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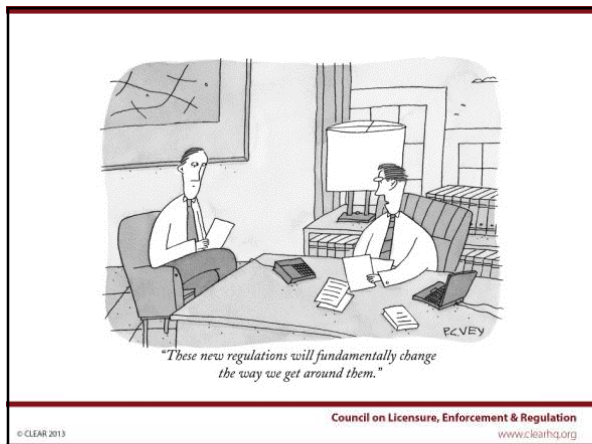
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**Who is in the Audience?**

Select the group to which you belong:

- A: Staff member of a regulatory body
- B: Board/Council member of a reg. body
- C: Government employee (non-Board)
- D: Service provider to a regulatory body
- E: Other

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**Why Do We Regulate?**

- Regulation is about risk management and risk mitigation
- Risks to individuals and risk to the “public welfare” and the “public interest”
- “Right Touch Regulation”

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**Right Touch Regulation**

“Right touch regulation is based on a proper evaluation of risk, is proportionate and outcome focused; it creates a framework in which professionalism can flourish and organizations can be excellent. Excellence is the consistent performance of good practice combined with continuous improvement.”

- Harry Cayton, PSA(UK)

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**Right Touch Regulation**

- Identify the problem first
- Assess and quantify the risks
- Focus on outcomes
- Use regulation only when necessary
- Keep it simple
- Be mindful of unintended consequences
- Review and be responsive to change

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**The Right Touch Process**

- Identify the problem
  - Does it represent a risk?
- Assess the risks
  - What are they and how significant are they?
  - Are they being managed now?

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**The Right Touch Process**

- Assess the scope of the problem
  - Local versus universal
- Is regulation an appropriate solution?
- Assess the potential for unintended consequences
  - Does the solution create its own risks?

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**Right Touch Principles**

- Proportionate
- Targeted
- Transparent
- Accountable
- Fair
- Agile

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**Laws of Right Touch Regulation**

1. Apply the minimum regulatory force necessary to achieve the desired outcome
2. Use regulation as a last resort
3. A list is not a solution

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**Pressures on the Regulator**

- Accessibility versus public protection
- Perceptions of artificial barriers
- Fairness Commissioners / Oversight Authorities
- Accommodation requirements (e.g, ADA)
- Labour mobility agreements
- Mutual recognition agreements

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**Your Perspectives**

I'm feeling the most pressure as a result of:

- A: Oversight authorities
- B: Accommodation requirements
- C: Labour mobility agreements
- D: Media scrutiny
- E: Other

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**Perspectives from Practitioners**

- Substandard performance by one practitioner reflects poorly on all practitioners
  - Standards need to be raised to weed out "bottom feeders"
  - Regulators have a role in safeguarding and maintaining the reputation of the profession

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**Perspectives from Practitioners**

- I am only interested in meeting the standards set by the regulator
  - I want to be in compliance, but nothing more
  - Regulation is an imposition and constraint on my business/practice

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**Your Perspectives**

Most regulated practitioners believe that regulatory standards of qualification and/or practice are set too low.

A: Agree  
B: Disagree

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**Your Perspectives**

Most regulated practitioners understand the need for regulation.

A: Agree  
B: Disagree

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**The Time Factor**

- A newly minted practitioner won't have the same level of knowledge, skill or judgment as someone who has been practicing for 5, 10 or 20+ years.
- What are the implications for a regulator?
  - Is there a problem to be solved?
  - Are their risks?
  - What about CE / CPD?

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**Your Perspectives**

Should an experienced practitioner be held to a higher standard than a newly-licensed practitioner?

A: Yes  
B: No

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**Standards: Qualif. vs Practice**

- Both involve issues of:
  - Knowledge <-- Education
  - Skill <-- Training
  - Judgment <-- Experience
- Both should be established in accordance with Right Touch principles
  - Proportionate to the identified risk
  - Targeted, fair, agile, etc.

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**Standards: Qualif. vs Practice**

- Standards of Qualification
  - Entry to Practice - gatekeeper function
  - Snapshot at a point in time
- Standards of Practice
  - Ongoing expectations - shepherd function
  - Enforce against sub-standard practice

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### Standards: Qualif. vs Practice

- Typically managed separately within a regulatory body
  - Qualification: Admissions/Registration
  - Practice: Inspection/Complaints/Discipline
- Are the two things independent?
  - Are they fundamentally the same?

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### Your Perspectives

Is it possible to raise (or lower) the standards of qualification without impacting the standards of practice?

- A: Yes
- B: No

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### Politics and Public Policy

- Regulators are accountable to government
- Government created the regulatory framework
- Government is ultimately accountable for the standards

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**Politics and Public Policy**

- Issues which impact government's interest in the setting of standards:
  - Labour mobility
  - High-profile incidents / accidents
  - Perspectives on accommodations / rights
  - Lobbying by associations / interest groups
- Impact may be direct (legislative change) or indirect (oversight body, study, etc.)

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**Your Perspectives**

In my view, political and public policy issues are currently driving regulatory standards \_\_\_\_\_.

A: higher  
B: lower

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**Promoting Excellence**

- Regulators have an obligation to foster excellence among practitioners
  - Encourage high performance - above the minimum standard
- Regulators have an obligation to enforce against sub-standard performance
  - Vigorous enforcement is necessary as a deterrent

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**Promoting Excellence**

- These two obligations are not mutually exclusive or otherwise incompatible
- It is not inappropriate for a regulator to espouse a sense of professionalism and high performance among its practitioners
- Standards must be enforced and must be seen to be enforced

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**Promoting Excellence**

- Managing expectations / managing risks
  - Public - how will they perceive the promotion of high ideals by the regulator?
  - Practitioner - how will they perceive enforcement action against sub-standard practice?
- Communication is key!

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**Your Perspectives**

Is it \_\_\_\_\_ for a regulator to successfully enforce standards of practice while fostering excellence among practitioners.

A: very easy  
B: easy  
C: challenging  
D: difficult  
E: impossible

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### Conclusion

- Working to the lowest common denominator is both undesirable and unnecessary
- Regulators can manage and mitigate risks while championing excellence within a profession or occupation

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### Speaker Contact Information

Bruce G. Matthews  
Deputy Registrar, Regulatory Compliance  
Real Estate Council of Ontario  
T: 416-207-5149  
E: bruce.matthews@reco.on.ca

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