



## Motions Received at Special Meeting

At the November 24, 2008 Special Meeting, AIBC Council received two motions from the floor. Those motions were considered by council at its January 2009 meeting. Council's response to these motions is as follows.

### Motion one:

*Whereas* the institute proposes to ask government to revise and rewrite the *Architects Act* to include classes of membership to include members of ASTTBC, BDBC [*sic*], IDIBC, Landscape Architects and other organizations;

The "whereas" statement is factually incorrect. However, with due respect, Council recognizes the intent of the motion.

The intent of the request to re-open the legislation is that, since being written in 1920, the *Architects Act* has required numerous changes to bring it into compliance with modern law and administrative reality. Even without any changes to the exception provisions, a rewrite is needed.

One part of the rewrite deals with removing most of the current 'exception' provisions of Section 60 of the current version. This section currently permits anyone to practise architecture for the building sizes and types listed in that section.

The AIBC believes it is in the public interest that most building types and sizes listed in Section 60 be designed by, or under the supervision of, a qualified, regulated professional who demonstrates competence and can be held accountable by a professional regulatory body. The AIBC believes the general public and provincial government support this intent.

We believe that the regulatory body should be the AIBC. We therefore have recommended that the exceptions in the current legislation be substantially removed so that those people who currently practise in this unregulated area will only be permitted to do so if they can demonstrate competency and the ability to comply with the rules and obligations imposed by registration with the AIBC.

Finally, it should be noted that the removal of these exceptions does not change the scope of practice available to architects.

*Whereas* the government will draft the final act revisions

*Whereas* in the preparation and development of these *Act* changes it is in the interest of the public and the profession that members be able to make informed decisions;

The members of the Institute present at this special meeting ask that Council of the Institute propose a plan to the membership, in keeping with the Council Mandate and Vision of the Institute, that will:

**1. Put on hold all proposed changes until there is agreement that these are workable**

AIBC Council is obliged by legislation to govern the affairs of the institute. With respect to the *Architects Act*, AIBC Council must at all times maintain a position. For example, the government expects the AIBC and APEGBC to work together this year to coordinate the proposed new *Engineers Act* with the proposed new *Architects Act*.

That being said, council is mindful of the concerns of members, and commits to continued consultation, clarification and dialogue. Council is confident that well-informed members will support the direction and vision of the new legislation and help Council shape it.

Successive AIBC Councils have engaged, since 2002, in dialogue with the government, AIBC members and associates, allied professions and stakeholders about possible changes to the *Architects Act*. Most of the changes sought are not controversial. The areas of primary concern are:

- a) who should be included in regulation and how they should be regulated;
- b) whether and how practitioners should be insured; and
- c) whether and how the AIBC recognize and regulate specialist practise.

Specialization is not addressed in the AIBC's proposal for legislative reform. The provincial government amended the *Architects Act* in 2008 to empower the profession to create specialized designations if and when the members deem them desirable and necessary. The mechanism for doing this is through bylaws that require member approval.

Much work has been done on possible changes to the *Architects Act* over the years. Much work remains to be done. AIBC Council remains committed to the task, recognizing that new legislation is needed to better protect the public interest in the practice of architecture.

Council has also committed to take whatever steps it can to more actively and more fully engage the membership in discussion over possible proposed changes to the legislation and will seek out opportunities to do so. Council will not stop work on this file.

**2. Inform the membership and government of the principles and proposals underlying proposed member classification changes to the *Architects Act* (RSBC 1996) or the replacement of this *Act* with a new *Act* (here together called "Act changes")**

In 2003, the AIBC began a review of its own legislation, in line with engineers, biologists, foresters and other self-governing professions which sought to renew their legislation at the same time. The existing Act, passed in 1920 and subject to many patchwork amendments since, had become a tangle of convoluted changes and additions that made it difficult to enforce, difficult to regulate the profession in the public interest, and unable to anticipate the contemporary built environment and economic realities of the modern world. One of the most

frequent sources of complaint had been the broad swath of the built environment that is not subject to architectural regulation; this was not seen as being in the public interest. However, in recommending the reduction of “exceptions” to only single and duplex housing, the many people who have lawfully practised in that area needed to be accommodated. In successive Councils’ opinion, the most appropriate way to do this while minimizing public confusion and extending the authority of the profession, was through the Institute itself via renewed legislation.

**3. Identify the issues, principles and proposals that would lead to *Act* changes**

The basic principles are to simplify the *Act* and remove the many complications and contradictions; to remove the inapplicable and outdated language; to move as much material as possible from the legislation to the bylaws so that members are able to control these decisions; to meet contemporary legislative expectations and standards; to embed the principles of administrative law (due process) with respect to professional conduct; to provide authority to the Institute to establish such initiatives as the AIBC-APEGBC Memoranda of Agreement and joint practice boards; and to protect the public interest.

**4. Provide members with an opportunity to understand and debate the issues, principles and proposals identified, and an opportunity to make informed decisions in regard to *Act* changes, in a series of member forums**

Council agrees, and will be hosting a series of workshops, initially in Metro Vancouver and then fanning out into other regions.

**5. Determine whether a new *Act* or *Act* changes are needed to create the proposed changes or whether other strategies would achieve the same purpose**

Back in 2002 when the AIBC first began this journey, Council reviewed the options available. It became apparent that legislation written almost 100 years ago cannot meet current expectations on any level, nor can it anticipate what will be needed in the next 100 years given the increased rate of change. The profession would be left unable to carry out its mandate to meet community expectations or to recruit future architects. Most especially, it would have forfeited its authority.

**Motion Two:**

The members of the Institute present at this special meeting ask Council to provide time (1 day or more) at the Annual Meeting, to allow Council and the members to explore the *Act* changes appropriate to the profession and the public we serve.

Council agrees and has designated Saturday, May 9, to be focused exclusively on legislation: what it is, what it is supposed to do, and how it in fact accomplishes these goals. The Special Meeting permitted Council an opportunity of gauging membership awareness.

Council is eager to involve members in the discussion and believes members are now eager to be engaged.