

## Enforcing the *Foresters Act* in New and Emerging Natural Resource Sectors

**THE PRACTICE OF PROFESSIONAL FORESTRY IS** experiencing an evolution and expansion that challenges the ABCFP and its members. There are new and emerging areas of practice including independent power projects, oil and gas pipelines, conservation projects, rehabilitation of mining sites or urban environmental damage, urban forest management projects, carbon sequestration etc.

These activities are not traditionally associated with professional forestry. But they are of interest to forest professionals and in some cases involve the practice of professional forestry. They lead the association and members to learn more about the tasks that are involved in these new areas and assess what is and what is not the practice of professional forestry. (The definition of the practice of professional forestry is found

in Section 1 of the *Foresters Act*). In areas where it has been determined that the tasks are indeed the practice of professional forestry, we need to confirm that these tasks are being performed by competent and certified individuals. If this is not occurring, then the ABCFP has a duty to enforce Section 20 of the *Foresters Act*.

Usually members become aware of possible contraventions before the association so we rely on you to be our eyes and ears throughout the province. Members can more closely observe the work that is going on around them.

If a non member is suspected of engaging in unauthorized practice or using a title or designation that is reserved for forest professionals, there are steps to take in resolving the suspected contravention as outlined in our *Foresters Act* Enforcement Policy. Briefly, they are to:

1. Gather the facts of the situation (documents, e-mails, etc);
2. Talk to the contravening person(s) in attempts to remedy the situation, if this doesn't work;
3. Seek assistance of colleagues or supervisors; if situation is not resolved at this point;
4. Bring the issue to the attention of the ABCFP registrar.

Once brought to the attention of the association, the registrar will review the details of the case, determine if there has been noncompliance with the Act and if necessary, determine the best way to resolve the issue. For cases involving non-

members, resolution of the issue can involve an advice letter from the registrar pointing out the contravention(s) and requesting future compliance, and/or an injunction to restrain the person(s) from contravening the *Foresters Act*.

Why is the duty to report important? First of all, we have a legal duty and obligation under Section 4 of the *Foresters Act* to enforce the Act. Secondly, if work is not done by competent professionals it could have deleterious effects on the environment and will reduce the public's trust in the profession.

New and emerging natural resource sectors can provide job opportunities for forest professionals. For example, if a municipality is seeking to manage a stand of trees in an urban area, we believe they need to hire competent forest professionals in order to comply with the *Foresters Act*. Once we explore the specific tasks involved in the new practice areas, we believe that it will benefit ABCFP members who will be able to add this work to their professional practice. This will benefit the individual members and the public as forest professionals can provide extra assurance of a competent job well done with the public in mind.

New technologies and uses for BC's natural resources bring about new opportunities for the practice of professional forestry but also allows for possible breaches of the *Foresters Act* by member and non-members venturing into these fields. ABCFP members are mandated to comply with the *Foresters Act* and should be aware of when there are possible contraventions and advise the ABCFP so that we can take the appropriate steps to remedy these situations.

We must work together to optimize the opportunities that new natural resource sectors bring and stay vigilant in our responsibility to the public, the profession, our employers and other members.

Detailed information can be found in the *Foresters Act*, ABCFP bylaws and the *Foresters Act* Enforcement Policy. All are available on the ABCFP website: [www.abcfp.ca](http://www.abcfp.ca)

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