



Ontario
Professional
Planners
Institute

Institut des
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professionnels
de l'Ontario

QUESTIONS ABOUT SELF-REGULATION

OCTOBER 14, 2011

MEMBER FORUM

Q: What effect would self-regulation have on the “invisibility” of professional planners?

A: The process of becoming self-regulated will by necessity increase the visibility of planners, to the government and the public. The planning profession will need to increase its profile during the process of seeking to attain self-regulation in order to demonstrate value to the government.

Q: Would self-regulation give us the exclusive right to the title “planner”?

A: We would indeed try to protect a range of uses related to the title “Registered Professional Planner,” such as “community planner,” “municipal planner,” “urban planner,” etc. It is unlikely, however, that any one profession would be given the right to control the use the generic word “planner” on its own.

Q: Has OPPI discussed with the province the possibility of amending the *Planning Act* to allow only RPPs to undertake certain acts? (e.g., so that only a professional planner could sign an OPA)

A: Our discussions with the province have not gone this far, although we are aware that this is an approach to self-regulation that is used, for instance, in Saskatchewan. The Professional Practice Advisory Group has proposed one approach to restricting actions of planners in the Green Paper and we are interested in receiving comments on these proposals.

Q: Have you discussed this with other professions? For instance, architects and engineers think that they can do “planning”...

A: We have had preliminary discussions with many other related professions, such as engineers and landscape architects. It is true that there are many areas in which the work of these different professions legitimately overlaps. Defining these “scopes of practice” in a way that best serves the public of Ontario is the overarching aim, and we believe that we can do this in a way that will be agreeable to the other professions we have spoken to.

Q: What effect would self-regulation have on the membership size? Would membership be limited to “land use planners”, and what would happen to other small specialties (social planners, health planners, etc.)?

A: The effect of self-regulation on the membership size depends largely on the details of the legislation, including the nature of the regulator. Assuming OPPI is identified as the regulator, and if certain activities (probably related to land use control) are restricted to OPPI members, then obviously individuals who are currently non-members but who undertake or wish to undertake those activities would have to join, increasing the membership size. On the other hand, current members who do not undertake those restricted activities (e.g., social planners, health planners) would not be forced to remain members, and could leave. However, membership in OPPI is currently completely voluntary for all its members, and yet membership renewal remains strong. It seems likely this would remain true since all members will continue to receive the benefits that OPPI provides now. Of course, we need to be mindful of attempting to avoid other significant changes (i.e., a large fee increase) that might lead to an exodus of members who do not undertake restricted acts, and who therefore do not absolutely require membership.

CONCURRENT SESSION CCS18

Q: Aren't professional planners already basically self-regulated? Isn't this a move towards "protected practice" – which has been tried before, and failed, because the province won't do it, because the public believes it's a self-interested move by a profession they can't trust...

A: Professional planners are not self-regulated, although OPPI members have "title protection" and are subject to a complaints & discipline process. We believe the profession has evolved and that the province will be interesting in considering self-regulation of professional planning. We will need to show that this change is in the public interest and not just our own benefit. Our initial documentation of these ideas are documented in the Green Paper and we invite comment from all members.

Q: What is the down-side of self-regulation?

A: The participation of non-planners in the regulation of the profession might be considered by some planners to be a "down-side" (see below). Similarly: more onerous accountability, transparency, and reporting duties and potentially higher fees might be considered as negative consequences.

Q: Will professional planners lose independence, and be overseen/supervised by the government, for instance by the Ministry of Municipal Affairs and Housing?

A: Such direct supervision would probably not occur. In the regulated health professions, for instance, the "colleges" (regulators) report annually to the Minister of Health and Long Term Care. But Ministry staff do not sit on the colleges' Councils or committees, or interfere with college activities. Assuming that professional planners were regulated in a similar way, we could expect that there would be public participation, whereby some members of the regulator's Council and committees (less than 50%) would be public-minded individuals appointed by the government to ensure that the regulator acted in the public interest, and not merely in the interest of the profession. Again, this is the way it the regulated health professions ensure that the public interest is guarded.

Q: Professional planning is not a science, but a very subjective discipline; if the regulator and the professional association are one and the same entity, isn't it possible that self-regulation would stifle dissent?

A: It is true that there is a potential conflict between the roles of a voluntary professional association (furthering the interests of the profession) and a mandatory self-regulatory body (furthering the public interest). However, there are precedents that show this model can work. For example, the Ontario Association of Architects fills both roles successfully.

As for the “stifling of dissent,” that is a danger that must be avoided by any entity run on democratic principles. A regulator should be operated for the benefit of the public interest, not in order to force (for instance) every member of the profession to hold the same opinion. Public participation in the governance of the regulator assists in ensuring this.

Q: Have any possible “restricted acts” been identified that would be requested for professional planners?

A: Please refer to the Green Paper for the very tentative start of such a list. We welcome your comments on these ideas.

Q: The public may believe that self-regulation would improve outcomes by holding all professional planners to a higher standard; but even long-self-regulated professions find it difficult to control the behavior of members, and isn't much “bad planning” and “bad behavior” just slightly below the radar of discipline etc.?

A: We too believe that a full public act, mandatory self-regulation would serve the public interest by bringing all professional planners in Ontario up to the high standards of our current members. It is true that “high standards” do not guarantee “no infractions.” As you say, even professions (such as medicine) that have been self-regulated for centuries have members who are found guilty of incompetence, professional misconduct, etc. That does not necessarily suggest that self-regulation has “failed” – society passes a law against murder, and the fact that murders occur does not suggest that the law has “failed” in some way. It succeeds in the way it is enforced, and infractions are punished, which we hope reduces the incidence of murder. It is true that the public may have unrealistic expectations with respect to the behavior of self-regulated professionals, and that is a fact that will have to be kept in mind.