



Proposed Act to Regulate Forest Practitioners

Competency in the practice of forestry

Q1. Why is it important to have a competent organization for the practice of forestry?

- A. Forests and forest management are critical to the social, ecological, and economic good of New Brunswickers. Forest practitioners are the managers of forests. The public wants accountability and regulated practitioners to provide that accountability.

Our present legislation, the New Brunswick Foresters Act, 2001 and the 1996 Incorporation of the NBFTA permits the ARFPNB foresters and forest technicians to have the “right to title” of Registered Professional Forester (RPF) and Certified Forest technicians respectively, who are forest practitioners, but did not provide for or regulate the “right to practice”.

Why the new direction?

Q2. Has the attitude of the public towards forestry changed that much?

- A. The public is increasingly concerned about modern forestry, especially intensive forestry. Modern forestry is an amalgam of many arts and science and forest managers must be competent in a host of technologies, management and financial skills. Nevertheless, the public still has an increasing concern about the sustainability of forests and the degradation of our environment. Forests are now being managed more intensively for many values, not just wood fibre.

Q3. What is the renewed Act to do?

- A. A new Act is proposed that will hold Forest Practitioners accountable to the highest standards of management of forested ecosystems in New Brunswick. The Act will control who has the right to practice forestry in New Brunswick.

The principal objective of the Act is to regulate the practice of forest practitioners in accordance with this Act, the regulations and the by-laws so the public interest may be served and protected in respect to sustainability of New Brunswick forests and their values.

Q4. Would the new Act replace the current Act?

A. Yes. The current Act, An Act respecting The Association of Registered Professional Foresters of New Brunswick [2001] is a Bill that revised the previous Foresters Act of 1958. Establishing a new Society, which would include the NBFTA, with right-to-practice will require a new Act.

Q5. Will the new Society still carry out advocacy for members if it is mostly regulatory?

A. Yes. Advocacy means holding a position on a specific aspect of forestry, as decided by a majority vote of the membership; for example, the use of pesticides.

How is the public interest being served?

Q6. What benefits are there to the public?

A. The sustainability of our forest land and water resources must be foremost in the minds of those providing advice. While the benefits of the new Act extend across the entire practice of forestry, the public of New Brunswick will be the ultimate benefactors of the proposed legislation. The public must be assured that forest management practices are guided by dependable, accurate, economic and science-based advice.

The implications for the Associations of Registered Professional Foresters and the New Brunswick Forest Technicians Association

Q7. Isn't this self-serving to the Associations?

A. No –this principle guides us:

The Associations provide a medium through which forest practitioners can render greater service to the public and sustainable forests. The objectives of the Association are:

- a) to assure the general public of the proficiency, competence and integrity of the Forest Practitioners of the Province of New Brunswick in the practice of forestry and in their professional conduct,
- b) to encourage a wider understanding of forest management and to improve the practice of forestry in the province, and
- c) to promote and increase the knowledge, skill and proficiency of its members in matters relating to the practice of forestry. to promote and increase the knowledge, skill and proficiency of its members.

Q8. What are the benefits?

A. The benefits range from protection of the environment and the public interest, integrity of Forest Practitioners, Continuing Forestry Competency and wider membership in the Society.

Q9. How will ARPFNB and NBFTA change if a new Act comes into force?

A. It is up to the current and future membership to reshape the Society to the new Objectives. Activities on continuing competence, complaints and discipline will become more important.

The New Act

Q10. To what forested land will this Act apply?

A. The Act applies to all forested land in the Province, except lands owned or controlled by the Federal government.

Q11. Who says who can be registered?

A. A Board of Examiners currently uses the academic and experience requirements, plus a Registration Exam to ensure that applicants are aware of relevant legislation and the Code of Ethics. Applicants must have graduated from a national forestry program, approved by the Canadian Forestry Accreditation Board, of which ARPFNB is a founding member.

Q12. How will the Society control the competence of members (Forest Practitioners)?

A. Several ways are available:

- Ø The entrance conditions select only those individuals qualified by training and experience. There are Standards of Professional Practice and a Code of Ethics to guide Forest Practitioners. Continuing Forestry Competency credits must be obtained regularly by each individual. The Registrar will accept written complaints about the actions of a Forest Practitioner and forward it to the Complaints Committee.
- Ø If the Complaints Committee receives a complaint and considers the complaint valid, it passes the complaint on to the Discipline Committee. Complaints can be about competency or a breach of the Code of Ethics.
- Ø The Discipline Committee, drawing from a large number of very experienced Forest Practitioners, will make a judgment as to whether there were breaches. This ruling may go so far as to revoke membership.

Q13. I work in a forestry-business. What is the impact on me?

A. All Forest Practitioners, except those specifically excluded, must become registered. Those whose work does not require the training and experience requirement for membership are also excluded.

Q14. Who is excluded from the requirements of membership?

A. Mainly two groups are excluded.

- Ø Farmers, private woodlot owners or their employees are not considered to be practicing forestry on their own or on leased land.
- Ø A group of professions, occupations or trades whose scope of practice comes close to forestry but who are governed by separate legislated, self-regulated bodies. For example, professional engineers, landscape architects and biologists may advise forestry enterprises but only within their own mandated scope.

Q15. Does a harvest or thinning contractor have to be a member of the Society?

A. No, but if they are operating they must meet all environmental laws.

A contractor may provide information about their service to a forest land owner. The contractor cannot offer advice on forest management options unless they are a forest practitioner.

Q16. Would the new Society have only 'practicing' members?

A. All who meets the qualifications may be registered under a new Act with right-to-practice. However, there will be provisions for the designation of "non-practicing" forest practitioners.

Enforcing the new "Right-to-Practice" Act?

Q17. How will you stop non-registered persons from practicing forestry?

- A Giving the authority to administer the new Act means a requirement to enforce all parts of the Act. The following might be done:
1. Identify unregistered individuals who are clearly practicing forestry and where the activity requires the knowledge and experience set out in the regulations and by-laws.
 2. Issue a letter asking that the individual either register or stop the activity.
 3. If there is refusal, the Registrar may then take civil court action under the act to impose a penalty.

Q 18. Are you telling me that to keep my job I'll have to join this new Society?

A. If your job is the practice of forestry you must be registered to practice under the new Act. If you have the education you must demonstrate your experience and knowledge of New Brunswick legislation relevant to the practice of forestry and the Code of Ethics.

Q19. What is the definition of incompetence?

A. Incompetence and questions of behavior will be judged against the Standards of Professional Practice and the reasonable level of competence at the time, the Code of Ethics. Action will only be taken when a complaint has been made against a member. At that time the Complaints Committee will have to decide, in their best judgment, whether the complaint has validity. If the complaint is valid then the committee passes the complaint to the Discipline Committee.

The Discipline Committee will be the panel to judge competence. Expert witnesses will be called by the Committee or by the forest practitioner against whom the complaint is lodged. This would be an open hearing unless certain circumstances force it to be closed.

Q20. What will be the Continuing Forestry Competency requirements of the Society members? How will they be enforced?

A. It is proposed that a mandatory Continuing Forestry Competency Program be established. The only enforcement available to the Society would be to remove the registration of the member in default.

Time Line

Q21. What is the timeline?

A. The aim is to have all the work done by the end of 2008.

1. The current members of both organizations will be asked to vote on December 12 to January 31, 2007 to send the proposal to the provincial government and to the general public for discussion.
2. Then there will be a public awareness campaign of 90 days.
3. The comments and suggestions will be taken back to the multi-stakeholder committee and considered in the final proposal for the Act.
4. With the results of the vote the Executives of both ARPFNB and NBFTA will decide whether or not to go forward to government. Formal public consultation will be held when the matter is before the government.

The Cost Aspect

Q22. What will be the fees to belong to the new organization?

A. The current fees may increase to staff the right-to-practice function but will be in line with any increased numbers of members. The right-to-title organization is already in place so additional fees may be needed in actions against unregistered persons acting without a license or the misconduct of forest practitioners.

Much depends on what additional services the members of the new Society require. An increased newsletter frequency will add costs. Hiring staff to do any work now done by volunteers will add costs.

The fee for other member classes would be as currently discounted. The Ontario Professional Foresters Association, which obtained a right-to-practice Act in 2000, has a fee of \$420 per Full member. They maintain an office, a full time Executive Director/Registrar, a full time Executive Assistant and part time clerical help. Their membership is about the same size as the current ARPFNB.

Q23. Will it cost more to hire a member of the Society?

A. No, about 73% of the current ARPFNB members are employed by organizations that are already involved in the practice of forestry. So there should not be increased costs. The 19% of members in the consulting sector already provide a service and their fees should remain the same.