to act, a vice-chair of the committee may exercise the powers and must perform the duties of the chair.
- (3) If the chair and any vice-chairs are all absent or unable to act, the registrar or executive director may authorize another committee member to exercise the powers and perform the duties of the chair.

#### **Nomination committee**

- 2-17 (1) The nomination committee is established, consisting of
- (a) the immediate past board chair,
  - (b) the executive director,
  - (c) at least two additional registrant committee members, both of whom are former board members, and
  - (d) at least one lay committee member.
- (2) The immediate past board chair must act as the chair of the nomination committee and, for greater certainty, is a voting member of the committee.
- (3) In addition to the powers and duties of the nomination committee under the Act and the General Regulation, the nomination committee
- (a) may exercise the powers and must perform the duties specified in Bylaw 3 (Elections), and



- (b) may exercise any other power, authority or jurisdiction authorized by the board under section 32(2) of the Act.

### **Credentials committee**

- 2-18 (1) The credentials committee is established, consisting of
- (a) the chair,
  - (b) at least five additional registrant committee members, and
  - (c) at least one lay committee member.
- (2) In addition to the powers and duties of the credentials committee under the Act, the credentials committee
- (a) may exercise the powers and must perform the duties specified in Bylaw 5 (Registration), Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences) and Bylaw 7 (Trainees),
  - (b) may exercise any other power, authority or jurisdiction authorized by the board under section 32(2) of 44(2) of the Act, and
  - (c) must perform any other duties assigned to the committee by the board.

### **Audit and practice review committee**

- 2-19 (1) The audit and practice review committee is established, consisting of
- (a) the chair,
  - (b) at least two additional registrant committee members, and
  - (c) at least one lay committee member.
- (2) In addition to the powers and duties of the audit and practice review committee under the Act, the audit and practice review committee
- (a) may exercise the powers and must perform the duties specified in Bylaw 10 (Continuing Professional Development) and Bylaw 11 (Audit and Practice Review),
  - (b) may exercise any other power, authority or jurisdiction authorized by the board under section 32(2) or 63(2) of the Act, and
  - (c) must perform any other duties assigned to the committee by the board.

### **Investigation committee**

- 2-20 (1) The investigation committee is established, consisting of
- (a) the chair,
  - (b) at least five additional registrant committee members, and
  - (c) at least one lay committee member.
- (2) In addition to the powers and duties of the investigation committee under the Act, the investigation committee

- (a) may exercise the powers and must perform the duties specified in Bylaw 12 (Complaints, Investigation and Discipline) and Bylaw 13 (Public Disclosure),
- (b) may exercise any other power, authority or jurisdiction authorized by the board under section 32(2) of the Act, and
- (c) must perform any other duties assigned to the committee by the board.

### **Discipline committee**

- 2-21 (1) The discipline committee is established, consisting of
- (a) the chair,
  - (b) at least three additional registrant committee members, and
  - (c) at least one lay committee member.
- (2) In addition to the powers and duties of the discipline committee under the Act, the discipline committee
- (a) may exercise the powers and must perform the duties specified in Bylaw 12 (Complaints, Investigation and Discipline) and Bylaw 13 (Public Disclosure), and
  - (b) may exercise any other power, authority or jurisdiction authorized by the board under section 32(2) of the Act.

### **Quorum**

- 2-22 Subject to section 2-23, quorum for the transaction of business at a meeting of a committee is a majority of the committee, including at least one lay committee member.

### **Committee panels**

- 2-23 (1) The credentials committee, audit and practice review committee, investigation committee and discipline committee may meet in panels of at least three committee members appointed by the committee chair from among the members of the committee, consisting of
- (a) at least two registrant committee members, and
  - (b) at least one lay committee member.
- (2) The chair of a committee referred to in subsection (1) must designate the chair of a panel of the committee appointed under subsection (1).
- (3) The chair of a committee may appoint themselves as a member of a panel of the committee under subsection (1) and may designate themselves as the panel chair under subsection (2).
- (4) Subject to subsection (5), quorum for the transaction of business at a meeting of a committee panel is three members of the panel, including at least one lay committee member.

- (5) Quorum for the conduct of a hearing by a panel of the discipline committee under section 75 of the Act and Part C of Bylaw 12 (Complaints, Investigations and Discipline) is all members of the panel.
- (6) A committee panel appointed under subsection (1) may exercise any power and perform any duty of the committee, subject to any limitations directed by the chair of the committee.

### **Committee meetings**

- 2-24
- (1) A meeting of a committee or panel may be called by
    - (a) the chair or a vice-chair of the committee or the chair of the panel, or
    - (b) the registrar.
  - (2) A committee or panel may meet and conduct business in person, or by video, telephone conference, web casting, or an equivalent method of telecommunication that allows all committee or panel members to hear and interact with each other.
  - (3) A committee or panel may meet in the absence of the public, or it may exclude any person who is not a committee member from a meeting or any part of a meeting,
    - (a) for the purpose of considering or discussing any matter of a confidential or privileged nature,
    - (b) for the purpose of protecting the privacy of any individual whose personal information is being considered or discussed, or
    - (c) for any other reason that the committee or panel considers necessary or appropriate.
  - (4) Every committee or panel member is entitled to cast one vote on each matter put to a vote at a committee or panel meeting.
  - (5) In taking a vote at a committee or panel meeting, the chair must first determine those committee or panel members in favour, opposed and abstaining, after which the chair may cast their vote.
  - (6) The chair is not required to vote on any matter, whether or not that vote would affect the outcome.
  - (7) In the case of a tie vote, the chair does not have a second vote in addition to the vote they may cast as a committee or panel member, and the proposed resolution does not pass.
  - (8) A committee may adopt or establish additional rules or procedures, consistent with the Act, the regulations and the bylaws, for the purpose of regulating the conduct of committee or panel meetings.

### **Resolutions in writing**

- 2-25 A resolution approved in writing, including by mail, facsimile or e-mail, by a majority of all members of a committee or panel, including at least one lay committee member, is valid

and binding and of the same effect as if such resolution had been duly passed at a meeting of the committee or panel.

**Committee policies**

2-26 The executive director must ensure that any policies or procedures established or maintained by a committee under the bylaws are published on FPBC's website.

**Committee member expenses**

2-27 Members of a committee are entitled to be reimbursed by FPBC for reasonable expenses incurred in connection with the business of FPBC.

## BYLAW 3 – ELECTIONS

### Definition

- 3-1 In this Bylaw 3, “**voting registrant**” means a registrant in good standing who is eligible under section 3-4 to vote in a registrant board member election.

### Annual elections

- 3-2 An election must be held before each year’s annual general meeting, in accordance with section 26 of the Act, for the following registrant board member positions:
- (a) the board vice chair;
  - (b) the number of at-large board members required to fill any current or expected vacancies in the five at-large board member positions required under section 23(2)(a) of the Act.

### Terms of office

- 3-3 (1) The three-year term of office under section 24(1) of the Act of an at-large board member elected under section 3-2(b) commences immediately after the annual general meeting of the year in which they are elected and ends immediately after the annual general meeting of the third year after they are elected.
- (2) The registrant elected to the position of board vice chair under section 3-2(a) is elected to a two-year term of office as a registrant board member, to serve
- (a) in the office of board vice chair for the first year, commencing immediately after the annual general meeting of the year in which they are elected and ending immediately after the annual general meeting of the year after they are elected, and
  - (b) in the office of board chair for the second year, commencing immediately after the annual general meeting of the year after they are elected and ending immediately after the annual general meeting of the second year after they are elected.<sup>3</sup>

### Eligibility to vote

- 3-4 Registrants in good standing in the following categories are eligible to vote in a registrant board member election under section 26 of the Act:
- (a) practising RPF registrants;
  - (b) practising RFT registrants;
  - (c) associate registrants;
  - (d) standing non-practising registrants;
  - (e) retired registrants.

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<sup>3</sup> The immediate past board chair is non-voting, and is not considered to be a registrant board member under the Act.

### **Eligibility for election**

- 3-5 (1) Subject to subsections (2) to (4), registrants in the following categories are eligible to be elected in a registrant board member election:
- (a) practising RPF registrants;
  - (b) practising RFT registrants;
  - (c) standing non-practising registrants.
- (2) A registrant is not eligible to be elected in a registrant board member election if any of the following apply as of the deadline fixed under section 3-6(3) for receipt of applications to be considered as a nominee:
- (a) the registrant is not in good standing;
  - (b) the registrant is not ordinarily resident in British Columbia;
  - (c) the registrant is in default of payment of any penalty, fine, fee, debt or levy owing to FPBC under the Act;
  - (d) the registrant is currently named in a citation, or is the subject, in British Columbia, another province or a foreign jurisdiction, of a pending hearing, or hearing underway, that could result in the registrant's entitlement to practise a profession in British Columbia, another province or a foreign jurisdiction being cancelled, revoked or suspended for any reason other than late payment or non-payment of fees;
  - (e) the registrant is found by any court, in Canada or a foreign jurisdiction, to be incapable of managing the registrant's own affairs;
  - (f) the registrant is an undischarged bankrupt.
- (3) An incumbent registrant board member is not eligible to be elected to a registrant board member position with a successive term of office that would result in the registrant exceeding any applicable term limit under section 24 of the Act.
- (4) An at-large board member is not eligible to be elected to the position of board vice chair with a term of office commencing before the expiry of the term of office for their existing at-large board member position unless they deliver to the registrar an irrevocable notice of resignation from their existing at-large board member position that is effective at or before the commencement of the term of office of the board vice chair position.

### **Call for nominations**

- 3-6 (1) The registrar must deliver notice of a call for nominations for a registrant board member election to every voting registrant on or before August 1 of the year preceding the year of the election.
- (2) A call for nominations under subsection (1) must contain information about the nomination procedure and the election procedure, including the following:
- (a) a description of the merit-based selection principles prescribed under section 5 of the General Regulation;

- (b) a description of any additional criteria or preferences for registrant board members established by the board under section 25(2)(a) of the Act;
  - (c) an advertisement of current or expected vacancies on the board containing the information required under section 6(4)(b) and (c) of the General Regulation.
- (3) The nomination committee must fix the deadline under section 6(4)(c)(iii) of the General Regulation for receipt of applications to be considered as a nominee
- (a) at least 14 days after the date of delivery of the notice of the call for nominations to voting registrants under subsection (1), and
  - (b) at least 90 days before the date set for the annual general meeting.
- (4) The accidental omission to deliver notice of a call for nominations for a registrant board member election to, or the non-receipt of such a notice by, any person entitled to receive notice does not invalidate the election, any proceedings in relation thereto, or the results thereof.

### **Nomination procedure**

- 3-7 (1) The nomination committee must supervise and administer the nomination process for the election of registrant board members in accordance with the General Regulation and the bylaws, and may establish additional nomination procedures for that purpose, consistent with the Act, the General Regulation and the bylaws.
- (2) The nomination committee
- (a) must review and consider all valid applications to be considered as a nominee that are delivered to the registrar by the deadline fixed by the nomination committee under section 3-6(3), and
  - (b) may review and consider any otherwise valid applications to be considered as a nominee that were delivered to the registrar after the deadline fixed by the nomination committee under section 3-6(3) for the previous year's election, and that were not previously considered by the committee.
- (3) An application to be considered as a nominee is not valid if
- (a) the applicant is not eligible for election to the applicable registrant board member position under section 3-5, or
  - (b) the application does not include the information required under section 6(4)(c)(i) and (ii) of the General Regulation.
- (4) The nomination committee may solicit additional applications to be considered as a nominee before or after the deadline fixed under section 3-6(3) if it appears it may be reasonably necessary to do so to identify at least one more qualified nominee than the number required to fill the registrant board member positions to be elected under section 3-2, in accordance with section 6(2)(b) of the General Regulation.
- (5) The nomination committee must prepare a list of qualified nominees selected by the committee to stand for election under section 6(2)(a) of the General Regulation

and deliver the list to the registrar at least 65 days before the date set for the annual general meeting.

- (6) The registrar must publish on FPBC's website, at least 60 days before the date set for the annual general meeting, the names of the nominees selected by the nomination committee to stand for election, together with any additional information directed by the nomination committee under section 6(4)(f) of the General Regulation.

### **Election procedure**

- 3-8
- (1) In this section, "**reference date**" means a date fixed during the first five business days of December, as fixed by the registrar.
  - (2) The registrar must supervise and administer all registrant board member elections, and may establish additional election procedures for that purpose, consistent with the Act, the General Regulation and the bylaws.
  - (3) The registrar must prepare the necessary ballots for each election, separately listing the nominees selected by the nomination committee to stand as candidates for election
    - (a) to the position of board vice chair, and
    - (b) to a position as an at-large board member.
  - (4) Ballots for an election must
    - (a) be in a form approved by the board,
    - (b) indicate which candidates are standing for election to which positions,
    - (c) indicate if any candidates have been acclaimed for any positions, and
    - (d) indicate the date and time specified by the registrar for the return of ballots under subsection (9).
  - (5) The registrar must prepare a voters list containing the names of all voting registrants as of the reference date.
  - (6) At least 45 days before the date set for the annual general meeting, the registrar must send an election ballot or instructions to access an online election ballot by e-mail to every voting registrant on the voters list, transmitted to the last known e-mail address FPBC had on record for each voting registrant as of the reference date.
  - (7) The accidental omission to deliver an election ballot or instructions to, or the non-receipt of an election ballot or instructions by, any voting registrant does not invalidate the election, any proceedings in relation thereto, or the results thereof.
  - (8) Every voting registrant on the voters list is eligible to cast one election ballot, and may vote for



- (a) one candidate for the position of board vice chair,<sup>4</sup> and
  - (b) up to the total number of candidates to be elected for a position as an at-large board member.
- (9) To be counted, validly completed ballots must be received by the date and time specified by the registrar for the return of ballots, which must be at least 30 days after the date the ballots are sent to voting registrants under subsection (6).
- (10) Ballots must be counted by
- (a) the registrar, and
  - (b) a returning officer and one or more scrutineers appointed by the board.
- (11) The registrar must implement adequate control and security measures, in accordance with any directions given by the board, to provide reasonable assurance as to the integrity and confidentiality of the voting process, including measures to provide reasonable assurance that
- (a) only voting registrants on the voters list may cast a valid election ballot,
  - (b) the identity of each voter and the contents of their ballot are kept secret,
  - (c) no ballots are accepted or counted unless received by the date and time specified by the registrar for the return of ballots under subsection (9), and
  - (d) systems used to tabulate votes cast are accurate.
- (12) The candidate for the position of board vice chair who receives the most votes is elected to that position.
- (13) The candidate or candidates for a position as an at-large board member who receive the most votes are elected to the at-large board member position or positions to be elected in the election.
- (14) The registrar must break any tie vote by random draw.
- (15) The registrar must resolve any dispute or irregularity with respect to any ballot or election, and any ruling made by the registrar to resolve the dispute or irregularity is final and binding.
- (16) The registrar may adopt or establish additional procedures, consistent with the Act, the General Regulation and the bylaws, for resolving a dispute or irregularity with respect to a ballot or election.

### **Election results**

- 3-9 As soon as practicable after the results of an election are determined, the registrar must communicate the election results
- (a) to the board and all candidates, and

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<sup>4</sup> There is no separate election for the position of board chair. If the board vice chair steps down before becoming board chair, the resulting vacancy would be filled by appointment.

- (b) after the election results are communicated to the board and all candidates, to all voting registrants.

### **Removal of registrant board member**

- 3-10 A registrant board member ceases to hold office before the expiry of their term of office if they
- (a) are removed from office under section 30 of the Act,
  - (b) cease to meet the eligibility requirements for election as a registrant board member under section 3-5(2),
  - (c) are determined by resolution passed by a vote of at least 2/3 of the other board members to have become incapable of performing their duties as a registrant board member under the Act,
  - (d) resign from office as a registrant board member, or
  - (e) die.

### **Vacancies**

- 3-11 (1) The board may direct the nomination committee to issue a call for applications for appointment to fill a vacancy in a registrant board member position<sup>5</sup> under section 26(4) of the Act for the remainder of the term of office for that position.
- (2) If the board directs the nomination committee to issue a call for applications under subsection (1), the registrar must, on the nomination committee's behalf, deliver notice of the call for applications to every registrant within the time specified by the nomination committee.
- (3) A call for applications under subsection (1) must contain information about the appointment procedure, including the following:
- (a) a description of the merit-based selection principles prescribed under section 5 of the General Regulation;
  - (b) a description of any additional criteria or preferences for registrant board members established by the board under section 25(2)(a) of the Act;
  - (c) an advertisement of the vacancy to be filled by appointment containing the information required under section 6(4)(b) and (c) of the General Regulation.
- (4) The nomination committee must fix the deadline under section 6(4)(c)(iii) of the General Regulation for receipt of applications for appointment to fill the applicable vacancy in a registrant board member position.
- (5) The accidental omission to deliver notice of a call for applications to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate the appointment process.

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<sup>5</sup> This includes the board vice chair/board chair position.

- (6) The nomination committee must review all valid applications for appointment that are delivered to the registrar by the deadline fixed by the nomination committee under subsection (4).
- (7) An application for appointment is not valid if
  - (a) the applicant would not be eligible for election to the applicable registrant board member position under section 3-5, or
  - (b) the application does not include the information required under section 6(4)(c)(i) and (ii) of the General Regulation.
- (8) The nomination committee may recommend one or more qualified applicants for the board to consider for appointment to fill the applicable vacancy under section 26(4) of the Act.
- (9) The board may appoint an applicant recommended by the nomination committee under subsection (8) to fill the applicable vacancy under section 26(4) of the Act for the remainder of the term of office for that position.
- (10) An applicant who is appointed under subsection (9) to fill a vacancy in the position of board vice chair will continue to serve in the office of board chair for the second year of the term of office of the corresponding registrant board member position in accordance with section 3-3(2).

#### **Transitional board**

- 3-12
- (1) For the purpose of sections 84(5)(b) and (6) of the Act, the terms of office of board members who were elected as councillors under the former Act and hold office immediately before the transition date are continued as set out in this section.
  - (2) The RPF councillors and RFT councillors elected under section 7(d) of the former Act are continued as at-large board members under the Act for the remainder of the terms of office to which they were elected under the former Act, in accordance with section 84(6)(a) of the Act.
  - (3) The president under section 7(a) of the former Act is continued as a registrant board member and board chair under the Act, with a term of office for those positions expiring immediately after the 2022 annual general meeting.
  - (4) The vice president under section 7(b) of the former Act is continued as a registrant board member under the Act, with a term of office expiring immediately after the 2023 annual general meeting, to serve
    - (a) as board vice chair under the Act until immediately after the 2022 annual general meeting, and
    - (b) as board chair under the Act for a term of office commencing immediately after the 2022 annual general meeting and ending immediately after the 2023 annual general meeting.
  - (5) The immediate past president under section 7(c) of the former Act ceases to hold office as a registrant board member on the transition date, but continues to serve

as a non-voting registrant board member under section 23(2)(c) of the Act in their capacity as immediate past board chair.

- (6) This section is repealed on April 1, 2024.

## **BYLAW 4 – GENERAL MEETINGS**

### **General meetings**

- 4-1
- (1) Subject to subsections (2) and (5), all general meetings under section 33 of the Act must be held in British Columbia at a time and place determined by the board.
  - (2) An annual general meeting must be convened in February or March of each year.
  - (3) The following items must be presented at an annual general meeting, and published on FPBC's website within 14 days after the annual general meeting:
    - (a) the annual report of FPBC;
    - (b) the audited financial statements.
  - (4) Every general meeting other than an annual general meeting is a special general meeting.
  - (5) If the registrar receives a valid request for a special general meeting under section 33(4) of the Act, the board must schedule the special general meeting to be convened within four months of receipt of that request.

### **Notice of a general meeting**

- 4-2
- (1) The registrar must deliver notice of a general meeting to every registrant, lay board member and lay committee member at least 49 days before the date set for the meeting.
  - (2) Notice of a general meeting must include
    - (a) the time and place of the general meeting,
    - (b) the general nature of the business to be considered at the general meeting,
    - (c) any resolutions proposed by the board to be considered at the general meeting, and
    - (d) subject to section 4-3(7), any resolutions proposed by registrants under section 4-3 and delivered to the registrar before notice of the general meeting is issued.
  - (3) At the discretion of the board, notice of a general meeting may specify that registrants will be permitted to attend the general meeting by video, telephone conference, web casting, or an equivalent method of telecommunication, in accordance with instructions specified in the notice.
  - (4) Notice of a general meeting may be delivered to a registrant by e-mail, transmitted to the last known e-mail address FPBC has on record for the registrant.
  - (5) The accidental omission to deliver notice of a general meeting to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate proceedings at that general meeting.

### **Resolutions proposed by registrants**

- 4-3 (1) Subject to subsection (6), a registrant may deliver a written request to the registrar for consideration of a proposed resolution at a general meeting.
- (2) A written request delivered by a registrant under subsection (1)
- (a) must contain the written text of the proposed resolution,
  - (b) must identify the registrant as mover of the resolution, and at least ten additional registrants as seconders of the proposed resolution,
  - (c) must contain the names, signatures and registration numbers of the mover and all seconders of the proposed resolution, and
  - (d) must be received by the registrar at least 35 days before the date set for the general meeting at which the proposed resolution is to be considered.
- (3) Subject to subsection (7), the registrar must deliver notice of a resolution proposed by a registrant under this section to every registrant, lay board member and lay committee member at least 21 days before the date set for the general meeting at which the proposed resolution is to be considered, if such notice was not previously included in the notice of the general meeting under section 4-2(2)(d).
- (4) Notice of a proposed resolution under subsection (3) may be delivered to a registrant in the same manner as notice of a general meeting under section 4-2(4).
- (5) The accidental omission to deliver notice of a proposed resolution to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate the proposed resolution.
- (6) A resolution proposed under this section must not
- (a) be inconsistent with the Act or the regulations, or otherwise constitute a breach of any statutory duty of FPBC, the board, any committee, or any officer, employee or agent of FPBC under the Act or any enactment,
  - (b) seek to make, amend or repeal any bylaw of FPBC, or
  - (c) purport to bind the board, any committee, or any officer, employee or agent of FPBC, in the exercise of its or their powers or in the performance of its or their duties under the Act or any other enactment contrary to section 34(1) of the Act or subsection (8).
- (7) The registrar must not deliver notice of a proposed resolution under section 4-2(2)(d) or subsection (3) if the registrar determines that the proposed resolution contravenes subsection (6).
- (8) A resolution approved at a general meeting does not bind the board, any committee, or any officer, employee or agent of FPBC in the exercise of its or their powers or in the performance of its or their duties under the Act or any other enactment.

### **Proceedings at a general meeting**

- 4-4 (1) The quorum at a general meeting is 40 registrants attending in person or in accordance with subsection (2).
- (2) If the notice of a general meeting specifies that registrants will be permitted to attend the general meeting by video, telephone conference, web casting, or an equivalent method of telecommunication, registrants may attend and participate in the general meeting by such medium, in accordance with the instructions specified in the notice, and any registrants so attending must be included in the quorum.
- (3) No registrant may be counted as present by proxy, or vote by proxy, at a general meeting.
- (4) No business, other than the adjournment or termination of the meeting, may be conducted at a general meeting at a time when a quorum is not in attendance.
- (5) If at any time during a general meeting there ceases to be a quorum in attendance, business then in progress must be suspended until there is a quorum in attendance.
- (6) If a quorum is not in attendance within 30 minutes from the time appointed for the commencement of a general meeting, or from any time during a general meeting when there ceases to be a quorum in attendance, the general meeting must be adjourned.
- (7) The board chair or, if the board chair is absent or unable to act, the board vice chair, must chair the general meeting.
- (8) In the absence of both the board chair and the board vice chair, an acting chair for a general meeting must be elected from the registrant board members in attendance by majority vote of the registrants in attendance.
- (9) A general meeting may be adjourned from time to time and from place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (10) When a general meeting is adjourned, notice of the rescheduled general meeting must be delivered in the same manner as the notice of the original meeting.
- (11) Every registrant in attendance at a general meeting is entitled to cast one vote on each resolution put to a vote at the general meeting.
- (12) In case of a tie vote, the proposed resolution does not pass.
- (13) The board may adopt or establish additional rules or procedures, consistent with the Act and the bylaws, for the purpose of regulating the conduct of general meetings.

4-5 *[repealed]*

## **BYLAW 5 – REGISTRATION**

### **Delegation of authority to credentials committee**

- 5-1 (1) Subject to the provisions of this Bylaw 5 and Bylaw 7 (Trainees), the credentials committee
- (a) is authorized to act under section 45(1) of the Act,
  - (b) may establish a policy limiting the authority of the registrar to act under section 45(1) of the Act, and requiring the registrar to refer applications for admission or reinstatement meeting specified criteria to the credentials committee for review, and
  - (c) may exercise the powers of the board under sections 45(2), 47(3), 48(1) to (4) and 50.1(1) of the Act, other than the board's authority to make bylaws described in sections 47(3)(a) and (b) and 50.1(1).
- (2) The registrar
- (a) must comply with any limitations on the exercise of the registrar's authority under section 45(1) of the Act that are required by credentials committee policy under subsection (1)(b),
  - (b) must refer an application for admission or reinstatement to the credentials committee for decision if required by credentials committee policy under subsection (1)(b), and
  - (c) may refer any other application for admission or reinstatement to the credentials committee for review.

### **Applications for admission or reinstatement**

- 5-2 (1) A person may apply under section 45(1) of the Act for admission in or reinstatement to a category or subcategory of registrants established under section 5-3 by delivering to the registrar an application in the manner or form required by the registrar.
- (2) An application for admission or reinstatement must be accompanied by
- (a) evidence satisfactory to the registrar or the credentials committee that the applicant is
    - (i) of good character, and
    - (ii) fit to practise as a member of the applicable category or subcategory of registrants,
  - (b) payment of the applicable registration fees and any applicable application or reinstatement fees specified in the Fee Schedule,
  - (c) payment of any other outstanding fee, special assessment, penalty, costs or other debt due and owing by the applicant to FPBC,
  - (d) a completed indictable offence declaration in the form required by the registrar,



- (e) a completed competency declaration in the form required by the registrar, which must include a statement of the applicant's declared practice area or areas, and
  - (f) any other documents or information required under the bylaws or by credentials committee policy.
- (3) Registration fees payable under subsection (2)(b) or section 5-15(2)(a) may be prorated or abated for a partial year of registration in accordance with board policy.
  - (4) If an applicant for admission or reinstatement has been convicted of an indictable offence, the registrar must refer their application to the board for review under Bylaw 14 (Indictable Offences) before the applicant is admitted or reinstated by registrar or the credentials committee.
  - (5) Within 30 days of a decision by the registrar or credentials committee to grant or reject an application for admission or reinstatement, or to grant an application subject to conditions or limitations, under section 45(1) of the Act, the registrar must notify the applicant of the decision.
  - (6) Notice of a decision delivered to an applicant under subsection (5)
    - (a) must include any written reasons required under section 45(1)(c) of the Act, and
    - (b) if the registrar or credentials committee has rejected the application, or has granted the application subject to any conditions or limitations to which the applicant has not consented, must inform the applicant of their right to apply for a review on the record under section 48 of the Act within 30 days of the applicant's receipt of the notice.

### **Categories and subcategories of registrants**

- 5-3 (1) The following categories of registrants are established:
- (a) practising RPF registrants;
  - (b) practising RFT registrants;
  - (c) associate registrants;
  - (d) temporary registrants;
  - (e) non-practising registrants;
  - (f) retired registrants.
- (2) A practising RPF registrant is deemed to be registered with FPBC as a professional forester within the meaning of section 6 of Schedule 1 of the Act.
  - (3) A practising RFT registrant is deemed to be registered with FPBC as a registered forest technologist within the meaning of section 6 of Schedule 1 of the Act.
  - (4) The following subcategories of associate registrants are established:
    - (a) natural resource professionals;

- (b) forest technicians;
  - (c) affiliated forest professionals.
- (5) The following subcategories of temporary registrants are established:
- (a) visiting forest professionals;
  - (b) transferring forest professionals;
  - (c) trainees.
- (6) The following subcategories of non-practising registrants are established:
- (a) standing non-practising registrants;
  - (b) leave of absence non-practising registrants.

### **Practising RPF registrants**

- 5-4 (1) An applicant for initial admission as a practising RPF registrant must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) current or previous enrolment in the FIT or ASFIT program established under Bylaw 7 (Trainees);
  - (b) successful completion of the following requirements of FPBC's trainee program under Bylaw 7 (Trainees) within the time required by credentials committee policy:
    - (i) the RPF core competency requirement;
    - (ii) the experience area module requirement;
    - (iii) the articling requirement.
- (2) Despite subsection (1), an applicant may be admitted as a practising RPF registrant if, in addition to meeting the requirements in section 5-2(2), the applicant
- (a) holds registration or licensure with a regulatory authority in another Canadian jurisdiction as the equivalent of a practising RPF registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to practising RPF registrants in British Columbia,
  - (b) provides satisfactory evidence of meeting any applicable continuing competency or continuing education requirements established by the applicable regulatory authority described in paragraph (a),
  - (c) is or was previously registered as a transferring forest professional under section 5-10, and
  - (d) successfully completes all components of the experience area module requirement under Bylaw 7 (Trainee) that apply to transferring forest professionals.
- (3) Subject to section 5-16, a practising RPF registrant may provide any service included in forestry reserved practice.

### Practising RFT registrants

- 5-5 (1) An applicant for initial admission as a practising RFT registrant must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) current or previous enrolment in the TFT or ASTFT program established under Bylaw 7 (Trainees);
  - (b) successful completion of the following requirements of FPBC's trainee program under Bylaw 7 (Trainees) within the time required by credentials committee policy:
    - (i) the RFT core competency requirement;
    - (ii) the experience area module requirement;
    - (iii) the articling requirement.
- (2) Despite subsection (1), an applicant may be admitted as a practising RFT registrant if, in addition to meeting the requirements in section 5-2(2), the applicant
- (a) holds registration or licensure with a regulatory authority in another Canadian jurisdiction as the equivalent of a practising RFT registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to practising RFT registrants in British Columbia,
  - (b) provides satisfactory evidence of meeting any applicable continuing competency or continuing education requirements established by the applicable regulatory authority described in paragraph (a),
  - (c) is or was previously registered as a transferring forest professional under section 5-10, and
  - (d) successfully completes all components of the experience area module requirement under Bylaw 7 (Trainee) that apply to transferring forest professionals.
- (3) Subject to section 5-16, a practising RFT registrant may provide a service that is included in forestry reserved practice
- (a) within the following general practice areas, as further described in and to the extent permitted under credentials committee policy:
    - (i) forest measurements;
    - (ii) silviculture;
    - (iii) forest operations;
    - (iv) forest protection;
  - (b) while executing, supervising the execution of, or inspecting work designed by
    - (i) a practising RPF registrant, or
    - (ii) a visiting forest professional or transferring forest professional who is registered or licensed with a regulatory authority in another

Canadian jurisdiction as the equivalent of a practising RPF registrant;

- (c) under the direct supervision of a registrant described in paragraph (b)(i) or (ii); or
- (d) as otherwise authorized by a limited licence issued to the practising RFT registrant under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences).

### **Natural resource professionals**

- 5-6 (1) An applicant for initial admission in the natural resource professionals subcategory of associate registrants must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) successful completion of a natural resource degree program recognized by the board for the purpose of registration of natural resource professionals;
  - (b) current or previous enrolment in the TNRP program established under Bylaw 7 (Trainees);
  - (c) successful completion of the following requirements of FPBC's trainee program under Bylaw 7 (Trainees) within the time required by credentials committee policy:
    - (i) the experience area module requirement;
    - (ii) the articling requirement.
- (2) Subject to section 5-16, a natural resource professional may provide a service that is included in forestry reserved practice
- (a) while performing the following aspects of the practice of professional forestry, as further described in and to the extent permitted under credentials committee policy:
    - (i) planning for, advising on, engaging in or reporting on inventory, classification, conservation, and protection;
    - (ii) advising on, engaging in or reporting on enhancement;
    - (iii) advising on harvesting, valuation and rehabilitation;
  - (b) under the direct supervision of a practising RPF registrant, a practising RFT registrant, a visiting forest professional or a transferring forest professional, or
  - (c) as otherwise authorized by a limited licence issued to the natural resource professional under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences).

### **Forest technicians**

- 5-7 (1) An applicant may be admitted into the forest technicians subcategory of associate registrants if, in addition to meeting the requirements in section 5-2(2),

- (a) the applicant successfully completes an ethics examination required by the credentials committee, and
  - (b) the registrar or the credentials committee determines that the applicant is entitled to
    - (i) a basic certificate,
    - (ii) certification in a technical occupation, or
    - (iii) a limited licenceunder Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences).
- (2) Subject to section 5-16, a forest technician may provide a service that is included in forestry reserved practice
- (a) while engaged in a technical occupation for which they hold certification under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences),
  - (b) under the direct supervision of a practising RPF registrant, a practising RFT registrant, a visiting forest professional or a transferring forest professional, or
  - (c) as otherwise authorized by a limited licence issued to the forest technician under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences).

### **Affiliated forest professionals**

- 5-8 (1) An applicant may be admitted into the affiliated forest professionals subcategory of associate registrants if, in addition to meeting the requirements in section 5-2(2), the applicant
- (a) successfully completes an ethics examination and any other examination required by the credentials committee, and
  - (b) delivers to the registrar satisfactory evidence of academic or research experience meeting any applicable requirements established by credentials committee policy.
- (2) Subject to section 5-16, an affiliated forest professional may provide a service that is included in forestry reserved practice
- (a) under the direct supervision of a practising RPF registrant, a practising RFT registrant, a visiting forest professional or a transferring forest professional, or
  - (b) as otherwise authorized by a limited licence issued to the affiliated forest professional under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences).

## Visiting forest professionals

- 5-9 (1) An applicant for admission into the visiting forest professionals subcategory of temporary registrants must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) registration or licensure with a regulatory authority in another Canadian jurisdiction as the equivalent of a practising RPF registrant or practising RFT registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to practising RPF registrants or practising RFT registrants in British Columbia, as the case may be;
  - (b) delivery to the registrar of a declaration, in a form acceptable to the registrar, that the applicant is seeking registration as a visiting forest professional for the purpose of undertaking a specific task or project.
- (2) Registration as a visiting forest professional
- (a) may be granted for a limited period of time not exceeding 12 months, for the limited purpose described in the applicant's declaration under subsection (1)(b), and
  - (b) may be renewed once for a further period of time not exceeding 12 months, on application to the registrar before expiry of the initial period of registration granted under paragraph (a) subject to
    - (i) payment of any applicable fees specified in the Fee Schedule, and
    - (ii) delivery to the registrar of a completed competency declaration in the form required by the registrar.
- (3) Despite subsection (2), if the registrar or the credentials committee is satisfied that there are special circumstances, registration as a visiting forest professional may be granted for a period of time exceeding 12 months, or renewed more than once, subject to
- (a) payment of any applicable fees specified in the Fee Schedule, and
  - (b) delivery to the registrar of a completed competency declaration in the form required by the registrar,
- provided that the total period of registration in this subcategory does not exceed 24 months.
- (4) Subject to section 5-16,
- (a) a visiting forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RPF registrant may provide any service included in forestry reserved practice, and
  - (b) a visiting forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RFT registrant may provide a service that is included in forestry reserved practice under section 5-5(3), as if they were a practising RFT registrant.

## Transferring forest professionals

- 5-10 (1) An applicant for admission into the transferring forest professionals subcategory of temporary registrants must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) registration or licensure with a regulatory authority in another Canadian jurisdiction as the equivalent of a practising RPF registrant or practising RFT registrant, which is not subject to any practice limitations, restrictions or conditions in that jurisdiction that do not apply generally to practising RPF registrants or practising RFT registrants in British Columbia, as the case may be;
  - (b) delivery to the registrar of
    - (i) three professional references, in a form acceptable to the registrar confirming the applicant's practice in the jurisdiction referred to in paragraph (a),
    - (ii) a resume of forestry related work experience and education, in a form acceptable to the registrar, and
    - (iii) a declaration, in a form acceptable to the registrar, that the applicant is seeking registration as a transferring forest professional for the purpose of satisfying the requirements for admission as a practising RPF registrant under section 5-4(2) or a practising RFT registrant under 5-5(2).
- (2) Registration as a transferring forest professional is valid for six months.
- (3) Despite subsection (2), if the registrar or the credentials committee is satisfied that there are special circumstances, registration as a transferring forest professional may be extended for a limited period of time, subject to
- (a) payment of any applicable fees specified in the Fee Schedule, and
  - (b) delivery to the registrar of a completed competency declaration in the form required by the registrar,
- provided that the total period of registration in this subcategory does not exceed 12 months.
- (4) Subject to section 5-16,
- (a) a transferring forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RPF registrant may provide any service included in forestry reserved practice, and
  - (b) a transferring forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RFT registrant may provide a service that is included in forestry reserved practice under section 5-5(3), as if they were a practising RFT registrant.

## **Trainees**

- 5-11 (1) An applicant may be admitted into the trainee subcategory of temporary registrants if, in addition to meeting the requirements in section 5-2(2), the applicant is enrolled as a trainee under Bylaw 7 (Trainees).
- (2) Subject to subsection (3) and section 5-15, registration as a trainee is valid for the limited period of the trainee's enrolment under Bylaw 7 (Trainees).
- (3) Subject to section 5-15, a trainee continues to hold registration while their enrolment is temporarily suspended under section 7-15 of Bylaw 7 (Trainees).
- (4) Subject to section 5-16, a trainee may provide a service that is included in forestry reserved practice while under the direct supervision of a practising RPF registrant, a practising RFT registrant, a visiting forest professional or a transferring forest professional.

## **Standing non-practising registrants**

- 5-11.1 (1) An applicant for admission as a standing non-practising registrant must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) current registration or eligibility for reinstatement as a practising RPF registrant or practising RFT registrant;
- (b) delivery to the registrar of a declaration in a form acceptable to the registrar that the applicant will not
- (i) provide any service included in forestry reserved practice, or
- (ii) otherwise engage in the practice of professional forestry, except as may be permitted by board policy,
- while holding standing non-practising registration.
- (2) An applicant who is admitted as a standing non-practising registrant
- (a) ceases to hold registration as a practising RPF registrant or practising RFT registrant, and
- (b) must meet the requirements in section 5-14 to be eligible for reinstatement as a practising RPF registrant or practising RFT registrant.
- (3) A standing non-practising registrant may apply to the registrar at any time for reinstatement of their registration as a practising RPF registrant or practising RFT registrant, in accordance with section 5-14.
- (4) A standing non-practising registrant
- (a) must not
- (i) provide any service included in forestry reserved practice, or
- (ii) otherwise engage in the practice of professional forestry, except as may be permitted by board policy, and



- (b) must not use any title or designation indicating or implying that they are authorized to practise as a practising PRF registrant or practising RFT registrant, or to provide any services included in forestry reserved practice.

### **Leave of absence non-practising registrants**

- 5-12 (1) An applicant for admission as a leave of absence non-practising registrant must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) current registration as a practising RPF registrant, practising RFT registrant or associate registrant;
  - (b) delivery to the registrar of
    - (i) a request for a leave of absence in a form acceptable to the registrar, if the applicant is eligible for a leave of absence under credentials committee policy, and
    - (ii) a declaration, in a form acceptable to the registrar, that the applicant will not engage in the practice of professional forestry while holding leave of absence non-practising registration.
- (2) An applicant who is admitted as a leave of absence non-practising registrant
- (a) ceases to hold registration as a practising RPF registrant, practising RFT registrant or associate registrant, and
  - (b) must meet the requirements in section 5-14 to be eligible for reinstatement as a practising RPF registrant, practising RFT registrant or associate registrant.
- (3) A leave of absence non-practising registrant may apply to the registrar at any time before expiry of their leave of absence non-practising registration for reinstatement of their registration as a practising RPF registrant, practising RFT registrant or associate registrant, in accordance with section 5-14.
- (4) A leave of absence non-practising registrant must not
- (a) engage in the practice of professional forestry, or
  - (b) use any title or designation indicating or implying that they are authorized to engage in the practice of professional forestry.

### **Retired registrants**

- 5-13 (1) An applicant for admission as a retired registrant must meet the following requirements, in addition to the requirements in section 5-2(2):
- (a) current registration as a practising RPF registrant, practising RFT registrant, associate registrant or non-practising registrant;
  - (b) delivery to the registrar of
    - (i) evidence satisfactory to the registrar or the credentials committee that the applicant is not engaged in the practice of professional forestry, and has no present intention to return to practice in the future,

- (ii) evidence satisfactory to the registrar or the credentials committee that
    - (A) the applicant is 55 years of age or older, or
    - (B) there are other special circumstances justifying the applicant's admission as a retired registrant in accordance with credentials committee policy, and
  - (iii) a declaration, in a form acceptable to the registrar, that the applicant will not engage in the practice of professional forestry while holding retired registration.
- (2) An applicant who is admitted as a retired registrant
- (a) ceases to hold registration as a practising RPF registrant, practising RFT registrant, associate registrant or non-practising registrant, and
  - (b) must meet the requirements in section 5-14 to be eligible for reinstatement as a practising RPF registrant, practising RFT registrant or associate registrant.
- (3) A retired registrant must not
- (a) engage in the practice of professional forestry, or
  - (b) use any title or designation indicating or implying that they are authorized to engage in the practice of professional forestry.

## Reinstatement

- 5-14 (1) In this section, “**former registrant**” means a person, including a non-practising registrant or retired registrant, who was previously registered as a practising RPF registrant, a practising RFT registrant, a natural resource professional, a forest technician, an affiliated forest professional, or a trainee, or the equivalent under the former Act.
- (2) Subject to section 5-19(8) and subsection (4), a former registrant may be reinstated as a member of the applicable category or subcategory of registrants if the former registrant
- (a) applies for reinstatement and meets the requirements in section 5-2(2),
  - (b) successfully completes any additional examinations, courses, professional experience, or other upgrading of knowledge, skills or abilities that the registrar or credentials committee considers necessary, in accordance with credentials committee policy, and
  - (c) delivers to the registrar any additional evidence required under subsection (3).
- (3) If the previous registration of an applicant for reinstatement was cancelled
- (a) under section 75(6)(e) of the Act or Bylaw 14 (Indictable Offences), or

- (b) under section 31(4) of the Act, section 10-2(3) of Bylaw 10 (Continuing Professional Development), section 11-5(8) or 11-6(8) of Bylaw 11 (Audit and Practice Review), or section 5-15(9) or 5-19(5)
  - (i) while the applicant was the subject of a complaint, investigation or discipline hearing under Bylaw 12 (Complaints, Investigations and Discipline), or
  - (ii) while the applicant's previous registration was suspended under section 67(1)(b) or 75(6)(d) of the Act or Bylaw 14 (Indictable Offences),

the applicant must provide additional evidence to satisfy the credentials committee that reinstatement of their registration in the applicable category or subcategory of registrants will not pose an undue risk to the public interest.

- (4) A former trainee is only eligible for reinstatement under this section if
  - (a) the former trainee's registration was cancelled
    - (i) under section 5-15(9), or
    - (ii) with the former trainee's consent or at their request, under section 31(4)(a) of the Act, while they were in good standing, and
  - (b) the former trainee remains eligible for continued enrolment, or restoration of their enrolment, under Bylaw 7 (Trainees) and any applicable credentials committee policy.

## Renewal

- 5-15 (1) The registrar must deliver an annual notice to each registrant other than a visiting forest professional or a transferring forest professional by October 31 of each year, specifying the items the registrant is required to deliver to the registrar under (2) and describing the consequences of non-compliance.
- (2) Subject to subsections (6) and (7), every practising RPF registrant, practising RFT registrant, associate registrant and standing non-practising registrant must deliver the following to the registrar on or before November 30 of each year:
  - (a) payment of the applicable annual registration fees specified in the Fee Schedule for their category or subcategory of registrants;
  - (b) payment of any other outstanding fee, special assessment, penalty, costs or other debt due and owing by the registrant to FPBC;
  - (c) a completed indictable offence declaration in the form required by the registrar;
  - (d) a completed competency declaration in the form required by the registrar, which must include a statement of the registrant's declared practice area or areas;
  - (e) any other documents or information required under the bylaws or by credentials committee policy.

- (3) Subject to subsections (6) and (7), every trainee must deliver to the registrar on or before November 30 of each year the items specified in subsection (2), except subsection (2)(d).
- (4) Subject to subsections (6) and (7), every leave of absence non-practising registrant must deliver to the registrar on or before November 30 of each year:
  - (a) the items specified in subsection (2), except subsection (2)(d), and
  - (b) satisfactory evidence of their eligibility to extend their leave of absence under credentials committee policy.
- (5) Subject to subsections (6) to (8), every retired registrant must deliver to the registrar on or before November 30 of each year the items specified in subsection (2), except subsection (2)(d).
- (6) A registrant may pay their registration fees by monthly instalments, if permitted by board policy, upon payment of any applicable administration fee specified in the Fee Schedule.
- (7) In accordance with credentials committee policy, the registrar or the credentials committee may extend the time for a registrant to deliver one or more of the items required in subsection (2), (3), (4) or (5), or payment of a monthly instalment of their registration fees under subsection (6), subject to
  - (a) the registrant's payment of any applicable late fee specified in the Fee Schedule, and
  - (b) any conditions or limitations that the registrar may impose on the registrant's practice of professional forestry pending the registrant's delivery of the items or payments described in this subsection.
- (8) A retired registrant who has been recognized as a "life member" of FPBC in accordance with board policy is exempt from payment of annual registration fees.
- (9) The registration of a registrant is cancelled immediately if the registrant
  - (a) fails to deliver any applicable item required under subsection (2)(a) to (d) or (4)(b) by November 30 or any extended deadline granted by the registrar or the credentials committee under subsection (7), or
  - (b) fails to deliver payment of a monthly instalment of their registration fees under subsection (6) by the applicable deadline required by board policy or any extended deadline granted by the registrar or the credentials committee under subsection (7).
- (10) If a registrant's indictable offence declaration under subsection (2)(c) or information obtained by the registrar from any other source indicates that the registrant has been convicted of an indictable offence that has not previously been reviewed by the board under Bylaw 14 (Indictable Offences), the registrar must refer the matter to the board for review under Bylaw 14 (Indictable Offences).

### Registrant practice rights

- 5-16 (1) A registrant may only provide a service included in forestry reserved practice if their provision of that service
- (a) is authorized under sections 5-4 to 5-11,
  - (b) is consistent with their education, training and experience, and
  - (c) does not contravene any condition or limitation imposed on the registrant's practice under
    - (i) section 45(1)(b) or Part 6, Division 3 of the Act, or
    - (ii) Bylaw 11 (Audit and Practice Review), Bylaw 12 (Complaints, Investigation and Discipline), or Bylaw 14 (Indictable Offences).
- (2) Despite any other provision in this Bylaw 5, a registrant must not engage in a certified practice established by the board under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences) unless they hold certification under Bylaw 6 for that certified practice.
- (3) A registrant may only supervise another person's provision of a service included in forestry reserved practice if the registrant is authorized to provide that service independently.<sup>6</sup>

### Use of titles

- 5-17 (1) A registrant may only use a title or an abbreviation of a title that is reserved for the exclusive use of registrants under Part 5 of the Act and section 3 of the Forest Professionals Regulation, or another title that is referred to in this section, if the registrant
- (a) is registered in a category or subcategory of registrants that is authorized under this section to use the title, and
  - (b) complies with any other conditions or limitations under the bylaws or board policy governing the use of the title or abbreviation by registrants.
- (2) A practising RPF registrant may use the titles "forest professional", "professional forester" or "registered professional forester" or the abbreviation "RPF".
- (3) A practising RFT registrant may use the titles "forest professional", "forest technologist" or "registered forest technologist" or the abbreviation "RFT".
- (4) A natural resource professional may use the title "forest professional" or "natural resource professional", or the abbreviation "NRP".
- (5) A forest technician may use the title "forest technician" or the abbreviation "FTech".
- (6) In addition to the titles and abbreviations referred to in subsections (2) to (5), a practicing RPF registrant, practising RFT registrant, natural resource professional or forest technician may use one of the following titles or abbreviations if they hold

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<sup>6</sup> PGA, s. 57(1)(c).

current certification in the corresponding technical occupation under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences):

- (a) the title “accredited timber cruiser” or the abbreviation “ATC”;
  - (b) the title “accredited timber evaluator” or the abbreviation “ATE”;
  - (c) the title “silvicultural accredited surveyor” or the abbreviation “SAS”.
- (7) An affiliated forest professional may use the title “affiliated forest professional” or the abbreviation “AFP”.
- (8) In addition to the titles and abbreviations referred to in subsections (3) to (7), a practising RFT registrant or associate registrant who holds a limited licence under section 6-7 of Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences) may use the title “limited licence holder” or the abbreviation “LL”.
- (9) A visiting forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RPF registrant may use a title or abbreviation referred to in subsection (2) if their use of that title or abbreviation is accompanied by
- (a) the term “visiting” immediately preceding the title or abbreviation, or
  - (b) the term “(visiting)” immediately following the title or abbreviation.
- (10) A visiting forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RFT registrant may use a title or abbreviation referred to in subsection (3) if their use of that title or abbreviation is accompanied by
- (a) the term “visiting” immediately preceding the title or abbreviation, or
  - (b) the term “(visiting)” immediately following the title or abbreviation.
- (11) A transferring forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RPF registrant may use a title or abbreviation referred to in subsection (2) if their use of that title or abbreviation is accompanied by
- (a) the term “transferring” immediately preceding the title or abbreviation, or
  - (b) the term “(transferring)” immediately following the title or abbreviation.
- (12) A transferring forest professional who is registered or licensed in another Canadian jurisdiction as the equivalent of a practising RFT registrant may use a title or abbreviation referred to in subsection (3) if their use of that title or abbreviation is accompanied by
- (a) the term “transferring” immediately preceding the title or abbreviation, or
  - (b) the term “(transferring)” immediately following the title or abbreviation.
- (13) Subject to subsection (14), a trainee may use one of the following titles or abbreviations if they are enrolled in the corresponding education program for trainees under Bylaw 7 (Trainees):

- (a) the title “forester in training” or the abbreviation “FIT”;
  - (b) the title “allied science forester in training” or the abbreviation “ASFIT”;
  - (c) the title “trainee forest technologist” or the abbreviation “TFT”;
  - (d) the title “allied science trainee forest technologist” or the abbreviation “ASTFT”;
  - (e) the title “trainee natural resource professional” or the abbreviation “TNRP”.
- (14) While a trainee’s enrolment in an education program is temporarily suspended under section 7-15 of Bylaw 7 (Trainees), the trainee may only use the corresponding title or abbreviation referred to in subsection (13) if their use of that title or abbreviation is accompanied by the term “(leave of absence)” or the abbreviation “(LOA)” immediately following the title or abbreviation.
- (15) A non-practising registrant may use a title or abbreviation referred to in subsections (2) to (7) if
- (a) they were previously authorized to use that title or abbreviation, and
  - (b) their use of that title or abbreviation is accompanied by
    - (i) the term “non-practising” immediately preceding the title or abbreviation, or
    - (ii) the term “(non-practising)” immediately following the title or abbreviation.
- (16) A retired registrant may use a title or abbreviation referred to in subsections (2) to (7) if
- (a) they were previously authorized to use that title or abbreviation, and
  - (b) their use of that title or abbreviation is accompanied by
    - (i) the term “retired” immediately preceding the title or abbreviation, or
    - (ii) the term “(retired)” or the abbreviation “(Ret)” immediately following the title or abbreviation.

### **Review of registration decisions**

- 5-18 (1) In this section, “**registration decision**” means a decision of the registrar or the credentials committee
- (a) rejecting an applicant’s application for admission or reinstatement as a registrant under section 45(1)(c) of the Act, or
  - (b) granting an application’s application for admission or reinstatement as a registrant subject to conditions or limitations to which the applicant has not consented, under section 45(1)(b) of the Act.
- (2) An application under section 48(1) for a review on the record of a registration decision must be delivered to the registrar.

- (3) A review on the record under section 48 of the Act of a registration decision may be conducted by a panel of the credentials committee or by a quorum of the full credentials committee if
  - (a) the registration decision was made by the registrar, or
  - (b) the panel or quorum does not include any credentials committee member who participated in the registration decision,and must otherwise be conducted by the board.
- (4) A request by an applicant that the credentials committee or the board hear evidence that is not part of the record under section 48(3) of the Act must
  - (a) be made in writing and delivered to the registrar at the time of the applicant's application under section 48(1) of the Act,
  - (b) specify what evidence the applicant requests that the credentials committee or the board consider, and
  - (c) identify the special circumstances that warrant consideration of the evidence referred to in paragraph (b) by the credentials committee or the board.
- (5) If, in the opinion of the credentials committee or the board, special circumstances exist that warrant its consideration of evidence that is not part of the record, the registrar must make suitable arrangements for the credentials committee or the board to receive that evidence, which may include a requirement for the applicant to provide that evidence in writing.
- (6) Within 30 days of a decision by the credentials committee or the board on a review on the record under section 48(4) of the Act, the registrar must notify the applicant of the decision.
- (7) The board may establish additional rules or procedures, consistent with the Act and bylaws, for the conduct of reviews on the record under section 48 of the Act.

#### **Administrative suspension or cancellation of registration**

- 5-19
- (1) If a registrant fails to do any of the things specified in section 50.1(1)(a) to (i) of the Act, the credentials committee may direct the registrar to deliver a notice of administrative suspension or cancellation to the registrant.
  - (2) A notice of administrative suspension or cancellation must specify
    - (a) the reason for the issuance of the notice,
    - (b) the effective date on which the registration of the registrant will be suspended or cancelled, as specified in the notice, unless
      - (i) the registrant complies with the applicable requirement in section 50.1(1)(a) to (i) of the Act by that date, or
      - (ii) the credentials committee orders otherwise under subsection (6), and



- (c) the means by which the registrant may apply to the credentials committee for an order under subsection (6) and the deadline for making such an application before the suspension or cancellation takes effect.
- (3) The effective date specified under subsection (2)(b) must not be less than 30 days after the date of delivery of the notice of administrative suspension or cancellation to the registrant.
- (4) The deadline specified under subsection (2)(c) for the registrant to apply for an order under subsection (6) must be not less than 14 days after the date of delivery of the notice of administrative suspension or cancellation to the registrant.
- (5) Subject to subsection (6),
  - (a) if a registrant fails to comply with the applicable requirement in section 50.1(1)(a) to (i) of the Act by the effective date specified in a notice of administrative suspension or cancellation delivered to the registrant, the registration of the registrant is suspended or cancelled immediately, as specified in the notice, and
  - (b) if a registrant's registration is suspended under paragraph (a), the registration of the registrant is cancelled 60 days after the effective date of the suspension unless the registrant complies with the applicable requirement in section 50.1(1)(a) to (i) of the Act by that date.
- (6) If the credentials committee is satisfied that there are special circumstances, the committee may, in its discretion, order that
  - (a) the registration of a registrant not be suspended or cancelled under subsection (5),
  - (b) the registration of a registrant be suspended instead of cancelled under subsection (5)(a),
  - (c) the registration of a registrant not be cancelled under subsection (5)(b), or
  - (d) a suspension or cancellation under subsection (5) be delayed for a specified period of time.
- (7) If a registrant whose registration is suspended under subsection (5)(a) complies with the applicable requirement in section 50.1(1)(a) to (i) of the Act before their registration is cancelled, the suspension of the registrant's registration is lifted.
- (8) Unless otherwise directed by the credentials committee, a registrant whose registration is cancelled under subsection (5) is not eligible to apply under section 5-14 for reinstatement of their registration until they comply with the applicable requirement in section 50.1(1)(a) to (i) of the Act.
- (9) Nothing in this section limits the operation of any other provision of the Act or bylaws providing for the suspension or cancellation of a registrant's registration.

## **BYLAW 6 – TECHNICAL OCCUPATIONS, CERTIFICATION SCHEMES AND LIMITED LICENCES**

### **Delegation of authority to registrar**

- 6-1 (1) Subject to subsections (2) and (3), the registrar may exercise the powers of the credentials committee under this Bylaw 6 in respect of applications for
- (a) a basic certificate,
  - (b) certification in a technical occupation,
  - (c) certification for a certified practice, or
  - (d) a limited licence.
- (2) The credentials committee may establish a policy limiting the authority of the registrar to act under this Bylaw 6, and requiring the registrar to refer applications under this Bylaw 6 to the credentials committee for review.
- (3) The registrar
- (a) must comply with any limitations on the exercise of the registrar's authority under this Bylaw 6 that are required by credentials committee policy under subsection (2),
  - (b) must refer an application under this Bylaw 6 to the credentials committee for decision if required by credentials committee policy under subsection (2), and
  - (c) may refer any other application under this Bylaw 6 to the credentials committee for review.

### **Basic certificates**

- 6-1.1 (1) Subject to any conditions established by credentials committee policy, a forest technician or applicant for admission as a forest technician may apply for a basic certificate, authorizing them to provide specified services as a forest technician within a recognized area of the practice of professional forestry, by delivering to the registrar an application in the manner or form required by the registrar.
- (2) An application for a basic certificate must be accompanied by
- (a) payment of the applicable application fee specified in the Fee Schedule, and
  - (b) any other documents or information required under the bylaws or by credentials committee policy.
- (3) The credentials committee may grant a basic certificate to an applicant under subsection (1) who
- (a) provides evidence satisfactory to the credentials committee of their competency to provide services as a forest technician, and
  - (b) satisfies any other applicable conditions and requirements under credentials committee policy.

## Technical occupations

- 6-2 (1) The following technical occupations included within the practice of professional forestry are established:
- (a) accredited timber cruisers;
  - (b) accredited timber evaluators;
  - (c) silvicultural accredited surveyors.
- (2) The technical occupation of accredited timber cruisers consists of the measurement of forests for the specific use of timber operations inventory, forest inventory, timber valuation, appraisal and timber supply, as further described in credentials committee policy.
- (3) The technical occupation of accredited timber evaluators consists of
- (a) planning, advising, directing, approving methods for, engaging in and reporting on the measurement of forests for the specific use of timber operations inventory, forest inventory, timber valuation, appraisal and timber supply, and
  - (b) auditing, examining and verifying forest measurements for the specific use of timber inventory, timber valuation, appraisal and timber supply,
- as further described in credentials committee policy.
- (4) The technical occupation of silvicultural accredited surveyors consists of
- (a) planning, advising, engaging in and reporting on the measurement of forests for the specific use of silviculture surveys or silviculture assessments, and
  - (b) examining and verifying measurements for the specific use of silviculture surveys or silviculture assessments,
- as further described in credentials committee policy.

## Applications for certification in a technical occupation

- 6-3 (1) In this section, “**eligible applicant**” means
- (a) a practising RPF registrant, practising RFT registrant, natural resource professional or forest technician, or
  - (b) an applicant for admission as a forest technician.
- (2) An eligible applicant may apply for certification in a technical occupation by delivering to the registrar an application in the manner or form required by the registrar.
- (3) An application for certification in a technical occupation must be accompanied by
- (a) payment of the applicable application fee specified in the Fee Schedule, and

- (b) any other documents or information required under the bylaws or by credentials committee policy.
- (4) The credentials committee may determine that an eligible applicant who satisfies all applicable requirements under this Bylaw 6 is entitled to certification in a technical occupation.
- (5) If the credentials committee determines that an eligible applicant is entitled to certification in a technical occupation, the eligible applicant is granted certification
  - (a) effective immediately, if they are a registrant described in subsection (1)(a), or
  - (b) upon the eligible applicant's admission as a forest technician, if they are an applicant described in subsection (1)(b).

### **Accredited timber cruisers and evaluators**

- 6-4 An applicant for certification as an accredited timber cruiser or an accredited timber evaluator must meet the following requirements:
- (a) successful completion of the applicable timber cruising technical examination required by the credentials committee;
  - (b) delivery to the registrar of
    - (i) satisfactory evidence of at least two years of relevant field experience meeting any applicable criteria specified in credentials committee policy,
    - (ii) a timber cruiser's log, satisfactorily completed in accordance with credentials committee policy, and
    - (iii) any other evidence required by the credentials committee of the applicant's competency to practise as an accredited timber cruiser or an accredited timber cruiser evaluator, as the case may be.

### **Silvicultural accredited surveyors**

- 6-5 An applicant for certification as a silvicultural accredited surveyor must meet the following requirements:
- (a) successful completion of the applicable silviculture survey examination required by the credentials committee;
  - (b) delivery to the registrar of any other evidence required by the credentials committee of the applicant's competency to practise as a silvicultural accredited surveyor.

### **Certified practices**

- 6-6 (1) The board may adopt or establish a policy
- (a) establishing a specified area or specified aspects of the practice of professional forestry as a certified practice, and
  - (b) specifying conditions or requirements for certification for that certified practice.

- (2) A registrant who is eligible for certification for a certified practice under a board policy established under subsection (1) may apply for certification by delivering to the registrar an application in the manner or form required by the registrar.
- (3) An application for certification for a certified practice must be accompanied by
  - (a) payment of the applicable application fee specified in the Fee Schedule, and
  - (b) any other documents or information required under the bylaws or by credentials committee policy.
- (4) The credentials committee may grant certification for a certified practice to a registrant who
  - (a) satisfies all applicable conditions and requirements under the board policy established under subsection (1), and
  - (b) provides any other evidence required by the credentials committee of the applicant's competency to engage in the certified practice.

### **Limited licences**

- 6-7
- (1) Subject to any conditions established by credentials committee policy, a practising RFT registrant or associate registrant or an applicant for admission as a forest technician may apply for a limited licence authorizing them to independently engage in a specific or limited aspect of forestry reserved practice by delivering to the registrar an application in the manner or form required by the registrar.
  - (2) An application for a limited licence must be accompanied by
    - (a) payment of the applicable application fee specified in the Fee Schedule,
    - (b) a clear description of the specific or limited aspect of forestry reserved practice for which the applicant requests a limited licence, and
    - (c) any other documents or information required under the bylaws or by credentials committee policy.
  - (3) The credentials committee may grant a limited licence to an applicant under subsection (1) who
    - (a) provides evidence satisfactory to the credentials committee of their competency to independently engage in the specific or limited aspect of forestry reserved practice described in their application, and
    - (b) satisfies any other applicable conditions and requirements under credentials committee policy.

## BYLAW 7 – TRAINEES

### Definitions

7-1 In this Bylaw 7:

**“accredited forestry degree”** means a degree from a forestry degree program that was accredited by the Canadian Forestry Accreditation Board at the time of an applicant’s graduation from the program;

**“recognized forest technology diploma”** means a diploma from a forest technology program that was accredited by Technology Accreditation Canada or the former Canadian Technology Accreditation Board and recognized by the board as satisfying the RFT core competency standards at the time of an applicant’s graduation from the program;

**“recognized natural resource degree”** means a degree from a natural resource degree program that was recognized by the board for the purpose of registration of natural resource professionals at the time of an applicant’s graduation from the program;

**“RFT core competency standards”** means the core competency standards recognized or approved by the board for practising RFT registrants;

**“RPF core competency standards”** means the core competency standards for practising RPF registrants established under the Certification Standards for the Profession of Forestry in Canada of the Forest Professional Regulators of Canada.

### Education programs

7-2 The following education programs for trainees are established:

- (a) the Forester in Training (FIT) program;
- (b) the Allied Science Forester in Training (ASFIT) program;
- (c) the Trainee Forest Technologist (TFT) program;
- (d) the Allied Science Trainee Forest Technologist (ASTFT) program;
- (e) the Trainee Natural Resource Professional (TNRP) program.

### Enrolment of trainees

- 7-3
- (1) A person may apply for enrolment in an education program established under section 7-2 by delivering to the registrar an application in the manner or form required by the registrar.
  - (2) An application for enrolment in an education program must be accompanied by
    - (a) payment of any applicable enrolment or application fees specified in the Fee Schedule, and
    - (b) any other documents or information required under the bylaws or by credentials committee policy.

- (3) The registrar may enrol an applicant in an education program who satisfies all applicable prerequisites and requirements for enrolment under this Bylaw 7 and credentials committee policy.
- (4) The enrolment of a trainee expires at the end of the trainee's articling period under section 7-13(11) to (13).

### **Referrals to credentials committee**

- 7-4 The registrar may refer any application for enrolment to the credentials committee for a determination of the applicant's eligibility for enrolment in an education program.

### **Forester in Training program**

- 7-5
- (1) Subject to subsection (2), to be eligible for enrolment in the FIT program, an applicant must deliver to the registrar satisfactory evidence of successful completion of an accredited forestry degree within 10 years of the date of their application.
  - (2) Despite subsection (1), the registrar may enrol an applicant in the FIT program who successfully completed an accredited forestry degree 10 years or more before the date of their application
    - (a) if the applicant successfully completes any additional examinations, courses, professional experience, or other upgrading of knowledge, skills or abilities required by the registrar as a condition of enrolment, or
    - (b) as may otherwise be permitted by credentials committee policy.
  - (3) Subject to subsection (4), a trainee enrolled in the FIT program must successfully complete the following requirements of FPBC's trainee program within the time required by credentials committee policy:
    - (a) the RPF core competency requirement under section 7-10;
    - (b) the experience area module requirement under section 7-12;
    - (c) the articling requirement under section 7-13.
  - (4) A trainee enrolled in the FIT program who has met the requirement in subsection (1) is deemed to have met the RPF core competency requirement under section 7-10.

### **Allied Science Forester in Training program**

- 7-6
- (1) Subject to subsection (2), to be eligible for enrolment in the ASFIT program, an applicant must deliver to the registrar satisfactory evidence of successful completion of a post-secondary degree in forestry or a related field, satisfying any criteria established by credentials committee policy.
  - (2) Despite subsection (1), the registrar may enrol an applicant in the ASFIT program who provides satisfactory evidence of a combination of academic and practice experience that is determined by the registrar to be equivalent to successful

completion of a degree described in subsection (1), in accordance with any criteria established by credentials committee policy.

- (3) A trainee enrolled in the ASFIT program must successfully complete the following requirements of FPBC's trainee program within the time required by credentials committee policy:
  - (a) the RPF core competency requirement under section 7-10;
  - (b) the experience area module requirement under section 7-12;
  - (c) the articling requirement under section 7-13.

### **Trainee Forest Technologist program**

- 7-7
- (1) Subject to subsection (2), to be eligible for enrolment in the TFT program, an applicant must deliver to the registrar satisfactory evidence of successful completion of a recognized forest technology diploma within 10 years of the date of their application.
  - (2) Despite subsection (1), the registrar may enrol an applicant in the TFT program who successfully completed a recognized forest technology diploma 10 years or more before the date of their application
    - (a) if the applicant successfully completes any additional examinations, courses, professional experience, or other upgrading of knowledge, skills or abilities required by the registrar as a condition of enrolment, or
    - (b) as may otherwise be permitted by credentials committee policy.
  - (3) Subject to subsection (4), a trainee enrolled in the TFT program must successfully complete the following requirements of FPBC's trainee program within the time required by credentials committee policy:
    - (a) the RFT core competency requirement under section 7-11;
    - (b) the experience area module requirement under section 7-12;
    - (c) the articling requirement under section 7-13.
  - (4) A trainee enrolled in the TFT program who has met the requirement in subsection (1) is deemed to have met the RFT core competency requirement under section 7-11, unless the registrar determines otherwise at the time of enrolment.

### **Allied Science Trainee Forest Technologist program**

- 7-8
- (1) Subject to subsection (2), to be eligible for enrolment in the ASTFT program, an applicant must deliver to the registrar satisfactory evidence of successful completion of a technology diploma in forest technology or an allied discipline, satisfying any criteria established by credentials committee policy.
  - (2) Despite subsection (1), the registrar may enrol an applicant in the ASTFT program who provides satisfactory evidence of a combination of academic and practice experience that is determined by the registrar to be equivalent to successful



completion of a technology diploma described in subsection (1), in accordance with any criteria established by credentials committee policy.

- (3) A trainee enrolled in the ASTFT program must successfully complete the following requirements of FPBC's trainee program within the time required by credentials committee policy:
  - (a) the RFT core competency requirement under section 7-11;
  - (b) the experience area module requirement under section 7-12;
  - (c) the articling requirement under section 7-13.

### **Trainee Natural Resource Professional program**

- 7-9
- (1) Subject to subsection (2), to be eligible for enrolment in the TNRP program, an applicant must deliver to the registrar satisfactory evidence of successful completion of a recognized natural resource degree within 10 years of the date of their application.
  - (2) Despite subsection (1), the registrar may enrol an applicant in the TNRP program who successfully completed a recognized natural resource degree 10 years or more before the date of their application
    - (a) if the applicant successfully completes any additional examinations, courses, professional experience, or other upgrading of knowledge, skills or abilities required by the registrar as a condition of enrolment, or
    - (b) as may otherwise be permitted by credentials committee policy.
  - (3) A trainee enrolled in the TNRP program must successfully complete the following requirements of FPBC's trainee program within the time required by credentials committee policy:
    - (a) the experience area module requirement under section 7-12;
    - (b) the articling requirement under section 7-13.

### **RPF core competency requirement**

- 7-10
- (1) To satisfy the RPF core competency requirement, a trainee enrolled in the ASFIT program must, within the time required by credentials committee policy,
    - (a) undergo the credential assessment process of the Forest Professional Regulators of Canada, and
    - (b) successfully complete any additional examinations, courses, professional experience or other upgrading of knowledge, skills or abilities that the registrar or the credentials committee may require to establish that the trainee meets the RPF core competency standards, having regard to the outcome of the trainee's credential assessment under paragraph (a).
  - (2) To satisfy the RPF core competency requirement, a trainee enrolled in the FIT program who is not deemed to meet that requirement under section 7-5(4) must, within the time required by credentials committee policy, successfully complete any examinations, courses, professional experience or other upgrading of

knowledge, skills or abilities that the registrar or the credentials committee may require to establish that the trainee meets the RPF core competency standards.

### **RFT core competency requirement**

- 7-11 (1) Subject to subsection (2), to satisfy the RFT core competency requirement, a trainee enrolled in the ASTFT program must, within the time required by credentials committee policy,
- (a) undergo the credential assessment process established by the credentials committee for the purpose of the ASTFT program, and
  - (b) successfully complete any additional examinations, courses, professional experience or other upgrading of knowledge, skills or abilities that the registrar or the credentials committee may require to establish that the trainee meets the RFT core competency standards, having regard to the outcome of the trainee's credential assessment under paragraph (a).
- (2) A trainee enrolled in the ASTFT program who has successfully completed a technology diploma from a program that was previously reviewed by FPBC may undergo a limited credential assessment process established by the credentials committee, if their program is recognized by the credentials committee for that purpose, in lieu of a full credential assessment process under subsection (1)(a).
- (3) To satisfy the RFT core competency requirement, a trainee enrolled in the TFT program who is not deemed to meet that requirement under section 7-7(4) must, within the time required by credentials committee policy, successfully complete any examinations, courses, professional experience or other upgrading of knowledge, skills or abilities that the registrar or the credentials committee may require to establish that the trainee meets the RFT core competency standards.

### **Experience area module requirement**

- 7-12 (1) To satisfy the experience area module requirement, a trainee must, within the time required by credentials committee policy, successfully complete all applicable experience area modules established by the credentials committee and required as part of the trainee's education program, including any required content modules, application modules and exam modules, in each of the following required experience areas:
- (a) professional regulation and ethics;
  - (b) forest stewardship and professional discretion;
  - (c) BC forest professionals working with Indigenous communities;
  - (d) forest legislation and policy;
  - (e) the business of forestry;
  - (f) communicating professional advice and conflict management.
- (2) To satisfy the experience area module requirement, a transferring forest professional must, within the time required by credentials committee policy, successfully complete all applicable experience area modules required for

transferring forest professionals under credentials committee policy, including any required content modules and exam modules, in each of the following required experience areas:

- (a) professional regulation and ethics;
- (b) forest stewardship and professional discretion;
- (c) BC forest professionals working with Indigenous communities;
- (d) forest legislation and policy.

### **Articling requirement**

- 7-13 (1) Subject to subsections (5) to (10), to satisfy the articling requirement, a trainee
- (a) must enter into an articling agreement in the form required by the registrar with a sponsoring forest professional approved by the registrar in accordance with credentials committee policy, and
  - (b) must complete at least 24 months of qualifying professional work experience satisfying criteria established by credentials committee policy, including at least 18 months of qualifying professional work experience completed in British Columbia.
- (2) A trainee's sponsoring forest professional under subsection (1)(a)
- (a) is responsible for mentoring and guiding the trainee through their articling period,
  - (b) must oversee, validate and invigilate the trainee's completion of the required experience area modules under section 7-12, and
  - (c) must perform any other duties established by credentials committee policy.
- (3) A trainee may change their sponsoring forest professional under subsection (1)(a) with the approval of the registrar.
- (4) A trainee may request approval of a change in their sponsoring forest professional under subsection (3) by applying to the registrar in the manner or form required by the registrar.
- (5) A trainee enrolled in the FIT program or the ASFIT program who commences a full-time master's or doctorate program in forestry satisfying criteria established by credentials committee policy may request credit for up to 12 months of academic experience, with a corresponding reduction in their professional work experience requirement under subsection (1)(b), subject to the trainee's successful completion of the program during their articling period.
- (6) A trainee enrolled in the TFT program or the ASTFT program who commences a forestry degree program satisfying criteria established by credentials committee policy may request credit for up to 12 months of academic experience, with a corresponding reduction in their professional work experience requirement under subsection (1)(b), subject to the trainee's successful completion of the program during their articling period.

- (7) A trainee who has completed professional work experience satisfying criteria established by credentials committee policy while enrolled with a regulatory authority in another Canadian jurisdiction as the equivalent of a trainee may request credit for up to six months of the professional work experience requirement under subsection (1)(b).
- (8) A trainee who has completed professional work experience satisfying criteria established by credentials committee policy while working as the equivalent of a practising RPF registrant or a practising RFT registrant in a Canadian jurisdiction that does not have a regulatory authority for such workers, or in a non-Canadian jurisdiction, may request credit for up to 12 months of the professional work experience requirement under subsection (1)(b).
- (9) A trainee may make a request under subsection (5) to (8) by applying to the registrar in the manner or form required by the registrar.
- (10) The registrar must determine any application under subsection (9) in accordance with credentials committee policy.
- (11) Subject to subsections (12) and (13) and section 7-15,
  - (a) a trainee enrolled in the FIT program, the TFT program or the TNRP program must complete the qualifying professional work experience required under this section within 48 months of the first annual registration renewal date following their enrolment, and
  - (b) a trainee enrolled in the ASFIT program or the ASTFT program must complete the qualifying professional work experience required under this section within 72 months of the first annual registration renewal date following their enrolment.
- (12) In extraordinary circumstances, the registrar may extend the time for a trainee to complete the qualifying professional work experience required under this section subject to any terms or conditions the registrar considers necessary or appropriate in accordance with credentials committee policy.
- (13) A trainee may request a time extension under subsection (12) by applying to the registrar in the manner or form required by the registrar.

### **Review of enrolment decisions**

- 7-14 (1) In this section, “**enrolment decision**” means a decision of the registrar or the credentials committee
- (a) rejecting an applicant’s application for enrolment as a trainee under section 45(1)(c) of the Act, or
  - (b) granting an applicant’s application for enrolment as a trainee subject to conditions or limitations to which the applicant has not consented, under section 45(1)(b) of the Act.
- (2) Section 5-18 of Bylaw 5 (Registration) applies to an enrolment decision as if it were a registration decision described in section 5-18(1).

### **Trainee leave of absence**

- 7-15 (1) A trainee who is eligible under credentials committee policy for a leave of absence from enrolment in their education program may apply for a leave of absence by delivering to the registrar a request for a leave of absence in a form acceptable to the registrar, accompanied by any applicable application fee specified in the Fee Schedule.
- (2) In accordance with credentials committee policy, the registrar may
- (a) grant a leave of absence to an eligible applicant under subsection (1) for a specified period of time,
  - (b) limit the number of leaves of absence for which an applicant may be eligible, or
  - (c) specify the maximum total duration of any consecutive, cumulative or successive leaves of absence for which an applicant may be eligible.
- (3) If the registrar grants a leave of absence to a trainee under subsection (2)(a),
- (a) the trainee's enrolment in their education program is temporarily suspended while they are on their leave of absence,
  - (b) any work performed by the trainee while they are on their leave of absence must not be counted as qualifying professional work experience under section 7-13, and
  - (c) the period of time that the trainee is on their leave of absence is excluded from the calculation of time for the trainee to complete their qualifying professional work experience under section 7-13(11).

## **BYLAW 8 – USE OF PROFESSIONAL SEAL AND SIGNATURE**

### **Professional seal**

- 8-1 (1) The registrar must issue or authorize the issuance of a professional seal or stamp to every practising RPF registrant and practising RFT registrant.
- (2) The registrar may issue or authorize the issuance of a professional seal or stamp to members of another category or subcategory of registrants other than practising RPF registrants or practising RFT registrants.
- (3) A registrant who is responsible for the preparation of a professional document may affix a seal or stamp issued or authorized under subsection (1) or (2) to the professional document.
- (4) The registrar may establish standards specifying classes of professional documents that must be sealed or stamped under subsection (3) in order to be valid.

### **Identification of professional work**

- 8-2 (1) Every registrant engaged in the practice of professional forestry must ensure that the registrant's responsibility for any professional work prepared by or under the supervision of the registrant, or for which the registrant is responsible, is identified in accordance with the requirements of this section and any applicable standards established by the registrar.
- (2) The minimum standards for identifying a registrant's responsibility for professional work must allow for confirmation of
- (a) the registrant's identity,
  - (b) the registrant's professional designation, including
    - (i) the registrant's category and, if applicable, subcategory of registration, and
    - (ii) if applicable, the technical occupation in which the registrant is certified,
  - (c) the registrant's signature,
  - (d) the date of the professional work, and
  - (e) any other information required by standards established by the registrar.
- (3) If some or all of the work described in a professional document was not carried out directly by the registrant who is identified as responsible for that professional work, and the registrant is satisfied that the professional work has been carried out to the standards expected of a registrant, the registrant must add a certification statement to the professional document in the one of the following two forms, as applicable:
- (a) "I certify that the work described herein fulfills the standards expected of a registrant of Forest Professionals British Columbia and that I did personally supervise the work";

- (b) “I certify that I have reviewed this document and, while I did not personally supervise the work described, I have determined that this work has been completed to the standards expected of a registrant of Forest Professionals British Columbia.”

**Responsibility for professional work**

- 8-3 Despite any other provision in the bylaws, registrants are professionally accountable for all professional work that they prepare or that is prepared under their supervision, regardless of the means by which the work is presented or communicated to others, and regardless of whether or not the work is sealed, stamped or signed by the registrant or whether or not the registrant’s responsibility for the work is otherwise identified.

## **BYLAW 9 – STANDARDS OF ETHICAL AND PROFESSIONAL CONDUCT**

### **Code of Ethical and Professional Conduct**

- 9-1 (1) Registrants must conduct themselves in accordance with the Code of Ethical and Professional Conduct set out in Schedule A to this Bylaw 9, including
- (a) the standards of competence established in Standard 1 of the Code of Ethical and Professional Conduct, and
  - (b) the standards of ethical and professional conduct established in Standards 2 to 9 of the Code of Ethical and Professional Conduct.
- (2) The Code of Ethical and Professional Conduct does not deny the existence of other important ethical and professional standards that are not specifically included, the violation of which may be deemed under the Act to constitute professional misconduct, conduct unbecoming a registrant, or the incompetent performance of duties undertaken while engaged in the practice of professional forestry.

### **Forest resource activities**

- 9-2 (1) Subject to subsection (2) and any other applicable enactment, every registrant providing professional service in a forest resource activity must comply with the standards of practice, including any particular standards of competence or standards of ethical and professional conduct respecting that activity, that are described in the applicable guidelines specified in Schedule B to this Bylaw 9, as updated and amended from time to time by the board.
- (2) In exceptional circumstances, a registrant may depart from a particular standard set out in guidelines specified in Schedule B if it is appropriate to do so for an identified reason, which must be specifically documented and supported by a written rationale that is consistent with the Code of Ethical and Professional Conduct.
- (3) Subsection (2) does not apply to a standard that is identified in the applicable guidelines as a mandatory requirement.

### **Practice advisory program**

- 9-3 (1) The registrar must administer a practice advisory program to provide practice guidance to registrants to assist them in dealing with professional or ethical issues.
- (2) The registrar may appoint practice advisors for the purpose of the practice advisory program.
- (3) Information or practice guidance provided by a practice advisor
- (a) does not constitute a decision or ruling of FPBC,
  - (b) does not bind the board, any committee, or any officer, employee or agent of FPBC in the exercise of its or their powers or in the performance of its or their duties under the Act or any other enactment, and



- (c) does not relieve any registrant of the responsibility to conduct their own due diligence and exercise their own professional judgment in any specific situation.<sup>7</sup>

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<sup>7</sup> *PGA*, s. 57(1)(d).

**SCHEDULE A**  
*(Bylaw 9)*

**Code of Ethical and Professional Conduct**  
Forest Professionals British Columbia

**All registrants of Forest Professionals British Columbia are bound by the Code of Ethical and Professional Conduct.**

Registrants are responsible to hold paramount the safety, health, and welfare of the public and the protection of the environment.<sup>8</sup>

The practice of professional forestry is undertaken in a manner that protects the public interest by ensuring the multiple values society has assigned to BC's forest are balanced and considered. To protect the public interest, all registrants practising professional forestry must be accountable and adhere to the following ethical and professional standards:

**STANDARD 1 — COMPETENCE**

Registrants, maintain sufficient knowledge, skill, and ability in order to address the matter in question, and must:

- (a) practise only in those fields where training and ability make the registrant professionally competent;<sup>9</sup>
- (b) maintain competence in relevant specializations, including advances in the practice of professional forestry and relevant science;<sup>10</sup>
- (c) provide accurate information detailing their qualifications and experience.<sup>11</sup>

**STANDARD 2 — INDEPENDENCE**

Registrants exhibit objectivity and are professionally independent in fact and appearance, and must:

- (a) uphold the public interest and professional principles above the demands of employment or personal gain;<sup>12</sup>
- (b) distinguish between facts, assumptions and opinions when providing professional opinions;<sup>13</sup>

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<sup>8</sup> PGA, s. 57(2)(a) (see also Standard 7 – Safety, below).

<sup>9</sup> PGA, s. 57(2)(b); similar to/replaces former Bylaw 11.3.7.

<sup>10</sup> PGA, s. 57(2)(e); similar to/replaces former Bylaws 11.4.6, 12.2.1.

<sup>11</sup> PGA, s. 57(2)(f); similar to/replaces former Bylaw 11.3.8.

<sup>12</sup> Former Bylaw 11.3.2.

<sup>13</sup> PGA, s. 57(2)(g).

- (c) clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions;<sup>14</sup>
- (d) not disclose confidential information without consent, except as required by law;<sup>15</sup>
- (e) present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded.<sup>16</sup>

### **STANDARD 3 — CONFLICT OF INTEREST**

Registrants must avoid situations and circumstances in which there is a real or perceived conflict of interest, and must:

- (a) ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed;
- (b) take appropriate action to resolve or mitigate identified conflicts of interests;
- (c) take necessary measures so that a conflict of interest will not bias decisions or recommendations.<sup>17</sup>

### **STANDARD 4 — DUE DILIGENCE**

Registrants work with constant and careful attention, and must:

- (a) ensure work is complete, correct, and clear;<sup>18</sup>
- (b) provide professional work that is measurable or verifiable;<sup>19</sup>
- (c) have regard for the common law and applicable legislation or regulations, including relevant enactments of British Columbia, federal enactments, and enactments of other provinces;<sup>20</sup>
- (d) have regard for applicable standards, policies, plans and practices established by the government or FPBC;<sup>21</sup>

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<sup>14</sup> *PGA*, s. 57(2)(k).

<sup>15</sup> Former Bylaw 11.5.2.

<sup>16</sup> *PGA*, s. 57(2)(j).

<sup>17</sup> *PGA*, s. 57(2)(h); similar to/replaced former Bylaw 11.5.6.

<sup>18</sup> Former Bylaw 12.2.2.

<sup>19</sup> Former Bylaw 12.2.4.

<sup>20</sup> *PGA*, s. 57(2)(c); similar to/replaces former Bylaw 11.3.3.

<sup>21</sup> *PGA*, s. 57(2)(d).

- (e) undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the profession of forestry.<sup>22</sup>

## **STANDARD 5 — INTEGRITY**

Registrants always conduct themselves honourably and in ways which sustain and enhance their professional integrity and the integrity of the profession as a whole.

Registrants must:

- (a) inspire confidence in the profession by maintaining high standards in daily conduct and work;<sup>23</sup>
- (b) abstain from undignified public communication;<sup>24</sup>
- (c) not misrepresent facts.<sup>25</sup>

## **STANDARD 6 — FOREST STEWARDSHIP**

Registrants work to improve practices and policies affecting forest stewardship.<sup>26</sup>

Registrants must:

- (a) obtain a clear understanding of objectives for land and resource use;<sup>27</sup>
- (b) uphold forest stewardship and practise the responsible use of forest resources based on the application of an ecological understanding at the stand, forest, and landscape levels, which maintains and protects ecosystem function, integrity, and resilience;<sup>28</sup>
- (c) take respectful and appropriate steps to raise identified concerns with another registrant about any practice that may be detrimental to forest stewardship, and to seek to resolve those concerns.<sup>29</sup>

## **STANDARD 7 — SAFETY**

Registrants must:

- (a) maintain safe work practices and consider the safety of workers and others in the practice of professional forestry;

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<sup>22</sup> *PGA*, s. 57(2)(l); accommodates former Bylaw 12.5.1.

<sup>23</sup> Former Bylaw 11.4.1.

<sup>24</sup> Former Bylaw 11.6.1.

<sup>25</sup> Former Bylaw 11.4.4.

<sup>26</sup> Former Bylaw 11.3.5.

<sup>27</sup> Former Bylaw 11.5.3.

<sup>28</sup> Modified former Bylaw 11.3.1, plus definition from board-adopted FPBC principles of forest stewardship.

<sup>29</sup> Former Bylaw 11.3.4.

- (b) hold paramount the safety, health, and welfare of the public, and the promotion of health and safety in the workplace.<sup>30</sup>

## **STANDARD 8 — PROFESSIONALISM**

Registrants provide professional service and conduct themselves at all times in a manner that is respectful, responsible, and appropriate to the circumstances, and must:

- (a) promote public knowledge of forestry with truthful and accurate statements on forestry matters;<sup>31</sup>
- (b) refrain from unfairly criticizing the work of other registrants or attempting to injure the professional reputation or business of another registrant;<sup>32</sup>
- (c) contribute to the advance of scientific and professional knowledge of the profession and others;<sup>33</sup>
- (d) be conscientious in providing professional services;<sup>34</sup>
- (e) take respectful and appropriate steps to raise identified concerns with another registrant about their professional competence, or about conduct by the other registrant that may constitute professional misconduct, conduct unbecoming a registrant, or a breach of the Act or the bylaws, and to seek to resolve those concerns;<sup>35</sup>
- (f) cooperate with and demonstrate respect for the regulatory processes of FPBC;
- (g) not, by their words or actions, threaten, intimidate or harass any complainant, witness or other person involved in a regulatory process of FPBC, or any board member, committee member, officer, employee, contractor or other person acting on behalf of FPBC;
- (h) comply with every undertaking given by them, any order made against them or to which they have consented and any other agreement between them and FPBC under the Act or bylaws.

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<sup>30</sup> *PGA*, s. 57(2)(a); similar to/replaces former Bylaw 11.3.10.

<sup>31</sup> Former Bylaw 11.3.6.

<sup>32</sup> Former Bylaw 11.6.2.

<sup>33</sup> Former Bylaw 11.4.2.

<sup>34</sup> Former Bylaw 11.5.1.

<sup>35</sup> Former Bylaw 11.4.3.1.

## STANDARD 9 — REPORTING

Registrants must:

- (a) report to FPBC and, if applicable, any other appropriate authority, any instance where, on reasonable or probable grounds, the registrant believes that the continued practice of professional forestry by another registrant, or by another person, including a firm or employer, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;<sup>36</sup>
- (b) report to the regulatory body for another profession under the *Professional Governance Act* and, if applicable, any other appropriate authority, any instance where, on reasonable and probable grounds, the registrant believes that the continued carrying on of the regulated practice of that profession by a registrant of that other regulatory body, or by another person, including a firm or employer, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;<sup>37</sup>
- (c) report to FPBC any other concern described in Standard 6(c) or 8(e) about the practice, competence or conduct of another registrant that it is not possible or appropriate to raise directly with the other registrant, or that cannot appropriately be resolved with the other registrant in accordance with Standard 6(c) or 8(e).<sup>38</sup>

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<sup>36</sup> *PGA*, s. 57(2)(i).

<sup>37</sup> *PGA*, s. 57(2)(i).

<sup>38</sup> Former Bylaw 11.3.4.2 and 11.4.3.2.

**SCHEDULE B**  
*(Bylaw 9)*

**Practice Guidance for Forest Resource Activity**

The following guidelines are specified for the purpose of section 9-2(1):

- Guidelines for Professional Services in the Forest Sector – Crossings
- Guidelines for Professional Services in the Forest Sector – Forest Roads
- Guidelines for Professional Services in the Forest Sector – Terrain Stability Assessments
- Watershed Assessment and Management of Hydrologic and Geomorphic Risk in the Forest Industry
- Guidelines for Legislated Riparian Area Assessments
- Guidance for Forest Professionals Practicing in Visual Resource Management
- Guidelines for Wildfire Management

## BYLAW 10 – CONTINUING PROFESSIONAL DEVELOPMENT

### Annual continuing professional development

- 10-1 (1) In this section:
- “**CPD year**” means a one-year period from December 1 until November 30 of the following calendar year;
- “**qualifying hours**” means hours of learning activities satisfying criteria specified in board policy.
- (2) Commencing December 1, 2021, every practising RPF registrant and practising RFT registrant and, if required by board policy, members of another category or subcategory of registrants, must satisfy the annual continuing professional development requirement established under this section in respect of each CPD year.
- (3) Subject to subsections (4) to (7), to satisfy the annual continuing professional development requirement in respect of a CPD year, a registrant described in subsection (2)
- (a) must complete the following during the CPD year:
- (i) a minimum of 30 qualifying hours of continuing professional development, if the registrant is a practising RPF registrant or practising RFT registrant;
- (ii) the applicable minimum number of qualifying hours of continuing professional development specified in board policy (such minimum not to exceed 30 qualifying hours), if the registrant is a member of another category or subcategory of registrants; and
- (b) must, by November 30 of the CPD year, submit to the registrar a record of continuing professional development completed during the CPD year, in the form required by the audit and practice review committee.
- (4) If the registrar or the audit and practice review committee is satisfied that there are special circumstances, the registrar or the audit and practice review committee may extend the time for a registrant to submit a record of continuing professional development required under subsection (3)(b), subject to the registrant’s payment of any applicable late fee specified in the Fee Schedule.
- (5) The board may require, by policy, that qualifying hours completed under subsection (3) must include a minimum number of qualifying hours relating to each of the following topics:
- (a) professional competencies, including
- (i) the standards of ethical and professional conduct, and
- (ii) forest stewardship and professional discretion;
- (b) Indigenous relations, engagement and awareness;
- (c) declared areas of professional practice;



- (d) interpersonal competencies.
- (6) Qualifying hours or additional learning activities completed after November 30 in respect of the previous CPD year, in accordance with a notice of non-compliance under section 10-2(2), must not be counted towards the requirements of subsection (3)(a) in respect of the CPD year in which they are completed.
- (7) In exceptional circumstances, the registrar or the audit and practice review committee may exempt a registrant from the requirements of this section in accordance with board policy.

### **Non-compliance**

- 10-2 (1) The registrar must notify the audit and practice review committee if
  - (a) a registrant fails to submit a record of continuing professional development completed during a CPD year by November 30 or any extended deadline granted by the registrar or the audit and practice review committee under section 10-1(4), or
  - (b) the registrar determines that the record of continuing professional development submitted by a registrant under section 10-1(3)(b) fails to satisfy the requirements of section 10-1(3)(a) and (5).
- (2) On receipt of a notice from the registrar under subsection (1), the audit and practice review committee may direct the registrar to deliver a notice of non-compliance to the registrant, requiring the registrant
  - (a) to pay any applicable late fee specified in the Fee Schedule within 7 days of receipt of the notice of non-compliance, and
  - (b) to complete any outstanding requirements under section 10-1, as well as any additional examinations, courses or other learning activities required by the registrar or the audit and practice review committee in accordance with audit and practice review committee policy, by a deadline specified in the notice of non-compliance.
- (3) The registration of a registrant is cancelled immediately if the registrant fails to deliver payment of a late fee required under subsection (2)(a) within the time specified in the notice of non-compliance or such further time as may be permitted by the registrar.
- (4) If subsection (1)(a) or (b) apply to a registrant or if a registrant fails to comply with requirements specified in a notice of non-compliance under subsection (2)(b), the registrar may, in addition to any action taken under subsection (2),
  - (a) notify the credentials committee of the registrant's non-compliance, so that the credentials committee may consider whether to direct the registrar to deliver a notice of administrative suspension or cancellation to the registrant under section 5-19 of Bylaw 5 (Registration),
  - (b) refer the registrant to the audit and practice review committee for a review of the practice of the registrant under section 63(4) and (5) of the Act and Bylaw 11 (Audit and Practice Review), or

- (c) notify the investigation committee of the registrant's non-compliance for the investigation committee's review under section 12-5 of Bylaw 12 (Complaints, Investigation and Discipline).

## BYLAW 11 – AUDIT AND PRACTICE REVIEW

### Definitions

11-1 In this Bylaw 11:

“**competence audit**” means a competence audit under section 11-5;

“**peer reviewer**” means a peer reviewer selected under section 11-5(2) or an assessor assigned under section 11-5(3) to conduct a competence audit;

“**professional conduct audit**” means a professional conduct audit under section 11-6;

“**professional conduct auditor**” means an assessor assigned under section 11-6(2) to conduct a professional conduct audit.

### Delegation of authority to audit and practice review committee

11-2 The audit and practice review committee may

- (a) appoint assessors under section 63(2)(b) of the Act for the purpose of conducting audits and practice reviews, and
- (b) exercise the powers and authority of the board under section 63(3), (4) and (5) of the Act.

### Pre-approved educational courses or other action

11-3 The audit and practice review committee may establish a policy specifying pre-approved educational courses or other action that may be included in an undertaking or consent requested by the investigation committee under section 72(1)(b) or (d) of the Act.

## Part A – Audits

### Selection of registrants for audit

- 11-4 (1) The audit and practice review committee must establish policies providing for the routine or random selection of registrants in the following categories and subcategories to participate in competence audits and professional conduct audits:
- (a) practising RPF registrants;
  - (b) practising RFT registrants;
  - (c) associate registrants;
  - (d) visiting forest professionals;
  - (e) transferring forest professionals.
- (2) An audit and practice review committee policy established under subsection (1) may provide for the routine or random selection of registrants
- (a) in identified practice areas,

- (b) providing identified professional services,
  - (c) in identified geographic areas, or
  - (d) meeting other criteria specified by the committee.
- (3) The registrar must notify each registrant who is selected for a competence audit or a professional conduct audit.

### **Competence audits**

- 11-5 (1) A registrant who is selected for a competence audit must comply with the requirements of this section.
- (2) Within 28 days of receiving notice of the registrant's selection for a competence audit, or such further time as may be permitted by the registrar, the registrant must
- (a) select another registrant to conduct the audit who
    - (i) meets criteria specified in audit and practice review committee policy, including criteria for avoidance of conflict of interest, and
    - (ii) consents in writing to acting as the registrant's peer reviewer, and
  - (b) notify the registrar of the registrant's selection of a peer reviewer.
- (3) If a registrant fails to notify the registrar of their selection of a peer reviewer satisfying required criteria within the time required under subsection (2), the registrar may assign an assessor appointed under section 11-2(a) to act as the registrant's peer reviewer and conduct the registrant's competence audit.
- (4) Within 28 days of the registrant notifying the registrar of the registrant's selection of a peer reviewer under subsection (2)(b) or the registrar's assignment of a peer reviewer under subsection (3), or such further time as may be permitted by the registrar, the registrant must provide their peer reviewer with all information and documentation required by audit and practice review committee policy for the purpose of the registrant's competence audit, including the registrant's job description, any required self-assessment and professional development records, and samples of professional work product.
- (5) Within 28 days of providing their peer reviewer with the information and documentation required under subsection (4), or such further time as may be permitted by the registrar, the registrant must meet with their peer reviewer in person or by video conference, or, if permitted by audit and practice review committee policy, by telephone or e-mail.
- (6) The registrant's meeting with their peer reviewer under subsection (5) must include a discussion of questions required by audit and practice review committee policy for the purpose of competence audits.
- (7) If the registrant fails to comply with any of the requirements of subsection (4) or (5) within the time required under those subsections,
- (a) the peer reviewer must notify the registrar, and

- (b) the registrar may deliver a notice of non-compliance to the registrant requiring them
  - (i) to pay any applicable late fee specified in the Fee Schedule within 7 days of receipt of the notice of non-compliance, and
  - (ii) to comply with the applicable requirements under subsection (4) or (5) by a deadline specified in the notice of non-compliance.
- (8) The registration of a registrant is cancelled immediately if the registrant fails to deliver payment of a late fee required under subsection (7)(b)(i) within the time specified in the notice of non-compliance or such further time as may be permitted by the registrar.
- (9) If the registrant fails to comply with requirements specified in a notice of non-compliance under subsection (7)(b)(ii) within the time required by the notice,
  - (a) the peer reviewer must notify the audit and practice review committee, and
  - (b) in addition to any action taken under section 11-7(2)(a), the audit and practice review committee may notify the credentials committee of the registrant's non-compliance, so that the credentials committee may consider whether to direct the registrar to deliver a notice of administrative suspension or cancellation to the registrant under section 5-19 of Bylaw 5 (Registration).
- (10) Within 28 days of the registrant's meeting with their peer reviewer under subsection (5), or such further time as may be permitted by the registrar, the peer reviewer must deliver to the registrant and to the audit and practice review committee a report of the registrant's competence audit, including a peer review professional development plan, in the form required by audit and practice review committee policy.
- (11) If, in the course of a competence audit, the peer reviewer concludes that there is reason to believe that the registrant might have
  - (a) contravened the Act, the regulations or the bylaws,
  - (b) failed to comply with a standard, limit or condition imposed under the Act,
  - (c) acted in a manner that constitutes professional misconduct or conduct unbecoming a registrant, or
  - (d) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the practice of professional forestry,the peer reviewer must notify the audit and practice review committee of that conclusion in their report under subsection (10).

### **Professional conduct audits**

- 11-6 (1) A registrant who is selected for a professional conduct audit must comply with the requirements of this section.

- (2) If a registrant is selected for a professional conduct audit, the registrar must assign an assessor appointed under section 11-2(a) to conduct the registrant's professional conduct audit.
- (3) Within 28 days of receiving notice of the registrant's selection for a professional conduct audit, or such further time as may be permitted by the professional conduct auditor, the registrant must provide the professional conduct auditor with all information and documentation required by audit and practice review committee policy for the purpose of the registrant's professional conduct audit, including
  - (a) the registrant's job description and a detailed description of work duties, any required self-assessment and professional development records, and samples of professional work product, and
  - (b) any further information or documentation requested by the professional conduct auditor in accordance with audit and practice review committee policy.
- (4) In addition to information and documentation provided by the registrant, the professional conduct auditor may obtain and consider information or documentation from other sources that is relevant to the registrant's professional conduct audit, including information or documentation pertaining to the registrant's practice area or the geographic area of the registrant's practice.
- (5) Within 28 days of providing the professional conduct auditor with the information and documentation required under subsection (3), or such further time as may be permitted by the professional conduct auditor, the registrant must meet with the professional conduct auditor in person or by video conference.
- (6) The registrant's meeting with the professional conduct auditor under subsection (5) must include a discussion of questions required by audit and practice review committee policy for the purpose of professional conduct audits.
- (7) If the registrant fails to comply with any of the requirements of subsection (3) or (5) within the time required under those subsections,
  - (a) the professional conduct auditor must notify the registrar, and
  - (b) the registrar may deliver a notice of non-compliance to the registrant requiring them
    - (i) to pay any applicable late fee specified in the Fee Schedule within 7 days of receipt of the notice of non-compliance, and
    - (ii) to comply with the applicable requirements under subsection (3) or (5) by a deadline specified in the notice of non-compliance.
- (8) The registration of a registrant is cancelled immediately if the registrant fails to deliver payment of a late fee required under subsection (7)(b)(i) within the time specified in the notice of non-compliance or such further time as may be permitted by the registrar.
- (9) If the registrant fails to comply with requirements specified in a notice of non-compliance under subsection (7)(b)(ii) within the time required by the notice,

- (a) the professional conduct auditor must notify the audit and practice review committee, and
  - (b) in addition to any action taken under section 11-7(2)(a), the audit and practice review committee may notify the credentials committee of the registrant's non-compliance, so that the credentials committee may consider whether to direct the registrar to deliver a notice of administrative suspension or cancellation to the registrant under section 5-19 of Bylaw 5 (Registration).
- (10) After the registrant's meeting with the professional conduct auditor under subsection (5), the professional conduct auditor must deliver to the registrant and to the audit and practice review committee a report of the registrant's professional conduct audit in the form required by audit and practice review committee policy.
- (11) If, in the course of a professional conduct audit, the professional conduct auditor concludes that there is reason to believe that the registrant might have
- (a) contravened the Act, the regulations or the bylaws,
  - (b) failed to comply with a standard, limit or condition imposed under the Act,
  - (c) acted in a manner that constitutes professional misconduct or conduct unbecoming a registrant, or
  - (d) acted in a manner that constitutes incompetent performance of duties undertaken while engaged in the practice of professional forestry,
- the professional conduct auditor must notify the audit and practice review committee of that conclusion in their report under subsection (10).

## **Part B – Practice Review**

### **Authorization of practice reviews**

- 11-7 (1) The audit and practice review committee may authorize a review of the practice of a registrant under section 63(4) of the Act in accordance with the bylaws and any applicable policy established by the committee.
- (2) Without limiting subsection (1), the audit and practice review committee must consider whether to authorize a review of the practice of a registrant under section 63(4) of the Act upon receipt of any of the following:
- (a) notification provided by a peer reviewer or professional conduct auditor under section 11-5(9)(a) or 11-6(9)(a);
  - (b) notification provided by a peer reviewer or professional conduct auditor of a conclusion under section 11-5(11) or 11-6(11);
  - (c) a referral by the registrar under section 10-2(4)(b) of Bylaw 10 (Continuing Professional Development);
  - (d) a referral by the registrar under section 12-2(8)(b) of Bylaw 12 (Complaints, Investigation and Discipline);

- (e) a referral by the investigation committee under section 12-11(1) of Bylaw 12 (Complaints, Investigation and Discipline).

### **Conduct of practice review**

- 11-8 (1) If the audit and practice review committee authorizes a review of the practice of a registrant under section 63(4) of the Act, the registrar must assign an assessor appointed under section 11-2(a) to conduct the practice review.
- (2) The assessor appointed under subsection (1) must ensure that appropriate steps are taken to conduct an adequate practice review in accordance with audit and practice review committee policy, which may include any of the following:
  - (a) inspecting files, records or other documents in the registrants possession and control relating to the registrant's practice;
  - (b) requesting that the registrant provide a self-assessment;
  - (c) requesting that the registrant provide written responses to inquiries;
  - (d) interviewing the registrant;
  - (e) requesting that the audit and practice review committee issue a written notice to the registrant under section 63(5)(a) of the Act in support of the practice review.
- (3) The registrant must
  - (a) cooperate fully with any steps taken in a practice review under subsection (2),
  - (b) respond fully and substantively to any written requests by the assessor under subsection (2) within 7 days of receipt of the request or such further time as may be permitted by the assessor,
  - (c) attend for an interview requested by the assessor, and
  - (d) subject to subsection (5), produce or provide access to any information, including files, records or other documents, requested under subsection (2), even if that information is confidential.
- (4) The registrant must comply with any written notice issued by the audit and practice review committee under section 63(5)(a) of the Act within 7 days of receipt of the notice or such further time as may be permitted by the audit and practice review committee.
- (5) For greater certainty, nothing in this section requires disclosure of information to an assessor if
  - (a) the information is subject to solicitor-client privilege, or
  - (b) disclosure of the information to the assessor is prohibited by law.
- (6) The assessor must deliver to the registrant and the audit and practice review committee a report of the findings of the practice review, in accordance with audit and practice review committee policy and any further direction given by the committee.



- (7) If the registrant fails to comply with any of the requirements of a practice review under this section,
  - (a) the assessor must notify the audit and practice review committee, and
  - (b) in addition to any action taken under section 11-9, the audit and practice review committee may notify the credentials committee of the registrant's non-compliance, so that the credentials committee may consider whether to direct the registrar to deliver a notice of administrative suspension or cancellation to the registrant under section 5-19 of Bylaw 5 (Registration).

### **Recommendations, requests or referrals resulting from practice review**

- 11-9 (1) After reviewing the report of an assessor under section 11-8(6), the audit and practice review committee may take one or more of the following actions, if the committee considers it to be in the public interest to do so based on the findings of the practice review:
  - (a) recommend that the registrant undertake further education or training or implement other measures to improve or enhance the quality of their practice, or to remedy any deficiencies identified in the practice review;
  - (b) request that the registrant enter into an agreement imposing limits or conditions on the registrant's practice under section 63(5)(c) of the Act;
  - (c) refer the assessor's report to the investigation committee under section 63(5)(d) of the Act, with directions for the investigation committee to
    - (i) consider whether or not the findings of the practice review might warrant authorizing an investigation under section 66(1)(a) of the Act, and
    - (ii) advise the audit and practice review committee accordingly.
- (2) If the audit and practice review committee has reasonable grounds to believe that a registrant's continued practice poses a threat to the public interest as result of the registrant's
  - (a) failure to comply with any recommendation made by the audit and practice review committee under subsection (1)(a),
  - (b) refusal to agree to any limits or conditions on practice requested by the audit and practice review committee under subsection (1)(b), or
  - (c) failure to comply with the requirements of a practice review under section 11-8,the audit and practice review committee must notify the investigation committee.
- (3) If the audit and practice review committee refers the report of an assessor to the investigation committee under section 63(5)(d) of the Act or notifies the investigation committee of a belief under section 110(4) of the Act or subsection (2),
  - (a) that report or notification must be accompanied by any supporting records or information that the audit and practice review committee considers will

- be necessary to enable the investigation committee to carry out its duties under the Act and Bylaw 12 (Complaints, Investigation and Discipline), and
- (b) for the purposes of section 110(2) of the Act, the disclosure of those records or information to the investigation committee is deemed to be for the purpose of carrying out a duty under the Act.

## BYLAW 12 – COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

### Definitions

12-1 In this Bylaw 12 and Bylaw 13 (Public Disclosure):

**“complainant”** means a person who delivers a complaint to the registrar under section 12-2(1);

**“complaint”** means a complaint against a current or former registrant under section 65 of the Act, and includes a report made to the registrar about a current or former registrant under section 58(2), (4) or (5) of the Act or Standard 9 of the Code of Ethical and Professional Conduct;

**“hearing panel”** means a panel of the discipline committee appointed under section 12-15(1) to conduct a hearing of a citation;

**“investigation report”** means a report prepared by a lead investigator after an investigation under section 12-8(5)(c), and includes an amended or supplementary investigation report described in section 12-13(2);

**“lead investigator”** means, in respect of an investigation authorized by the investigation committee, the investigator assigned to lead the investigation under section 12-6(1)(a);

**“respondent”** means a current or former registrant who is the subject of a complaint under Part A, an investigation under Part B, or a discipline hearing under Part C.

### Part A – Complaints

#### Complaints

- 12-2 (1) Any person may deliver a complaint, in writing, to the registrar.
- (2) Subject to section 58 of the Act and Standard 9 of the Code of Ethical and Professional Conduct, a complaint must allege conduct or practice by the respondent that, if admitted or proven, would constitute
- (a) the incompetent performance of services or duties undertaken by the respondent while engaged in the practice of professional forestry,
  - (b) professional misconduct,
  - (c) conduct unbecoming a registrant, or
  - (d) a breach of the Act or the bylaws.<sup>39</sup>
- (3) The registrar may decline to accept a complaint if the registrar determines, on a preliminary review, that

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<sup>39</sup> There is no requirement for the complaint to identify particular bylaw provisions that are alleged to have been breached.

- (a) the complaint is trivial, frivolous, vexatious, or made in bad faith, or constitutes an abuse of process,
  - (b) the complaint does not relate to a concern about the conduct or practice of a current or former registrant,
  - (c) the complaint does not allege conduct or practice that, if admitted or proven, would constitute a matter referred to in subsection (2),
  - (d) the complaint does not include sufficient information or particulars to allow an investigation to proceed, or
  - (e) the subject matter of the complaint would more appropriately be addressed by a different regulatory or administrative organization, agency, board or tribunal, or by the courts.
- (4) The registrar may request or obtain additional information from the complainant, the respondent or another source if it is reasonably necessary to do so for the purpose of the registrar's preliminary review of the complaint under subsection (3).
- (5) If the registrar declines to accept a complaint under subsection (3), the registrar must deliver a report to the investigation committee summarizing the complaint and the grounds for declining to accept it.
- (6) Within 30 days after receiving a report from the registrar under subsection (5), the investigation committee must either
- (a) accept the report, or
  - (b) direct the registrar to act under subsection (8).
- (7) If the investigation committee accepts a report of the registrar under subsection (6)(a), the registrar must notify the complainant and the respondent of the disposition of the complaint and the grounds for declining to accept it.
- (8) If the registrar does not act under subsection (3) or receives a direction from the investigation committee under subsection (6)(b) in respect of a complaint, the registrar must refer the complaint
- (a) to the investigation committee, for investigation under Part B, or
  - (b) to the audit and practice review committee, for a review of the practice of the respondent under section 63(4) and (5) of the Act and Bylaw 11 (Audit and Practice Review).
- (9) If, at any time before referring a complaint to the investigation committee or the audit and practice review committee under subsection (8), it appears to the registrar that an order under section 67(1) of the Act may be necessary to protect the public interest, the registrar must deliver a report to the board summarizing their concern.
- (10) If the registrar delivers a report to the board under subsection (9), the registrar
- (a) may disclose to the board for its review any information or records relating to the complaint that may be relevant to the board's consideration of whether to issue an order under section 67(1), and

- (b) must disclose to the board any information or records described in paragraph (a) that are requested by the board.

### **Protecting identity of complainant**

- 12-3 (1) The investigation committee may order that the identity of a complainant, or information that might enable the identity of a complainant to be established, not be disclosed to a respondent or other person, if the investigation committee is satisfied that such disclosure would expose the complainant to an undue risk of harm, including an undue risk of reprisals described in section 103 of the Act.
- (2) A complainant may deliver to the registrar a request, in writing, for an order under subsection (1), which may be included in the complainant's complaint or delivered separately, and may be accompanied by evidence in support of the request.
- (3) The registrar must refer a request under subsection (2) to the investigation committee for determination before disclosing the identity of a complainant, or information that might enable the identity of a complainant to be established, to the respondent or other person described in the request.

## **Part B – Investigations**

### **Delegation of authority to investigation committee**

- 12-4 (1) The investigation committee may exercise the powers and authority of the board under
  - (a) sections 65(4), 66(1) and 72(3) of the Act, and
  - (b) section 1.8 of the General Regulation, with respect to action taken by the investigation committee.
- (2) The powers and authority vested in “the investigation committee or the discipline committee” under sections 72(1) and (2), 73(1) to (3) and 74 of the Act may only be exercised by the investigation committee.

### **Authorization of investigations**

- 12-5 (1) If a complaint is referred to the investigation committee under section 12-2(8), the investigation committee must
  - (a) authorize an investigation of the complaint under section 66(1)(a) of the Act, or
  - (b) refer the complaint to the audit and practice review committee under section 12-11(1).
- (2) The investigation committee may authorize an investigation on its own motion under section 66(1)(a) of the Act into concerns about the conduct or competence of a current or former registrant.
- (3) A decision to authorize an investigation under subsection (2) may be based on concerns about the respondent's conduct or competence arising from

- (a) information that the registrar or another investigator appointed under section 68 of the Act obtains from any source and provides to the investigation committee for its review,
- (b) a report made by the registrar under section 10-2(4)(c) of Bylaw 10 (Continuing Professional Development),
- (c) a report referred to the investigation committee by the audit and practice review committee under section 63(5)(d) of the Act, or
- (d) notification given to the investigation committee by the audit and practice review committee under section 110(4) of the Act or section 11-9(2) of Bylaw 11 (Audit and Practice Review).

### **Assignment of investigator**

- 12-6 (1) If the investigation committee authorizes an investigation under section 12-5(1)(a) or (2), the registrar
- (a) must assign an investigator under section 68 of the Act to lead the investigation, and
  - (b) may assign one or more additional investigators under section 68 of the Act to assist the lead investigator with the investigation.
- (2) Subject to any contrary provision of the Act or bylaws and any directions given by the investigation committee, an investigator assigned under subsection (1) or the registrar may undertake any aspect of an investigation authorized by the investigation committee.

### **Respondent's opportunity to comment**

- 12-7 (1) If the investigation committee authorizes an investigation of a complaint under section 12-5(1)(a), the registrar or the lead investigator must request that the respondent provide a written response to the complaint.
- (2) If the investigation committee authorizes an investigation on its own motion under section 12-5(2), the registrar or the lead investigator must
- (a) notify the respondent of the concerns about the respondent's conduct or competence that are being investigated, and
  - (b) request that the respondent provide a written response to those concerns.
- (3) The respondent must provide a written response to a request under subsection (1) or (2)(b) within 14 days of receipt of the request or such further time as may be permitted by the registrar or the lead investigator.

### **Conduct of investigation**

- 12-8 (1) Subject to any directions given by the investigation committee, the lead investigator assigned to lead an investigation must ensure that appropriate steps are taken to adequately investigate the matter, which may include any of the following:

- (a) requesting that the respondent, the complainant, or any other person who may have relevant evidence provide additional information, including files, records or other documents, or written responses to inquiries;
  - (b) interviewing the respondent, the complainant, or any other person who may have relevant evidence;
  - (c) requesting that the investigation committee issue a written notice to the respondent under section 66(1)(b) or (c) of the Act in support of the investigation;
  - (d) exercising the powers of an investigator under section 69(1) of the Act;
  - (e) applying to the Supreme Court for an order under section 70(1) of the Act;
  - (f) any other investigative steps within the authority of an investigator.
- (2) The respondent and any other registrant must
- (a) cooperate fully with any steps taken in an investigation under subsection (1),
  - (b) respond fully and substantively to any written requests by an investigator or the registrar under subsection (1) within 7 days of receipt of the request or such further time as may be permitted by the investigator or registrar,
  - (c) attend for an interview requested by an investigator or the registrar, and
  - (d) subject to subsection (4), produce any information, including files, records or other documents, requested under subsection (1), even if that information is confidential.
- (3) The respondent must
- (a) comply with any written notice issued by the investigation committee under section 66(1)(b) of the Act within 7 days of receipt of the notice or such further time as may be permitted by the investigation committee, and
  - (b) appear before the investigation committee at the time and place directed by the committee in any written notice issued by the committee under section 66(1)(c) of the Act.
- (4) For greater certainty, nothing in this section requires disclosure of information to an investigator, the registrar or the investigation committee if
- (a) the information is subject to solicitor-client privilege, or
  - (b) disclosure of the information to an investigator, the registrar or the investigation committee is prohibited by law.
- (5) The lead investigator assigned must
- (a) provide to the investigation committee any interim reports on the progress of the investigation that the committee may require,
  - (b) provide periodic updates to the complainant, if any, on the progress of the investigation, in accordance with investigation committee policy, and

- (c) prepare a report for the investigation committee after an investigation, if the matter has not already been disposed of through alternative complaint resolution under section 12-10 or referral to the audit and practice review committee under section 12-11 or discontinued under section 12-9, outlining the steps taken and evidence obtained during the investigation, the investigative findings, and any recommendations of the lead investigator.
- (6) Before an investigation report prepared under subsection (5)(c) is reviewed by the investigation committee, the registrar may request that the respondent provide a written response to the investigation report.
- (7) The respondent must provide a written response to a request under subsection (6) within 14 days of receipt of the request or such further time as may be permitted by the registrar.

### **Termination of investigation**

- 12-9 (1) The investigation committee may discontinue an investigation authorized under section 12-5(1)(a) or (2) before the preparation of an investigation report under section 12-8(5)(c) if it becomes apparent in the course of the investigation that the available evidence will not be capable of supporting a finding against the respondent under section 75(5)(b) of the Act.
- (2) If the investigation committee discontinues an investigation under subsection (1), the registrar must notify the complainant, if any, and the respondent of the termination of the investigation.

### **Alternative complaint resolution**

- 12-10 (1) At any time before the commencement of a discipline hearing, the investigation committee may, with the registrar's agreement, direct the registrar or the lead investigator to attempt to resolve a complaint, or other concerns investigated under section 12-5(2), by alternative complaint resolution under section 74 of the Act.
- (2) Subject to any directions given by the investigation committee, the registrar or lead investigator may attempt to resolve a complaint, or other concerns investigated under section 12-5(2), by negotiating the respondent's agreement to
  - (a) a consent or undertakings to be requested by the investigation committee under section 72(1) of the Act,
  - (b) a consent order to be requested by the investigation committee under section 73(1) of the Act, or
  - (c) other measures to resolve the matter in the public interest.
- (3) For the purpose of an agreement negotiated under subsection (2)(a),
  - (a) an undertaking to be requested by the investigation committee under section 72(1)(b) of the Act may include an undertaking by the respondent to take



- (i) pre-approved educational courses specified in audit and practice review committee policy,
  - (ii) other educational courses approved by the audit and practice review committee under subsection (4), or
  - (iii) educational courses to be specified by the audit and practice review committee in accordance with the terms of the agreement, and
- (b) a consent or undertaking to be requested by the investigation committee under section 72(1)(d) of the Act may include a consent or undertaking by the respondent to
  - (i) pre-approved action specified in audit and practice review committee policy,
  - (ii) other action approved by the audit and practice review committee under subsection (4), or
  - (iii) other action to be specified by the audit and practice review committee in accordance with the terms of the agreement.
- (4) The investigation committee, registrar or lead investigator may request that the audit and practice review committee approve an educational course or other action to be specified in a consent or undertaking to be requested under section 72(1)(b) or (d) of the Act, other than a pre-approved educational course or other pre-approved action specified in audit and practice review committee policy.
- (5) An agreement negotiated under subsection (2)
  - (a) may require the respondent to reimburse FPBC for expenses reasonably incurred for the purposes of the investigation or in preparation for a hearing under Part C, and
  - (b) is conditional on approval by the investigation committee.
- (6) The amount payable by a respondent under subsection (5)(a) must not exceed the total amount of expenses that could be included in an award of costs under section 12-25(2) if a hearing panel ordered the respondent to pay the costs of the investigation or hearing under section 81 of the Act
- (7) If a complaint is resolved through alternative complaint resolution, the registrar must notify the complainant within 30 days of the investigation committee's approval under subsection (5)(b).
- (8) A notice delivered to the complainant under subsection (7) must include a written summary of the consent or undertakings, consent order, or other measures agreed to by the respondent under subsection (2).

### **Referral to audit and practice review committee**

- 12-11 (1) If, at any time before the commencement of a discipline hearing, it appears to the investigation committee that the subject matter of a complaint, or other concerns investigated under section 12-5(2), would more appropriately be addressed through the practice review process, the investigation committee may refer the

complaint or other concerns, in whole or in part, to the audit and practice review committee under section 65(4) of the Act for a review of the practice of the respondent under section 63(4) and (5) of the Act and Bylaw 11 (Audit and Practice Review).

- (2) If the investigation committee refers a complaint or other concerns to the audit and practice review committee for a practice review under subsection (1), the registrar must notify the complainant, if any, and the respondent.

### **Extraordinary action**

- 12-12 (1) If, at any time before the commencement of a discipline hearing, it appears to the investigation committee that an order under section 67(1) of the Act may be necessary to protect the public interest, the investigation committee must deliver a report to the board summarizing its concern.
- (2) If the investigation committee delivers a report to the board under subsection (1), the registrar or lead investigator may disclose to the board for its review any information or records relating to the complaint or investigation that may be relevant to the board's consideration of whether to issue an order under section 67(1) of the Act.
- (3) The board may establish additional procedures, consistent with the Act and the bylaws, for considering whether to issue an order under section 67(1) of the Act.

### **Review of investigation report and disposition of investigation**

- 12-13 (1) The investigation committee must review and consider an investigation report prepared by the lead investigator under section 12-8(5)(c) after the investigation of a complaint or other concerns, and any written response to the investigation report provided by the respondent under section 12-8(7).
- (2) On preliminary review of an investigation report and any written response provided by the respondent, if the investigation committee considers that further investigation is necessary, the investigation committee may direct the lead investigator to conduct such further investigation and to prepare an amended or supplementary investigation report.
- (3) Before deciding what action to take under subsection (6), the investigation committee may direct the registrar to request that the respondent provide a written response to the investigation report if the respondent has not already provided one under section 12-8(7).
- (4) The investigation committee must direct the registrar to request the respondent's written response to an investigation report under subsection (3) if the respondent has not already provided one under section 12-8(7) and it appears to the committee on a preliminary review of the report that there may be reasonable grounds to issue a citation against the respondent for a discipline hearing.

- (5) The respondent must provide a written response to a request under subsection (3) within 14 days of receipt of the request or such further time as may be permitted by the registrar.
- (6) After considering the investigation report and any written response to the report provided by the respondent under section 12-8(7) or subsection (5), the investigation committee may
  - (a) dismiss the complaint or other concerns without taking further action,
  - (b) refer the complaint or other concerns to the audit and practice review committee under section 12-11(1),
  - (c) issue a written notice under section 66(1)(c) of the Act for the respondent to appear before the investigation committee to discuss concerns identified in the investigation report about the respondent's conduct or competence,
  - (d) attempt to resolve the complaint or other concerns by requesting the respondent's agreement to a consent or undertakings under section 72 of the Act, a consent order under section 73 of the Act, or other measures to resolve the matter in the public interest,
  - (e) take other action within the investigation committee's authority that the committee considers appropriate to resolve the complaint or other concerns, or
  - (f) direct that a citation be issued against the respondent under section 66(1)(d) of the Act for a discipline hearing under Part C.
- (7) Section 12-10(3), (4), (5)(a) and (6) apply to a requested agreement under subsection (6)(d).
- (8) If the respondent refuses to agree to a consent or undertakings, a consent order, or other measures requested under subsection (6)(d), or if other action taken under subsection (6) does not resolve a matter to the investigation committee's satisfaction, the investigation committee may take additional action under subsection (6).
- (9) The registrar must notify the complainant, if any, and the respondent of any action taken under subsection (6).
- (10) A notice delivered to the complainant under subsection (9) must include a written summary of any consent or undertakings, consent order, or other measures agreed to by the respondent under subsection (6)(d) or any other action taken by the investigation committee under subsection (6)(e).

### **Part C – Discipline**

#### **Citation**

- 12-14 (1) The registrar may exercise the powers and authority of the board to issue or rescind a citation under section 66(1)(d) or (e) of the Act at the direction of the investigation committee in accordance with this section.

- (2) If directed by the investigation committee under section 72(3) of the Act or section 12-13(6)(f), the registrar must issue a citation for a discipline hearing that
  - (a) names the respondent whose conduct or competence is to be the subject of the hearing,
  - (b) describes the allegations that are to be the subject of the hearing, and
  - (c) informs the respondent that the discipline committee is entitled to proceed with the hearing in the respondent's absence.
- (3) Before the issuance of a citation under subsection (2), on the direction of the investigation committee, the registrar may join one or more complaints or other concerns that are to be the subject of a hearing in one citation as the committee considers appropriate in the circumstances.
- (4) After the issuance of a citation or citations under section 66(1)(d) or 72(3) of the Act but not less than 14 days before the date specified in a notice of hearing for the hearing of a citation, on the direction of the investigation committee, the registrar may
  - (a) join one or more complaints or other concerns that are to be the subject of a hearing,
  - (b) sever one or more complaints or other concerns that are to be the subject of a hearing, or
  - (c) amend a citation.
- (5) At any time before the hearing of a citation is completed, the hearing panel may direct the registrar to
  - (a) join one or more complaints or other concerns that are to be the subject of a hearing,
  - (b) sever one or more complaints or other concerns that are to be the subject of the hearing, or
  - (c) amend the citation.
- (6) The registrar must deliver a citation and any amended citation to the respondent by personal service, or by sending it by registered mail to the most recent address that FPBC has on record for the respondent.
- (7) The investigation committee may direct the registrar to rescind a citation that has been issued on its direction if the investigation committee afterwards determines that a discipline hearing is not required, and the registrar must then cancel the citation and notify the respondent and the complainant, if any, of the cancellation.

### **Appointment of hearing panel**

- 12-15 (1) On issuance of a citation under section 12-14(2), the chair of the discipline committee must appoint a panel of the discipline committee to conduct a hearing of the citation under section 75 of the Act.

- (2) A member of the discipline committee is not eligible to be appointed to a panel to conduct a hearing of a citation respecting a matter in which they
  - (a) were previously involved as a member of the investigation committee or the audit and practice review committee, or
  - (b) had any other prior involvement.

### **Notice of hearing**

- 12-16 (1) A hearing panel appointed under section 12-15(1) must issue a notice of hearing specifying the date and time and, if applicable, the place for the hearing of the citation.
- (2) The registrar must deliver the notice of hearing to the respondent at least 30 days before the date of the hearing.
- (3) The hearing panel may amend the notice of hearing to change the date, time or place of the hearing at any time before the hearing is commenced.
- (4) The registrar must deliver the amended notice of hearing to the respondent at least 14 days before the date (or amended date) of the hearing.
- (5) The registrar must deliver the notice of hearing, or any amended notice of hearing, accompanied by a copy of the citation, to the complainant, if any, at least 14 days before the date (or amended date) of the hearing.

### **Legal counsel**

- 12-17 (1) The registrar may retain a member of the Law Society of British Columbia to prosecute the citation on behalf of FPBC, and to represent FPBC at the hearing of the citation and at any pre-hearing meeting or pre-hearing conference, in accordance with section 79(2) of the Act.
- (2) The respondent may appear with legal counsel at the hearing in accordance with section 79(1) of the Act.
- (3) The hearing panel may retain a member of the Law Society of British Columbia to act as independent legal counsel to the hearing panel, in accordance with section 79(3) of the Act, who may conduct or assist with conducting the proceedings of the panel and participate in its deliberations and the drafting of its decision and written reasons, but must not have a vote.

### **Style of hearing**

- 12-18 (1) A hearing must be conducted orally, unless the hearing panel directs under this section that the hearing, or any portion of the hearing, be conducted in writing.
- (2) At any time before the commencement of a hearing, the hearing panel may direct that any evidentiary portion of the hearing be conducted in writing
  - (a) if the respondent and FPBC agree, or

- (b) if the hearing panel is otherwise satisfied that the applicable portion of the hearing
  - (i) will not involve any significant evidentiary conflict or issue of credibility, and
  - (ii) may fairly be conducted without undue prejudice to the respondent or FPBC on the basis of affidavits, agreed facts or admissions, or other documentary evidence, without the need for cross-examination of any witness before the hearing panel.
- (3) At any time before the commencement of a hearing, the hearing panel may direct that any non-evidentiary portion of the hearing be conducted in writing
  - (a) if the respondent and FPBC agree, or
  - (b) if the hearing panel is otherwise satisfied that the applicable portion of the hearing may fairly be conducted without undue prejudice to the respondent or FPBC on the basis of written submissions.

### **Pre-hearing matters**

- 12-19 (1) The registrar may invite the respondent to participate in a pre-hearing meeting with FPBC to discuss one or more of the following in relation to the hearing:
- (a) jurisdictional or procedural issues;
  - (b) admissions or an agreed statement of facts;
  - (c) disclosure of information or records;
  - (d) style of hearing;
  - (e) witnesses;
  - (f) estimated length of time required for any oral portion of the hearing;
  - (g) possible resolution of the complaint or other concerns that are the subject of the citation by alternative complaint resolution;
  - (h) possible referral of the complaint or other concerns that are the subject of the citation to the audit and practice review committee for a practice review;
  - (i) possible disciplinary actions under section 75(6) of the Act.
- (2) A pre-hearing meeting under this section must be held in private unless the respondent and the registrar agree otherwise.
- (3) The respondent's legal counsel may attend a pre-hearing meeting on their behalf.

### **Pre-hearing conferences**

- 12-20 (1) At any time before the commencement of a hearing, the hearing panel may convene a pre-hearing conference.
- (2) At the discretion of the hearing panel, a pre-hearing conference may be conducted in person, or by video, telephone conference, web casting, or an equivalent

method of telecommunication that allows all participants to hear and interact with each other.

- (3) A pre-hearing conference under this section must be held in private unless the hearing panel directs otherwise.
- (4) The respondent's legal counsel may attend a pre-hearing conference on their behalf.
- (5) A pre-hearing conference under this section may proceed in the absence of a party if reasonable notice of the pre-hearing conference was delivered to the absent party.
- (6) At a pre-hearing conference, the hearing panel may make an order
  - (a) fixing the date, time or place of the hearing to be specified in a notice of hearing under section 12-16(1), or changing the date, time or place of the hearing previously specified in a notice of hearing,
  - (b) for the discovery and production or information or records relevant to the citation,
  - (c) respecting applications for joinder or severance of one or more complaints or other concerns that are to be the subject of a hearing,
  - (d) directing under section 12-18 that the hearing or any portion of it be conducted in writing, or revoking a direction previously given under section 12-18,
  - (e) for the hearing, or any oral portion of it, to be conducted by video or web casting, or an equivalent method of telecommunication that allows all participants to hear, see and interact with each other,
  - (f) for any oral portion of the hearing that does not involve the examination of witnesses to be conducted by video, telephone conference, web casting, or an equivalent method of telecommunication that allows all participants to hear and interact with each other, or
  - (g) respecting any other matters that may aid in the disposition of the citation.

## Hearing

- 12-21 (1) An oral hearing under section 75 of the Act must be in public unless the hearing panel, at the request of the respondent, FPBC or a witness, or on its own motion, determines that it is in the interests of justice
  - (a) to hold all or any part of the hearing in private, or
  - (b) to exclude any person from attending the hearingto avoid unwarranted disclosure of confidential information or for any other reason.
- (2) The hearing panel must provide notice by personal service or registered mail to a person who is required to attend a hearing or to produce files, records, other documents or information, or any other thing under
  - (a) section 77(4) of the Act, or

- (b) section 80(1)(a) of the Act and 34(3) of the *Administrative Tribunals Act*.
- (3) At an oral hearing under section 75 of the Act,
  - (a) the testimony of witnesses must be taken on oath or affirmation, which may be administered by any member of the hearing panel,
  - (b) subject to paragraph (c), the hearing panel may, in its discretion, receive the evidence in chief of any witness by affidavit, and
  - (c) FPBC and the respondent have the right to cross-examine witnesses and to call evidence in reply.
- (4) The hearing panel is not bound by the legal rules of evidence and may allow the introduction of information or evidence it considers relevant to the matter before it and appropriate in the circumstances, whether or not that information or evidence would be admissible under the rules of evidence in a court of law.
- (5) Subject to subsection (6), evidence is not admissible at a hearing under section 75 of the Act unless, at least 14 days before the hearing, the party intending to introduce the evidence provides the other party with
  - (a) in the case of documentary evidence, an opportunity to inspect the document,
  - (b) in the case of expert testimony,
    - (i) the name and qualifications of the expert,
    - (ii) a copy of any written report the expert has prepared respecting the matter, and
    - (iii) a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter, and
  - (c) in the case of testimony of a witness who is not an expert, the name of that witness and an outline of their anticipated evidence.
- (6) The hearing panel may
  - (a) grant an adjournment of a hearing,
  - (b) allow the introduction of evidence that is not admissible under subsection (5), or
  - (c) make any other direction it considers appropriateif the hearing panel is satisfied that this is necessary to ensure that the legitimate interests of a party will not be unduly prejudiced.
- (7) The hearing panel must cause any oral portion of the hearing to be transcribed or audio-recorded electronically, and the transcript or audio record must be presumed to be correct and constitutes part of the record of the hearing.
- (8) If, by a mechanical or human failure or other accident, the transcript or audio record of a hearing is destroyed, interrupted or incomplete, the validity of the hearing is not affected.



- (9) The respondent is entitled to obtain a copy of the transcript or audio record of a hearing at their own expense.
- (10) Subject to the Act and bylaws, a hearing panel may adopt additional procedures for the conduct of a hearing.

### **Extraordinary action during hearing**

- 12-22 (1) The hearing panel may issue an order under section 67(1) of the Act between the time a hearing is commenced and the time the hearing panel takes any action under section 75(6) of the Act, if the hearing panel considers that the order is necessary to protect the public interest.
- (2) If the hearing panel issues an order under section 67(1) of the Act, the hearing panel may exercise the powers and authority of the board under section 67(2) and (4) of the Act and section 1.8 of the General Regulation.

### **Delivery of decision and reasons**

- 12-23 (1) After a hearing under section 75 of the Act, the hearing panel must deliver its decision, including its written reasons under section 75(4)(b) of the Act, to the registrar, the complainant, if any, and the respondent.
- (2) The hearing panel may exercise the powers and authority of the board under section 1.8 of the General Regulation with respect to a decision of the hearing panel under section 75 of the Act.

### **Effect of suspension**

- 12-24 (1) During any period of suspension of a registrant's registration under section 67(1)(b) or 75(6)(d) of the Act, Bylaw 14 (Indictable Offences), or otherwise, the registrant
  - (a) ceases to be in good standing,
  - (b) must not engage in the practice of professional forestry,
  - (c) must not use any title or initials reserved for the use of registrants of FPBC under Part 5 of the Act and section 3 of the Forest Professionals Regulation,
  - (d) must not display the registrant's certificate of registration or confirmation under section 49(1) of the Act,
  - (e) must not sign any professional document or use the registrant's professional seal under Bylaw 8 (Use of Professional Seal and Signature),
  - (f) must not hold any office in FPBC, including membership on the board or any committee or panel,
  - (g) must pay, when due, any fee, special assessment, penalty, costs or other debt payable to FPBC, and
  - (h) must continue to comply with all other applicable obligations of registrants under the Act, the regulations and the bylaws.

- (2) No registrant or former registrant is entitled to any refund of any fee, special assessment, penalty, costs or other amount paid to FPBC solely on the basis that it was paid during or in relation to a period of suspension.
- (3) Subject to the registrar's approval, a suspended registrant may employ or permit another registrant to carry on the registrant's practice of professional forestry, provided that the suspended registrant complies with subsection (1).

### **Costs**

- 12-25
- (1) If a hearing panel requires a respondent to pay the costs of an investigation or hearing under section 81 of the Act, the hearing panel must assess the amount of costs payable by the respondent in accordance with this section.
  - (2) The following expenses described in section 81(2) of the Act may be included in an award of costs against a respondent, at the discretion of the hearing panel:
    - (a) up to 50% of actual legal fees incurred by FPBC for the purposes of the investigation or the hearing, including the fees of
      - (i) legal counsel engaged to advise FPBC on the investigation, and
      - (ii) both prosecuting counsel under section 12-17(1) and independent counsel to the hearing panel under section 12-17(3);
    - (b) up to 50% of the salary costs of employees or officers described in section 81(2)(b) of the Act, including any investigator;
    - (c) up to 100% of actual expenses incurred by FPBC for other reasonable and necessary professional services engaged by FPBC for the purposes of the investigation or hearing, including any expert witness fees;
    - (d) up to 100% of actual expenses incurred by FPBC for other reasonable and necessary disbursements incurred for the purposes of the investigation or hearing, including disbursements incurred by legal counsel.
  - (3) The registrar must notify a respondent by personal service or registered mail of the assessed amount of a costs award made against them.
  - (4) The respondent must make payment to FPBC of the assessed amount of a costs award made against them within 30 days of receipt of the notice under subsection (3), or by such other date as may be directed by the hearing panel.
  - (5) Subject to any directions given by the hearing panel, the registrar may extend the time for payment of a costs award, at the respondent's request, if there are extenuating circumstances.

## BYLAW 13 – PUBLIC DISCLOSURE

### Administration of *Freedom of Information and Protection of Privacy Act*

- 13-1 (1) The executive director is the “head” of FPBC for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- (2) The executive director may authorize the registrar, a deputy registrar, or another officer, employee, contractor or agent of FPBC to exercise any power or perform any duty of the executive director under the *Freedom of Information and Protection of Privacy Act*.
- (3) Subject to section 75 of the *Freedom of Information and Protection of Privacy Act*, an applicant who requests access to an FPBC record under section 5 of the *Freedom of Information and Protection of Privacy Act* must pay the applicable fees set out in the “Schedule of Maximum Fees” established in the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 155/2012.

### Online register

- 13-2 (1) Subject to subsection (5), for the purpose of section 31(3)(f) of the Act, the registrar must include the following additional information in the register maintained on FPBC’s website under section 31(3) of the Act for every person granted registration under Act:
- (a) the registration number issued to the person by FPBC;
  - (b) the date on which the person was first granted registration with FPBC;
  - (c) the person’s municipality of residence;
  - (d) the person’s business address and business telephone number, if applicable;
  - (e) the person’s employer, if applicable;
  - (f) the person’s declared practice area or areas;
  - (g) if the person holds certification in a technical occupation under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences), the technical occupation in which the person holds certification;
  - (h) if the person holds certification for a certified practice under Bylaw 6 (Technical Occupations, Certification Schemes and Limited Licences), the certified practice for which the person holds certification;
  - (i) if the person is a trainee, the education program in which the person is enrolled under Bylaw 7 (Trainees).
- (2) A registrant must deliver to the registrar, on request,
- (a) the information required to be maintained in the register under subsection (1)(c) to (f), and
  - (b) a current e-mail address for the purpose of receiving communications from FPBC.

- (3) A registrant must immediately notify the registrar of any change of name, or any change in information described in subsection (2), and the registrar must update any applicable information recorded in the register to reflect that change.
- (4) Unless otherwise provided in the Act, the regulations or the bylaws, information recorded in the register under section 31(3) of the Act must be maintained for at least 10 calendar years after the calendar year in which the person ceases to be registered with FPBC, including a person who is deceased.
- (5) The registrar may withhold publication on the website of a person's information described in subsection (1)(c), (d) or (e) if the registrar reasonably believes that disclosure of that information could threaten the safety of that person or another individual.

### Historical members

- 13-3 (1) In this section, “**recent historical member**” means an individual who
- (a) was a member of FPBC under the former Act before the transition date, and
  - (b) ceased to be a member of FPBC on or after February 5, 2014 and before the transition date.
- (2) Subject to subsection (4), the registrar must, for every recent historical member, make publicly available on FPBC's website the information described in section 1.6(2) of the General Regulation and, if available, the following additional information:
- (a) the registration number issued to the recent historical member by FPBC;
  - (b) the date on which the recent historical member was first admitted as a member of FPBC;
  - (c) the recent historical member's municipality of residence;
  - (d) the recent historical member's business address and business telephone number, if applicable;
  - (e) the recent historical member's declared practice area or areas;
  - (f) if the recent historical member held a certificate of accreditation under the former Act, the designation for which the recent historical member was granted that certificate.
- (3) Unless otherwise provided in the Act, the regulations or the bylaws, information made publicly available on FPBC's website under subsection (2) must be maintained for at least 10 calendar years after the calendar year in which the recent historical member ceased to be a member of FPBC.
- (4) The registrar may withhold publication on the website of a recent historical member's information described in subsection (2)(c) or (d) if the registrar reasonably believes that disclosure of that information could threaten the safety of the recent historical member or another individual.

## Disclosure of complaints and investigations

- 13-4 (1) This section applies to information and records that form part of
- (a) the review or investigation of a complaint under section 65 of the Act or a report or other concern investigated under Bylaw 12 (Complaints, Investigation and Discipline), or
  - (b) the review of a registrant or applicant's indictable offence conviction under Bylaw 14 (Indictable Offences).
- (2) The registrar may do any of the following in respect of information or a record to which this section applies:
- (a) disclose the information or record to any person or body or to the public with the consent of
    - (i) the respondent, or
    - (ii) the registrant or applicant who was convicted of an indictable offence;
  - (b) disclose the information or record to
    - (i) another regulatory body under the Act, or
    - (ii) any other body, in British Columbia, another province or a foreign jurisdiction, that regulates the practice of professional forestry or another profession or occupation in British Columbia or that other province or foreign jurisdiction;
  - (c) if the complaint, report, concern or conviction has become known to the public, disclose to any person or the public
    - (i) the existence of FPBC's review or investigation,
    - (ii) a brief, summary description of the nature of the complaint, report, concern or conviction,
    - (iii) the status of FPBC's review or investigation, including, if it is closed, the general basis on which it was closed, and
    - (iv) any additional information necessary to correct material inaccuracies in information that has become known to the public.
- (3) Without limiting section 109(1)(b)(ii) of the Act, if the investigation committee or the board, as the case may be, believes reasonably that information or a record to which this section applies might be evidence of an offence under the laws of any jurisdiction, the investigation committee or the board may direct the registrar to disclose the information or record to an appropriate law enforcement agency.
- (4) The registrar's disclosure of information or a record in accordance with a direction of the investigation committee or the board under subsection (3) is authorized as being in the public interest.

### **Public notification of extraordinary actions**

- 13-5 (1) Subject to subsection (2), if an order is made against a respondent under section 67(1) of the Act, the registrar must publish a notice of extraordinary action on FPBC's website, which must include
- (a) the name of the respondent and their category or subcategory of registration,
  - (b) the date of the order, and
  - (c) a copy of the order, including the reasons for the order under section 67(2)(b) of the Act.
- (2) If it is not contrary to the public interest to do so, the board or the hearing panel, as the case may be, may direct that a notice published under subsection (1) include a summary of the terms of the order and the reasons for the order, instead of reproducing the order in its entirety.

### **Public notification of reprimand or remedial action by consent**

- 13-6 (1) Subject to subsection (2), if a respondent agrees to give a consent or undertakings under section 72(1) of the Act, the registrar must publish a notice of the respondent's agreement on FPBC's website, which must include
- (a) the name of the respondent and their category or subcategory of registration,
  - (b) the date of the agreement, and
  - (c) a summary of the consent or undertakings given by the respondent.
- (2) The registrar must withhold the respondent's name or other identifiable personal information from a notice published under subsection (1) if
- (a) the respondent's agreement does not impose any limitations or conditions on the respondent's practice of professional forestry, and
  - (b) the investigation committee directs that it is in the public interest to obtain the respondent's agreement to the consent or undertakings without requiring public disclosure of the respondent's name or other identifiable personal information.

### **Public notification of consent orders**

- 13-7 (1) Subject to subsection (2), if a consent order is made against a respondent under section 73 of the Act, the registrar must publish a notice of the consent order on FPBC's website, which must include
- (a) the name of the respondent and their category or subcategory of registration,
  - (b) the date of the consent order, and
  - (c) a copy of the consent order.

- (2) If it is not contrary to the public interest to do so, the investigation committee may direct that a notice published under subsection (1) include a summary of the terms of the consent order, instead of reproducing the consent order in its entirety.

### **Public notification of citations and notices of hearing**

- 13-8 (1) When a notice of hearing is issued under section 12-16(1) of Bylaw 12 (Complaints, Investigation and Discipline) in respect of a citation under section 66(1)(d) or 72(3) of the Act, the registrar must publish a notice of the citation on FPBC's website at least 30 days before the date of the hearing, which must include
  - (a) the name of the respondent and their category or subcategory of registration,
  - (b) the date the citation was issued,
  - (c) a brief, summary description of the allegations that are to be subject of the hearing, and
  - (d) the date and time and, if applicable, the place for the hearing of the citation.
- (2) If the registrar considers it necessary in the public interest, the registrar may publish a notice on FPBC's website of a citation issued under section 66(1)(d) or 72(3) of the Act, including the information described in subsection (1)(a) to (c), before the issuance of a notice of hearing.
- (3) When a notice of hearing is issued in respect of a citation for which a notice has been published under subsection (2), the registrar must update the notice to specify the date and time and, if applicable, the place for the hearing of the citation.
- (4) If a citation is amended under section 12-14 of Bylaw 12 (Complaints, Investigation and Discipline) or a notice of hearing is amended under section 12-16(3) of Bylaw 12 (Complaints, Investigation and Discipline) after publication of a notice of the citation under this section, the registrar must update the notice if necessary to reflect the amendment.
- (5) If a citation is rescinded under section 66(1)(e) of the Act after publication of a notice of the citation under this section, the registrar must update the notice to reflect the rescission.
- (6) If the hearing of a citation, or any portion of the hearing, is adjourned to a new date, the registrar must update the notice of the citation published under this section to reflect the adjournment.
- (7) When the hearing of a citation is concluded, the registrar must update the notice of the citation published under this section to specify that the hearing has concluded.
- (8) Subject to subsections (3) to (7), a notice of a citation published under this section must be maintained on FPBC's website until the hearing panel issues its decision on the citation or the citation is rescinded or otherwise resolved.

### **Public notification of discipline decisions**

- 13-9 (1) When a hearing panel, after a hearing under section 75 of the Act,
- (a) dismisses the citation under section 75(5)(a) of the Act,
  - (b) makes a determination about the conduct or competence of the respondent under section 75(5)(b) of the Act, or
  - (c) takes one or more actions against the respondent under section 75(6) or (7) of the Act,
- the registrar must publish a notice of that decision on FPBC's website.
- (2) Subject to subsections (3) and (4), the notice of a decision published under subsection (1) must include
- (a) the name of the respondent and their category or subcategory of registration,
  - (b) the date of the decision, and
  - (c) a copy of the decision, including
    - (i) the reasons for the decision under section 75(4)(b) of the Act,
    - (ii) a description of the conduct or practice that is the subject of any determination made against the respondent under section 75(5)(b) of the Act, and
    - (iii) a description of any actions taken against the respondent under section 75(6) or (7) of the Act.
- (3) If it is not contrary to the public interest to do so, the hearing panel may direct that notice of a decision published under subsection (1) include a summary of the decision, the reasons for the decision, and the information required under subsection (2)(c)(ii) and (iii), instead of reproducing the decision in its entirety.
- (4) If the hearing panel dismisses a citation, the registrar must withhold the respondent's name or other identifiable information from the notice of that decision published under subsection (1), unless
- (a) the respondent consents to publication of that information, or
  - (b) the hearing panel otherwise directs.
- (5) This section applies, with any necessary changes, to a decision or order made by the discipline committee under section 76 of the Act.

### **Public notification of decisions regarding registrants convicted of an indictable offence**

- 13-10 (1) Subject to subsection (2), if the board decides to take action under section 14-1 of Bylaw 14 (Indictable Offences) against a registrant who has been convicted of an indictable offence, the registrar must publish a notice of the decision on FPBC's website, which must include
- (a) the name of the registrant and their category or subcategory of registration,



- (b) the date of the decision, and
  - (c) a copy of the decision, including
    - (i) a description of any action taken under section 14-1, and
    - (ii) any reasons given by the board for the decision.
- (2) If it is not contrary to the public interest to do so, the board may direct that a notice published under subsection (1) include a summary of the decision and any reasons for the decision, instead of reproducing the decision in its entirety.

### **Privacy of complainant or other person**

- 13-11 (1) Despite any other provision of this Bylaw 13,
- (a) the board, the investigation committee or the discipline committee, as the case may be, may direct the registrar to withhold all or part of the information otherwise required to be included in any notice required to be published on FPBC's website if the board, the investigation committee or the discipline committee determine that the public interest in the information being made publicly available is outweighed by the privacy interests of the complainant or another person, other than the respondent or registrant, affected by the matter, and
  - (b) the registrar must withhold information from a notice published under this Bylaw 13, and any related information otherwise required to be included in the register under section 31(3)(f)(i)(B) of the Act, if required by
    - (i) a direction under paragraph (a), or
    - (ii) an order of the investigation committee under section 12-3(1) of Bylaw 12 (Complaints, Investigation and Discipline).
- (2) A complainant or other person may deliver to the registrar a request, in writing, for a direction under subsection (1)(a), which may be accompanied by evidence in support of the request.
- (3) The registrar must refer a request under subsection (2) to the board, the investigation committee or the discipline committee, as the case may be, for determination before publishing a notice on the website containing information that the complainant or other person has requested to be withheld.
- (4) If information is withheld from a notice under subsection (1), the registrar must indicate in the notice that information has been withheld.

### **Health condition of respondent or registrant**

- 13-12 (1) Despite any other provision of this Bylaw 13,
- (a) the board, the investigation committee or the discipline committee, as the case may be, may direct the registrar to withhold all or part of the information otherwise required to be included in any notice required to be published on FPBC's website if

- (i) the respondent or registrant may be suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs, and
    - (ii) the board, the investigation committee or the discipline committee determine that the public interest in the information being made publicly available is outweighed by the privacy interests of the respondent or registrant, and
  - (b) the registrar must withhold information from a notice published under this Bylaw 13, and any related information otherwise required to be included in the register under section 31(3)(f)(i)(B) of the Act, if required by a direction under paragraph (a).
- (2) A respondent or registrant may deliver to the registrar a request, in writing, for a direction under subsection (1)(a), which may be accompanied by evidence in support of the request.
  - (3) The registrar must refer a request under subsection (2) to the board, the investigation committee or the discipline committee, as the case may be, for determination before publishing a notice on the website containing information relating to a condition described in subsection (1)(a)(i) that the respondent or registrant has requested to be withheld.
  - (4) If information is withheld from a notice under subsection (1), the registrar must indicate in the notice that information has been withheld.

### **Temporary postponement of public notification**

- 13-13 (1) Despite any other provision of this Bylaw 13, the registrar may temporarily withhold publication of any notice, or of all or part of the information otherwise required to be included in any notice, that is required to be published on FPBC's website if the registrar determines that the public interest in the information being made publicly available is outweighed by the risk that publication of the information may prejudice, jeopardize or otherwise negatively influence another ongoing investigation, discipline hearing or other regulatory proceeding of FPBC or another regulatory body, agency or tribunal.
- (2) If information is temporarily withheld from a notice under subsection (1), the registrar must indicate in the notice that certain information is being temporarily withheld to ensure the fair conclusion of another proceeding.
- (3) If a notice or information included in a notice is temporarily withheld under subsection (1), the registrar must publish that notice or information
  - (a) within 60 days of the date that the other ongoing investigation, discipline hearing or other regulatory proceeding described in subsection (1), or any resulting judicial review application or appeal, is concluded, or
  - (b) when the registrar otherwise determines that there is no longer a material risk that publication of the notice or information may prejudice, jeopardize or otherwise negatively influence the other ongoing investigation, discipline hearing or other regulatory proceeding.

### **Notification of superintendent**

13-14 The registrar must notify the superintendent of any notice published on FPBC's website under sections 13-5 to 13-13 in accordance with any applicable guidelines established by the superintendent under section 9 of the Act.

### **Maintenance of public notices**

13-15 (1) Subject to subsections (2) and (3), a notice published under section 13-5(1), 13-6(1), 13-7(1), 13-9(1) or 13-10(1) must be maintained on FPBC's website for the life of the individual who is the subject of that notice, despite any cancellation of that individual's registration.

(2) The registrar must update a notice described in subsection (1) if

- (a) any limitations or conditions imposed on the individual's practice that are referenced in the notice expire or are terminated, or there is a material change to those limitations or conditions,
- (b) any period of suspension of the individual's registration that is referenced in the notice expires or is terminated,
- (c) the individual ceases to be registered with FPBC, or becomes a non-practising registrant or a retired registrant, or
- (d) otherwise required by board policy.

(3) After the death of an individual who is the subject of a notice described in subsection (1), the registrar may

- (a) remove the notice from FPBC's website, or
- (b) remove the individual's name or other identifiable personal information from the notice,

if the registrar determines, in accordance with board policy, that it is not contrary to the public interest to remove that information.

## **BYLAW 14 – INDICTABLE OFFENCES**

### **Registrants convicted of indictable offences**

- 14-1 Under section 66(2)(a)(i) of the Act, the board may
- (a) summarily suspend or cancel the registration of a registrant who has been convicted of an indictable offence, or
  - (b) with the agreement of the registrant, impose conditions or limitations on the continued registration of a registrant described in paragraph (a) in lieu of suspending or cancelling the registrant's registration.

### **Applicants convicted of indictable offences**

- 14-2 Under section 66(2)(a)(ii) of the Act, the board may summarily reject the application of an applicant for enrolment, admission or reinstatement who has been convicted of an indictable offence.

### **Additional procedures**

- 14-3 The board may establish additional procedures, consistent with the Act and bylaws, for summary proceedings under section 14-1 or 14-2.