

## Bill 6—Certification and Accreditation under the *Foresters Act*

ON OCTOBER 4, 2011, the *Forests, Lands and Natural Resource Operations Statutes Amendment Act*, 2011 (Bill 6) was introduced into the BC Legislature and it became law after receiving Royal Assent on November 14, 2011. Bill 6 will—indeed already has—become known for the amendments it will make to the *Foresters Act* allowing changes to the boundaries of woodlot licenses, including the removal of private lands from a woodlot license. This mirrors similar amendments made to the *Foresters Act* in 2004 with respect to private lands included in TFLs.

While some may bemoan the diminished obligation of woodlot license holders to contribute private land to their woodlots, this horse left the barn in 2004. It just doesn't make any sense to permit TFL holders to remove giant amounts of private lands from their TFLs, while still requiring woodlot operators to retain their relatively tiny private land holdings within the confines of their woodlot licenses.

Below the din of controversy over woodlots and private lands, Bill 6 made substantial amendments to the *Foresters Act*, as well as a few related amendments to the *Foresters Act*. Indeed, the main feature of Bill 6 is probably the creation of a statutory framework for mandatory certification programs. Previously, the ABCFP council had the authority to create voluntary certification schemes for technical occupations related to the practice of professional forestry. As well, there was no statutory 'certificate of accreditation' or statutory designation or title given to a certificate holder. Now that Bill 6 has passed into law, council's authority with respect to certification is no longer limited to voluntary schemes.

As part of the new certification and accreditation programs that the *Foresters Act* will facilitate, the *Foresters Act* now includes two new professional designations: the Accredited Timber Cruiser or ATC, and the Accredited Timber Evaluator or ATE. However, Bill 6 said nothing about what work or circumstances will require employment of an ATC or ATE—any such requirements will come from other sources.

For example, Bill 6 amended section 106 of the *Foresters Act* with respect to cruise-based stumpage, and added a new section 106(3) that gave the Minister the authority to require a licensee to submit information for cruise-based stumpage "in a manner" required by the Minister. Just as the stumpage appraisal manuals made under the authority of section 105(1) of the *Foresters Act* are treated as subordinate legislation in the nature of regulations, the new section 106(3) may similarly give the Minister's requirements for the submission of cruise information—presumably those requirements in the Cruise Manual—the force of law. This will allow the Minister to include requirements in the Cruise Manual (or some other document) to use an ATC or ATE for the submission of information for cruise-based stumpage.

So, the Ministry will rely upon the ABCFP's certification programs for ATCs or ATEs to ensure that the Ministry receives reliable information for cruise-based stumpage. Now that Bill 6 has passed, council has the statutory authority to grant certificates of accreditation, and to establish, monitor and enforce mandatory standards of education and qualifications for certification. This includes the authority to establish policies and procedures for certification, and qualifications for certification based upon subjects of study, examinations and experience.

There are two other notable amendments to the contemplated in Bill 6, and both relate to powers that council must currently exercise through bylaw, but that Bill 6 has now authorized through simple resolution of council. Now that Bill 6 has passed, council has the authority to establish quality assurance programs and to set membership fees by council resolution. Previously, quality assurance and membership fees are matters that council must address through bylaws.

The significant difference between council resolution and bylaw is that bylaws require ratification through a vote of the membership and the passage of resolutions does not. Accordingly, membership scrutiny of quality assurance and membership fees will now have to take place through the council election process. This could make for more interesting council elections given that the government is apparently set to place further program responsibilities upon the ABCFP in terms of accreditation and certification. 🐾

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