

2016 FAQ RE: PROPOSED PROFESSIONAL REGULATION OF THE PLANNING PROFESSION

You Asked...

Q: Why does the bill not go further, and prohibit non-members from:

- calling themselves “planners”;
- performing planning work;
- providing planning opinions and reports; and
- appearing at the OMB as an “expert witness”?

A: The Professional Regulation Strategy Group has considered all these possibilities over the past 5+ years, and discussed them extensively with members, other professions, civil servants, and MPPs.

- “Planner” is too general a word to be successfully restricted to any one profession.
- Prohibitions on “performing planning work” or “writing planning reports” would require “right to practice” legislation, such as physicians and engineers have. The nature of professional planning work makes it difficult to define an exclusive “scope of practice” or list “restricted acts” that non-members should not perform. As MPP Peter Milczyn reminded webinar participants, it is one thing to propose restrictions, but they will not be passed into law if other stakeholders (professions etc.) oppose them, and MPPs are not willing to pass such legislation.
- The OMB is an independent administrative board exercising quasi-judicial powers. As such, it controls its own process. Each OMB panel decides who it will accept and “qualify” as expert witnesses. Such OMB panels have historically accepted OPPI members as expert witnesses much more readily than it has accepted non-members, but no legislation can remove that possibility.

The most important difference is that the new legislation is “public legislation,” which makes the profession and its members accountable to the government and people of Ontario – rather than “private legislation,” which simply outlines the rights of a private professional association. This is a significant (though somewhat abstract) shift, which is crucial in raising the profile and acknowledging the importance of planners alongside other regulated professionals.

Q: Will the legislation allow or require OPPI to restrict the practice of non-member planners? How are the interests of such individuals protected in light of OPPI seeking further professional regulation?

A: No, the legislation will NOT allow or require OPPI to restrict the practice of non-member planners. If nevertheless, such non-members have objections to the legislation, despite the fact that their practice is not being limited, those non-members are protected by the fact that the legislative process is public, and includes committee hearings.

Q: What is the sanction for a planner who represents him or herself as a "professional planner" but is not an OPPI member.

A: The current legislation says that a person "guilty of an offence" can be fined up to \$5,000. Of course, that amount was set in 1994. Updated legislation would probably (like 2013's *Registered Human Resources Professionals Act*) set a fine of \$25,000.

Q: If OPPI itself is a "party" of any complaint referred to a Discipline Hearing, how will OPPI decide whether/how to act with respect to a situation brought to its attention?

A: OPPI would handle this situation in a way similar to how this is decided at all the other professional regulators that have this authority. This is a function for trained and experienced staff, and ultimately for the Discipline Committee to decide. The decision is made based on the seriousness of the conduct, the availability/strength of the evidence, etc.

Q: How will the legislation affect OPPI's by-laws?

A: The by-laws would have to be revised to match the legislation (i.e., names of committees, composition of Council, etc.)

Q: How will the legislation affect the process of accrediting university planning programs?

A: The legislation will not affect that; accreditation of university planning programs is already shared by all the planning institutes in Canada, by way of the national Professional Standards Committee and the Professional Standards Board. There will not be new or different requirements for Ontario universities.

Q: How will the legislation affect the process of Candidate Members becoming certified?

A: The legislation will not affect that; again, the certification process is set by the PSC and administered by the PSB.

Q: How will the legislation affect the Professional Exam that Candidate Members have to pass to become Registered Professional Planners?

A: It will not affect it.

Q: Will there be a new or extra exam to become an Ontario RPP?

A: There will be no new or extra exam required.

Q: Will passing the national Professional Exam mean that the Candidate still automatically becomes a Full Member of OPPI, an RPP?

A: Passing the Professional Exam administered by the Professional Standards Board has never meant and does not now mean that the Candidate automatically becomes a Full Member of OPPI (or any other planning institute in Canada). Since “professions” are regulated at the provincial level in Canada, certification has always been at the discretion of the provincial planning institutes, even after the Candidate has passed the exam. For instance, some planning institutes have the authority (in their legislation or their by-laws) also have a “good character” requirement for membership (i.e., so that technically-competent but ethically-deficient individuals may not be allowed to become members or Full Members). This is common in other professions as well.

Q: Will this legislation have any effect on planners who move between provinces, or do planning work in more than one province?

A: No. Planners enjoy excellent “portability” in Canada and that will not change. The Presidents of all the provincial planning institutes met during the July CIP conference in Quebec to discuss this and make sure that it remains true. A Member is able to move to another province and easily transfer their membership, or to obtain an “out-of-province” membership in another province in order to use the RPP there.

Q: If the bill is passed and the legislation enacted, will OPPI members have to pay higher annual fees?

A: We do not anticipate that members’ annual fees will rise due to the enactment of the legislation. This is because OPPI is already performing most of the professional regulatory functions outlined in the bill. For instance, OPPI currently has a complaints & discipline process in place, and will only have to modify that. Thus, we will not face the expense of building such a function from scratch.

If you have any further questions or comments on OPPI’s professional regulation initiative, please contact OPPI’s Registrar and Director of Member Relations, Brian Brophay, at standards@ontarioplanners.ca or 1-800-668-1448 x 229.