



Professional Governance Act

PROFESSIONAL GOVERNANCE
GENERAL REGULATION

B.C. Reg. 107/2019

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Professional Governance Act

PROFESSIONAL GOVERNANCE GENERAL REGULATION

B.C. Reg. 107/2019

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Professional Governance Act

PROFESSIONAL GOVERNANCE GENERAL REGULATION

B.C. Reg. 107/2019

PART 1 – DEFINITIONS

Definition

1 In this regulation, “**Act**” means the *Professional Governance Act*.

Definition of “government registrant”

1.1 For the purposes of the definition of “government registrant” in section 1 (1) of the Act, the following are prescribed:

- (a) the ministry of the minister responsible for any of the following:
 - (i) Part 8 [*Roads and Rights of Way*] of the *Forest Act*;
 - (ii) Division 2 [*Roads*] of Part 3 of the *Forest and Range Practices Act*;
 - (iii) Part 4 [*Highways*] or 5 [*Use of Highways*] of the *Transportation Act*;
- (a.1) the British Columbia Hydro and Power Authority;
- (b) the British Columbia Safety Authority;
- (c) the Oil and Gas Commission;
- (d) the Workers’ Compensation Board.

[en. B.C. Reg. 11/2021, App. 2, s. 2; am. B.C. Reg. 160/2021, s. (a).]

Definition of “relevant enactment”

1.2 For the purposes of the definition of “relevant enactment” in section 1 (1) of the Act, the enactments listed in Schedule 1 are prescribed.

[en. B.C. Reg. 11/2021, App. 2, s. 2.]

PART 2 – REGULATORY BODIES

Division 1 – Organization

Nomination committee

1.3 Despite section 23 (4) [*council of regulatory body – councillor may not be member of committee or panel*] of the Act, one of the following councillors of a regulatory body may be a member of the nomination committee of the regulatory body:

- (a) the immediate past president;
- (b) a lay councillor, if the immediate past president is unavailable.

[en. B.C. Reg. 11/2021, App. 2, s. 3.]

Division 2 – Information

Definitions

1.4 In this Division:

“**continued**” means continued under Division 1 [*Regulatory Bodies Continued*] of Part 7 of the Act;

“**historical member**”, in relation to a continued regulatory body, means a person who, before February 5, 2021, ceased to be a registered member of the professional association continued as the regulatory body;

“**recent historical member**”, in relation to a continued regulatory body, means a historical member of the regulatory body who ceased on or after February 5, 2014 to be a registered member of the professional association continued as the regulatory body.

[en. B.C. Reg. 11/2021, App. 2, s. 3.]

Former registrants

- 1.5** The registrar for a regulatory body must include a former registrant of the regulatory body in the list of registrants made available under section 31 (3) of the Act for at least 10 calendar years after the calendar year in which the former registrant ceases to be a member of the regulatory body.

[en. B.C. Reg. 11/2021, App. 2, s. 3.]

Historical members

- 1.6** (1) This section applies in relation to a continued regulatory body.
- (2) Subject to this section, the following information about every person who is a historical member of a regulatory body is prescribed for the purposes of section 82 (1) (c) [*information to be publicly available*] of the Act:
- (a) the person’s name and that the person is a historical member;
 - (b) the category, subcategory or class of members in which the person was registered;
 - (c) a notation of each cancellation or suspension of the person’s registration.
- (3) Subject to subsections (4) and (5), the council of a regulatory body may limit the information referred to in subsection (2) to be made publicly available under section 82 (2) of the Act by reference to one or both of the following:
- (a) the date the historical member ceased to be a registered member of the continued professional association;
 - (b) the period of time since the historical member ceased to be a registered member of the continued professional association.
- (4) The council of a regulatory body must make the information referred to in subsection (2) publicly available under section 82 (2) of the Act for at least every recent historical member.
- (5) The council of a regulatory body must make the information referred to in subsection (2) about a recent historical member publicly available under section 82 (2) of the Act for at least 10 calendar years after the calendar year in

PROFESSIONAL GOVERNANCE GENERAL REGULATIONPart 2 – Regulatory Bodies

which the recent historical member ceased to be a registered member of the continued professional association.

[en. B.C. Reg. 11/2021, App. 2, s. 3; am. B.C. Reg. 191/2022, App. 1, s. 1.]

Protection of personal privacy – information in register

1.7 (1) Despite section 31 (3) (f) (i) (B) [*register to include information specified by discipline committee*] of the Act, the registrar must not include information referred to in that section in a register if the registrar considers that the public interest in the information being included in the register is outweighed by the privacy interests of

- (a) a complainant or other person, other than a registrant, or
- (b) a registrant who may have a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.

(2) If the registrar determines under subsection (1) that information is not to be included in a register, the registrar must note in the register that information has been withheld.

[en. B.C. Reg. 11/2021, App. 2, s. 3; am. B.C. Reg. 191/2022, App. 1, s. 2.]

Protection of personal privacy – information on website

1.8 (1) Despite section 82 (2) [*information to be publicly available*] of the Act, the council of a regulatory body must not make information publicly available under that section if the council considers that the public interest in the information being made publicly available is outweighed by the privacy interests of

- (a) a complainant or other person, other than a registrant, or
- (b) a registrant or historical member who may be suffering from a physical or mental ailment, an emotional disturbance or an addiction to alcohol or drugs.

(2) If a council determines under subsection (1) that information is not to be made publicly available, the council must note on the website referred to in section 82 (2) of the Act that information has been withheld.

[en. B.C. Reg. 11/2021, App. 2, s. 3.]

Division 3 – General**Filing bylaws**

1.9 (1) A bylaw described in section 50 (1) [*fees and special assessments*] of the Act is not required to be delivered or filed under section 37 (1) [*filing of bylaws*] of the Act.

(2) For the purposes of section 37 (2) [*filing of bylaws – number of days after which bylaw comes into force*] of the Act, 45 days is prescribed.

[en. B.C. Reg. 11/2021, App. 2, s. 3.]

PART 3 – ELECTIONS**Division 1 – Merit-Based Selection of Nominees****Application**

- 2 This Division applies to the selection of nominees for the purposes of
- (a) section 25 (1) [*selection principles and criteria*] of the Act, and
 - (b) section 124 [*interim elections to council*] of the Act.

Definitions for this Division

- 3 (1) In this Division, “**nomination committee**” means, as applicable,
- (a) a committee established by the council of a regulatory body under section 26 (1) [*election of registrant councillors*] of the Act, or
 - (b) a committee that has the purpose of nominating or selecting members for election for an affected council under section 124 of the Act.
- (2) In this Division, the definitions in section 123 [*definitions*] of the Act apply.

Interpretation – interim elections to council

- 4 For the purposes of section 2 (b) of this regulation and section 124 of the Act, in sections 5 and 6 of this regulation,
- (a) a reference to a council is to be read as including a council under an affected Act,
 - (b) a reference to a registrant is to be read as including a member of an affected body,
 - (c) a reference to a registrant councillor is to be read as including a councillor or council member, as applicable, under an affected Act, and
 - (d) a reference to a regulatory body is to be read as including an affected body.

Selection principles

- 5 The following selection principles are prescribed for the purposes of section 25 (1) of the Act:
- (a) merit, which principle is upheld by a nomination committee having regard to the skills and experience of a nominee that are determined to best meet the needs of the regulatory body;
 - (b) integrity, which principle is upheld by the nomination committee having regard to information about the nominee, including information entered on the register relating to the nominee or other information about the nominee’s professional conduct and competence, that may support, affect or compromise the nominee’s capacity
 - (i) to perform and uphold the duties and functions of a registrant councillor with objectivity and honesty, and

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- (ii) to act ethically without seeking improper personal or corporate gain that would not normally be accepted as compensation by the nominee as a professional.

Process for selection of nominees

- 6** (1) The process set out in this section for the selection of nominees to be registrant councillors is prescribed for the purposes of section 25 (1) of the Act.
- (2) A nomination committee must
 - (a) prepare a list of qualified nominees to stand for election to fill current or expected vacancies on the council, and
 - (b) make a reasonable attempt to include in the list at least one more nominee than the number required to fill the current or expected vacancies on the council.
- (3) In selecting nominees, the nomination committee must ensure that the procedural steps set out in subsection (4) are carried out in accordance with the following procedural principles:
 - (a) fairness, with selection procedures that
 - (i) are objective, impartial and applied consistently, and
 - (ii) promote equality and are free from discrimination, harassment and victimization;
 - (b) transparency, with advertisements for appointments or elections that
 - (i) are designed to attract a qualified and diverse field of suitable nominees,
 - (ii) include information about positions and the appointment or election processes, and
 - (iii) are published on a publicly accessible website maintained by or on behalf of the regulatory body;
 - (c) accountability, with selection procedures that are
 - (i) lawful and consistent with applicable law, and
 - (ii) designed to promote public confidence in the governance of the regulatory body;
 - (d) independence, in accordance with which the nomination committee and each of the members of the nomination committee are to
 - (i) be free from influence, including any expression of preferences by
 - (A) the council, other than the specification of criteria described in subsection (4) (a),
 - (B) registrants of the regulatory body,
 - (C) the government, or
 - (D) other parties, and

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- (ii) report to the superintendent any attempt to influence the nomination committee or its members.
- (4) The nominating committee must ensure that the following procedural steps are taken in the selection process:
 - (a) considering factors or criteria that are specified by the council to be necessary or desirable, including any capabilities, qualifications or skills
 - (i) relating to fulfilling the duties and functions of a registrant councillor, or
 - (ii) that may not be adequately represented among the registrant councillors on the council;
 - (b) advertising the following to the registrants of the regulatory body:
 - (i) the current or expected council vacancies;
 - (ii) the capabilities, qualifications or skills that are necessary or desirable for the nominees for the current or expected council vacancies;
 - (iii) any other factors or criteria that are specified by the council or that the nomination committee considers necessary to support the selection of nominees;
 - (c) communicating the following information in the advertisements of current or expected vacancies on the council:
 - (i) that registrants who wish to be considered as nominees are to apply to be considered as nominees by submitting their name and a letter or resume demonstrating how the registrant has the capabilities, qualifications or skills that are specified in the advertisement as necessary or desirable;
 - (ii) that registrants who wish to be considered as nominees are to include any supporting information that the nomination committee has indicated is necessary to support the selection of nominees, which may include information in relation to the following:
 - (A) the registrant's professional practice;
 - (B) any conflicts of interest of the registrant;
 - (iii) the time period within which the application must be submitted;
 - (d) nominating the registrants as nominees in accordance with the selection principles set out in section 5 of this regulation;
 - (e) producing a report for the council, signed by the chair of the nomination committee, that specifies the following:
 - (i) how the outcome of the selection of nominees meets the requirements of the Act, any other applicable Act, this regulation or other applicable regulations, and any applicable bylaws of the regulatory body;

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Part 4 – Other Matters

- (ii) how the nominees meet the criteria set out in the advertisement for the current or expected vacancies;
- (f) publishing on a publicly accessible website maintained by or on behalf of the regulatory body the name of any nominee who is selected to stand for election as a registrant councillor and any information that the nomination committee determines is relevant to make public about the registrant.

[am. B.C. Reg. 239/2021, App. 1.]

Division 2 – General

Oath of office

6.1 For the purposes of section 28 (1) [*oath of office*] of the Act, an oath of office must be

- (a) taken and signed in the form set out in Schedule 2, and
- (b) witnessed by at least one individual, who must also sign the form.

[en. B.C. Reg. 11/2021, App. 2, s. 4.]

PART 4 – OTHER MATTERS

7 Repealed. [B.C. Reg. 11/2021, App. 2, s. 5.]

Public interest disclosure

8 (1) The following information or documents, or classes of information or documents, as applicable, are prescribed for the purposes of section 18 (1) [*public interest disclosure*] of the Act:

- (a) any documents that are generally relevant to a profession, including in relation to conflicts of interest in the practice of a profession or other governance issues;
- (b) any written decisions by statutory decision makers that are collected as part of an investigation under section 10 (1) (b) [*investigations and audits by superintendent*] of the Act;
- (c) in relation to the practice of a profession, any data or reports that are submitted to the superintendent for the purposes of section 10 (1) (b) of the Act by
 - (i) a professional association, including a body or agency from another jurisdiction, or
 - (ii) another body or agency, including a body or agency from another jurisdiction, with responsibility for professional governance or oversight;
- (d) any other submissions that are provided to the superintendent during the course of an investigation for the purposes of section 10 (1) (b) of the Act;
- (e) information relating to the results of an investigation or an audit under section 10 of the Act;

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- (f) information relating to any administrative penalties imposed under section 99 of the Act;
 - (g) information relating to any enforcement actions, other than the imposition of an administrative penalty, taken under Part 8 of the Act as a result of an inspection under section 9.1 [*inspections by superintendent*] of the Act.
- (2) Information or documents, or classes of information or documents, that are published under section 18 (1) of the Act are, subject to subsection (3) of that section, to be published by the superintendent on a publicly accessible website maintained
- (a) by or on behalf of the superintendent, or
 - (b) by the ministry of the minister.
- [am. B.C. Reg. 191/2022, App. 1, s. 3.]
- 9** Repealed. [B.C. Reg. 191/2022, App. 1, s. 4.]

SCHEDULE 1

[am. B.C. Reg. 11/2021, App. 2, s. 1 (d).]

RELEVANT ENACTMENTS

Agricultural Land Commission Act

Assessment Act

Building Act

Business Practices and Consumer Protection Act

Cannabis Distribution Act

Clean Energy Act

Coal Act

College and Institute Act

Community Charter

Creston Valley Wildlife Act

Degree Authorization Act

Drainage, Ditch and Dike Act

Drinking Water Protection Act

Energy Efficiency Act

Environmental Assessment Act

Environmental Management Act

Fishing Collective Bargaining Act

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FNCIDA Implementation Act

Forest Act

Forest and Range Practices Act

Forest Practices Code of British Columbia Act

Geothermal Resources Act

Great Bear Rainforest (Forest Management) Act

Greenhouse Gas Industrial Reporting and Control Act

Homeowner Protection Act

Hydro and Power Authority Act

Industrial Roads Act

Industry Training Authority Act

Integrated Pest Management Act

Labour Mobility Act

Land Act

Land Title Act

Mineral Tenure Act

Mines Act

Muskwa-Kechika Management Area Act

Oil and Gas Activities Act

Park Act

Petroleum and Natural Gas Act

Plant Protection Act

Private Managed Forest Land Act

Private Training Act

Public Health Act

Railway Act

Railway Safety Act

Range Act

Resort Timber Administration Act

Riparian Areas Protection Act

Strata Property Act

Trade, Investment and Labour Mobility Agreement Implementation Act

University Act

Water Sustainability Act

Workers Compensation Act

SCHEDULE 2

[en. B.C. Reg. 11/2021, App. 2, s. 6.]

Oath of Office

I do solemnly affirm that, in the exercise of my powers and the performance of my duties as a member of the council of or a committee for the *[name of regulatory body]*:

- I will abide by the *Professional Governance Act* and its regulations, and the bylaws, standards and policies of the *[name of regulatory body]*, and act in accordance with the law and the public trust placed in me;
- I will act impartially and with integrity, putting the interests of the public above my own personal interests and the interests of any organization with which I am affiliated;
- I will avoid situations and circumstances in which there is a real or perceived conflict of interest by ensuring that such conflicts of interest are properly disclosed and that necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
- I will conduct myself honestly and ethically, in a manner that maintains and enhances the public’s trust and confidence in the governance of the *[name of profession]* profession(s) and does not bring it (them) into disrepute;
- I will safeguard confidential information, not divulging it unless I am authorized or required to do so by law;
- I will base my decisions on the objective evidence that is available to me;
- I will ensure that other memberships, directorships, voluntary or paid positions or affiliations remain distinct from work undertaken in the course of exercising my powers or performing my duties as a council or committee member.

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Witness

.....
Council / Committee Member

.....
Date