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Professional Geoscientists Act, 2000

[S.O. 2000, CHAPTER 13](https://www.ontario.ca/laws/statute/s00013)

**Consolidation Period:** From October 19, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2017, c. 20, Sched. 8, s. 122](http://www.ontario.ca/laws/statute/S17020" \l "sched8s122s1).

Legislative History: [2009, c. 33, Sched. 23, s. 7](http://www.ontario.ca/laws/statute/S09033" \l "sched23s7); [2017, c. 20, Sched. 8, s. 122](http://www.ontario.ca/laws/statute/S17020" \l "sched8s122s1).

CONTENTS

|  |  |
| --- | --- |
| [Interpretation](#BK0) | |
| [1.](#BK1) | Definitions |
| [2.](#BK2) | Practice of professional geoscience |
| [Prohibitions](#BK3) | |
| [3.](#BK4) | Practice |
| [4.](#BK5) | Engaging in business |
| [5.](#BK6) | Use of designations |
| [6.](#BK7) | Use of stamp or seal |
| [7.](#BK8) | Offences |
| [Registration and Membership](#BK9) | |
| [8.](#BK10) | Membership |
| [9.](#BK11) | Application for membership |
| [10.](#BK12) | Registration as a member |
| [11.](#BK13) | Variation of terms, conditions or limitations |
| [12.](#BK14) | Suspension of registration |
| [13.](#BK15) | Revocation of registration |
| [14.](#BK16) | Appeal of decisions |
| [Certificates of Authorization](#BK17) | |
| [15.](#BK18) | Application for certificate of authorization |
| [16.](#BK19) | Issuance of certificate |
| [17.](#BK20) | Variation of certificate |
| [18.](#BK21) | Suspension of certificate |
| [19.](#BK22) | Revocation of certificate |
| [20.](#BK23) | Appeal of decisions |
| [Investigations and Disciplinary Proceedings](#BK24) | |
| [21.](#BK25) | Complaints committee |
| [22.](#BK26) | Investigator |
| [23.](#BK27) | Prohibition, obstruction, etc. |
| [24.](#BK28) | Professional misconduct |
| [25.](#BK29) | Incompetence |
| [26.](#BK30) | Disciplinary proceedings |
| [Association of Professional Geoscientists of Ontario](#BK31) | |
| [27.](#BK32) | Association established |
| [28.](#BK33) | Objects |
| [29.](#BK34) | Powers |
| [30.](#BK35) | Council |
| [31.](#BK36) | Committees |
| [32.](#BK37) | Registrar |
| [33.](#BK38) | By-laws and fees |
| [34.](#BK39) | Annual report |
| [35.](#BK40) | Powers of the Minister |
| [36.](#BK41) | Confidentiality of information |
| [37.](#BK42) | Testimony in civil proceedings |
| [38.](#BK43) | Immunity |
| [General](#BK44) | |
| [39.](#BK45) | Offence, false representation |
| [40.](#BK46) | Public register |
| [41.](#BK47) | Continuing disciplinary powers |
| [42.](#BK48) | Evidence |
| [43.](#BK49) | Regulations |

Interpretation

Definitions

**1** In this Act,

“Association” means the Association of Professional Geoscientists of Ontario established by section 27; (“Ordre”)

“certificate of authorization” means a certificate of authorization issued by the Association; (“certificat d’autorisation”)

“certificate holder” means a corporation, partnership or other entity to whom a certificate of authorization is issued; (“titulaire de certificat”)

“complaints committee” means the complaints committee established by the Association; (“comité des plaintes”)

“council” means the council of the Association; (“conseil”)

“discipline committee” means the discipline committee established by the Association; (“comité de discipline”)

“member” means a member of the Association; (“membre”)

“Minister” means the Minister of Northern Development, Mines and Forestry or such other minister as may be designated under the Executive Council Act to administer this Act; (“ministre”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“Registrar” means the Registrar appointed under subsection 32 (1); (“registrateur”)

“registration committee” means the registration committee established by the Association. (“comité d’inscription”) 2000, c. 13, s. 1; 2009, c. 33, Sched. 23, s. 7.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 23, s. 7](http://www.ontario.ca/laws/statute/S09033" \l "sched23s7) - 15/12/2009

Practice of professional geoscience

**2** (1)  An individual practises professional geoscience when he or she performs an activity that requires the knowledge, understanding and application of the principles of geoscience and that concerns the safeguarding of the welfare of the public or the safeguarding of life, health or property including the natural environment. 2000, c. 13, s. 2 (1).

No effect on professional engineers

(2)  Nothing in this section affects or purports to affect the rights and obligations of professional engineers under the *Professional Engineers Act*. 2000, c. 13, s. 2 (2).

Prohibitions

Practice

**3** (1)  An individual shall not practise professional geoscience unless he or she is a member of the Association and practises in accordance with the terms, conditions and limitations imposed on his or her membership. 2000, c. 13, s. 3 (1).

Same

(2)  An individual shall not imply or represent that he or she is qualified to practise professional geoscience unless he or she is a member of the Association. 2000, c. 13, s. 3 (2).

Exceptions

(3)  Subsections (1) and (2) do not apply to the following individuals:

1. An individual who is in training to be a geoscientist or professional geoscientist and who is,

i. employed or engaged by a member or by a certificate holder, and

ii. supervised by a member when the individual is practising professional geoscience.

2. An individual who is licensed as a professional engineer under the *Professional Engineers Act* and who is competent by virtue of training and experience, in accordance with the regulations made under that Act, to engage in practices that would also constitute the practice of professional geoscience.

3. An individual who is an Ontario land surveyor within the meaning of the *Surveyors Act* whose practice is confined to managing geographic information.

4. An individual who is a land information professional whose practice is confined to managing geographic information.

5. An individual who is engaged in activities that are confined to prospecting within the meaning of the *Mining Act*.

6. Such other classes of individuals as may be prescribed. 2000, c. 13, s. 3 (3).

Engaging in business

**4** (1)  A corporation, partnership or other entity shall not engage in the business of offering or providing services to the public that constitute the practice of professional geoscience unless,

(a) the corporation, partnership or other entity has a certificate of authorization to do so; and

(b) the corporation, partnership or other entity does so in accordance with the certificate of authorization. 2000, c. 13, s. 4 (1).

Exception

(2)  Subsection (1) does not apply to a partnership or other entity offering the services in the name of one or more members of the Association who are also members of the partnership or entity. 2000, c. 13, s. 4 (2).

Same

(3)  Subsection (1) does not apply to a corporation, partnership or other entity that does not employ or use the services of a member or certificate holder and that holds a certificate of authorization under the *Professional Engineers Act* that qualifies it to provide services that would also constitute the practice of professional geoscience. 2000, c. 13, s. 4 (3).

Use of designations

**5** (1)  An individual shall not use the designation “professional geoscientist” or the abbreviation “P.Geo.”, or the corresponding French expression or abbreviation, unless he or she is a member of the Association. 2000, c. 13, s. 5 (1).

Same

(2)  An individual shall not imply or represent that he or she is a member of the Association if he or she is not a member. 2000, c. 13, s. 5 (2).

Use of stamp or seal

**6** (1)  An individual shall not affix the stamp or seal of a member or a certificate holder to a document or record (or a copy of one) unless,

(a) the document or record was prepared by or under the supervision of the member or by or under the supervision of a member retained or employed by the certificate holder, as the case may be; and

(b) the stamp or seal is affixed with the knowledge and consent of the member. 2000, c. 13, s. 6 (1).

Same

(2)  Despite subsection (1), with the consent of the member or certificate holder, an individual may affix the member’s or certificate holder’s stamp or seal to a document or record (or a copy of one) prepared by or under the supervision of an individual who is not described in clause (1) (a). 2000, c. 13, s. 6 (2).

Effect of consent

(3)  If a member or certificate holder consents to have his, her or its stamp or seal affixed to a document or record in the circumstances described in subsection (2), the member or certificate holder is responsible for the contents of the document or record as if it had been prepared by the member or under the supervision of the member or certificate holder in the course of the practice of professional geoscience. 2000, c. 13, s. 6 (3).

Offences

**7** Every person who contravenes subsection 3 (1) or (2), 4 (1), 5 (1) or (2) or 6 (1) is guilty of an offence and on conviction is liable,

(a) to a fine of not more than $25,000 for a first offence;

(b) to a fine of not more than $50,000 for a subsequent offence. 2000, c. 13, s. 7.

Registration and Membership

Membership

**8** (1)  An individual who is registered by the Association is a member during the currency of his or her registration. 2000, c. 13, s. 8 (1).

Same

(2)  An individual whose registration is suspended is not a member during the period of the suspension. 2000, c. 13, s. 8 (2).

Application for membership

**9** (1)  An individual who wishes to become a member of the Association shall apply in accordance with the prescribed procedures. 2000, c. 13, s. 9 (1).

Eligibility

(2)  An individual is eligible to be a member if he or she meets the prescribed requirements. 2000, c. 13, s. 9 (2).

Registration as a member

**10** (1)  The Registrar shall register an individual as a member if the individual has made an application in accordance with the prescribed procedures and if he or she is eligible for membership. 2000, c. 13, s. 10 (1).

Referral of application

(2)  The Registrar shall refer an individual’s application to the registration committee,

(a) if the Registrar considers on reasonable grounds that the individual may not be eligible to be a member; or

(b) despite subsection (1), if the Registrar considers on reasonable grounds that terms, conditions or limitations should be imposed on the individual’s membership. 2000, c. 13, s. 10 (2).

Effect of referral

(3)  The registration committee shall determine whether the individual is eligible to be a member and has made an application in accordance with the prescribed procedures and may impose such terms, conditions or limitations on the membership as the committee considers appropriate. 2000, c. 13, s. 10 (3).

Variation of terms, conditions or limitations

**11** (1)  The registration committee may vary or remove any of the terms, conditions or limitations on an individual’s membership in such circumstances as may be prescribed. 2000, c. 13, s. 11 (1).

Application for variation

(2)  A member who wishes to have any of the terms, conditions or limitations on his or her membership varied or removed shall apply in accordance with the prescribed procedures. 2000, c. 13, s. 11 (2).

Suspension of registration

**12** (1)  The Registrar may suspend the registration of a member on any of the grounds set out in the regulations. 2000, c. 13, s. 12 (1).

Application for reinstatement

(2)  An individual whose registration is suspended may apply to have it reinstated and shall do so in accordance with the prescribed procedures. 2000, c. 13, s. 12 (2).

Same

(3)  The registration committee shall decide the application in accordance with the prescribed criteria. 2000, c. 13, s. 12 (3).

Revocation of registration

**13** The council may revoke the registration of a member,

(a) if he or she is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to his or her professional integrity and renders the individual unsuitable to be a member;

(b) if he or she fails to comply with this Act or a regulation made under it;

(c) if he or she has demonstrated professional misconduct, negligence or incompetence; or

(d) in such other circumstances as may be prescribed. 2000, c. 13, s. 13.

Appeal of decisions

**14** (1)  The applicant or member, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or member to the council. 2000, c. 13, s. 14 (1).

Same, Divisional Court

(2)  The applicant or member, as the case may be, and the Association may appeal a decision of the council under subsection (1) to the Divisional Court. 2000, c. 13, s. 14 (2).

Appeal of revocation

(3)  A member whose registration has been revoked under section 13 may appeal the decision to the Divisional Court. 2000, c. 13, s. 14 (3).

Certificates of Authorization

Application for certificate of authorization

**15** (1)  A corporation, partnership or other entity that wishes to obtain a certificate of authorization to offer or provide services to the public that constitute the practice of professional geoscience shall apply in accordance with the prescribed procedures. 2000, c. 13, s. 15 (1).

Eligibility

(2)  A corporation, partnership or other entity is eligible for a certificate of authorization if,

(a) it employs an individual who is a member of the Association and who directly supervises the practice of professional geoscience undertaken by the corporation, partnership or entity; and

(b) it meets such other requirements as may be set out in the regulations. 2000, c. 13, s. 15 (2).

Issuance of certificate

**16** (1)  The Registrar shall issue a certificate of authorization to a corporation, partnership or other entity if the corporation, partnership or entity has made an application in accordance with the prescribed procedures and if it is eligible for one. 2000, c. 13, s. 16 (1).

Referral to committee

(2)  The Registrar shall refer an application for a certificate of authorization to the registration committee,

(a) if the Registrar considers on reasonable grounds that the corporation, partnership or entity may not be eligible for a certificate of authorization; or

(b) despite subsection (1), if the Registrar considers on reasonable grounds that terms, conditions or limitations should be imposed on the certificate. 2000, c. 13, s. 16 (2).

Effect of referral

(3)  The registration committee shall determine whether the corporation, partnership or entity is eligible for a certificate of authorization and has made an application in accordance with the prescribed procedures and may impose such terms, conditions or limitations on the certificate as the committee considers appropriate. 2000, c. 13, s. 16 (3).

Variation of certificate

**17** (1)  The registration committee may vary or remove any of the terms, conditions or limitations on a certificate of authorization in such circumstances as may be prescribed. 2000, c. 13, s. 17 (1).

Application for variation

(2)  A certificate holder who wishes to have any of the terms, conditions or limitations on its certificate varied or removed shall apply in accordance with the prescribed procedures. 2000, c. 13, s. 17 (2).

Suspension of certificate

**18** (1)  The Registrar may suspend a certificate of authorization on any of the grounds set out in the regulations. 2000, c. 13, s. 18 (1).

Application for reinstatement

(2)  A corporation, partnership or other entity whose certificate of authorization is suspended may apply to have it reinstated and shall do so in accordance with the prescribed procedures. 2000, c. 13, s. 18 (2).

Same

(3)  The registration committee shall decide the application in accordance with the prescribed criteria. 2000, c. 13, s. 18 (3).

Revocation of certificate

**19** The council may revoke a certificate of authorization of a corporation, partnership or other entity,

(a) if it is convicted of an offence that, if committed in Ontario, would be an offence under the laws of Canada or of Ontario and that relates to its professional integrity and renders the certificate holder unsuitable to hold a certificate;

(b) if it fails to comply with this Act or a regulation made under it;

(c) if it has demonstrated professional misconduct, negligence or incompetence; or

(d) in such other circumstances as may be prescribed. 2000, c. 13, s. 19.

Appeal of decisions

**20** (1)  The applicant or certificate holder, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or certificate holder to the council. 2000, c. 13, s. 20 (1).

Same, Divisional Court

(2)  The applicant or certificate holder, as the case may be, and the Association may appeal a decision of the council under subsection (1) to the Divisional Court. 2000, c. 13, s. 20 (2).

Appeal of revocation

(3)  A corporation, partnership or other entity whose certificate of authorization has been revoked under section 19 may appeal the decision to the Divisional Court. 2000, c. 13, s. 20 (3).

Investigations and Disciplinary Proceedings

Complaints committee

**21** The complaints committee may consider and investigate the conduct of a member or certificate holder with respect to the practice of professional geoscience and it may,

(a) direct that a matter be referred, in whole or in part, to the discipline committee;

(b) direct that a matter not be referred to the discipline committee; or

(c) take such other action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. 2000, c. 13, s. 21.

Investigator

**22** (1)  The complaints committee may appoint an employee of the Association or another person to investigate the practice of professional geoscience by the member or certificate holder. 2000, c. 13, s. 22 (1).

Powers of investigator

(2)  An investigator has the following powers and duties for the purpose of an investigation under this Act:

1. Upon request, the investigator shall produce evidence of his or her appointment.

2. The investigator may examine a document, record or other thing that he or she believes to be relevant to the investigation.

3. The investigator may demand that a document, record or other thing be produced for inspection if he or she believes it to be relevant to the investigation.

4. The investigator may remove a document, record or other thing for review and copying if he or she believes it to be relevant to the investigation. The investigator shall return it within a reasonable time.

5. In order to produce a record in readable form, the investigator may use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place in which he or she is conducting the investigation.

6. The investigator may question any person about matters that the investigator believes to be relevant to the investigation. 2000, c. 13, s. 22 (2).

Public interest

(3)  An investigator shall not conduct an investigation under this section unless he or she believes that it is in the public interest to do so and does so in good faith. 2000, c. 13, s. 22 (3).

Powers of entry

(4)  An investigator may enter lands or business premises, other than a private dwelling, without the consent of the owner or occupier and without a warrant if the entry is for the purpose of an investigation under this section, or with a warrant issued under subsection (6). 2000, c. 13, s. 22 (4).

Entry to dwelling

(5)  An investigator shall not enter a private dwelling unless the investigator has obtained,

(a) the consent of the owner of the dwelling and, if the occupier of the dwelling is not the owner, the consent of the occupier;

(b) the authority of a warrant issued under subsection (6). 2000, c. 13, s. 22 (5).

Warrant

(6)  A justice of the peace may issue a warrant authorizing the person named in the warrant to do anything permitted under subsection (2). 2000, c. 13, s. 22 (6).

Requirements for warrant to issue

(7)  A warrant may be issued under subsection (6) if the justice of the peace is satisfied on information under oath that,

(a) an investigator has been prevented from doing anything permitted under subsection (2) or there are reasonable grounds to believe that the investigator may be prevented from doing any of those things; or

(b) it is necessary that a private dwelling be entered for the purposes of conducting the investigation or there is in the private dwelling a document or thing that there are reasonable grounds to believe is relevant to the investigation. 2000, c. 13, s. 22 (7).

Same

(8)  Subject to subsection (9), the power to enter lands or business premises may be exercised at any reasonable time. 2000, c. 13, s. 22 (8).

Notice

(9)  In the absence of a warrant under subsection (6), the power to enter lands or business premises shall not be exercised unless reasonable notice of the entry has been given to the owner of the property and, if the occupier of the property is not the owner, to the occupier. 2000, c. 13, s. 22 (9).

Prohibition, obstruction, etc.

**23** (1)  A person shall not engage in any of the following activities:

1. Obstruct an investigator who is investigating the practice of professional geoscience by a person.

2. Withhold or conceal from an investigator anything that the investigator reasonably considers to be relevant to his or her investigation.

3. Destroy anything that the investigator reasonably considers to be relevant to his or her investigation. 2000, c. 13, s. 23 (1).

Offence

(2)  A person who contravenes subsection (1) is guilty of an offence and on conviction is liable,

(a) to a fine of not more than $10,000 for a first offence;

(b) to a fine of not more than $20,000 for a subsequent offence. 2000, c. 13, s. 23 (2).

Professional misconduct

**24** (1)  A member or certificate holder commits professional misconduct if he, she or it is found guilty of an offence that relates to his, her or its professional integrity. 2000, c. 13, s. 24 (1).

Same

(2)  A member or certificate holder commits professional misconduct in such other circumstances as may be prescribed. 2000, c. 13, s. 24 (2).

Incompetence

**25** (1)  A member is not competent to practise professional geoscience if his or her work displays such a lack of knowledge, skill or judgment in the practice of professional geoscience that he or she is unfit to continue to practise or that his or her practice should be restricted. 2000, c. 13, s. 25 (1).

Same

(2)  A member is not competent to practise professional geoscience if, in his or her practice of professional geoscience, the member displays such disregard for the welfare of the public that he or she is unfit to continue to practise or that his or her practice should be restricted. 2000, c. 13, s. 25 (2).

Same, certificate holder

(3)  A certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience if its work displays such a lack of knowledge, skill or judgment in the practice of professional geoscience that the certificate holder is unfit to continue to practise or that its practice should be restricted. 2000, c. 13, s. 25 (3).

Same

(4)  A certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience if, in its practice of professional geoscience, it displays such disregard for the welfare of the public that the certificate holder is unfit to continue to practise or that its practice should be restricted. 2000, c. 13, s. 25 (4).

Disciplinary proceedings

**26** (1)  A disciplinary proceeding may be initiated against a member or certificate holder by the prescribed persons or entities and in accordance with the prescribed procedures. 2000, c. 13, s. 26 (1).

Same

(2)  A disciplinary proceeding may be initiated if there are reasonable grounds to believe that,

(a) the member or certificate holder, as the case may be, has engaged in professional misconduct;

(b) the member or certificate holder, as the case may be, has been negligent in the practice of professional geoscience;

(c) the member is not competent to practise professional geoscience or to do so without restrictions; or

(d) the certificate holder is not competent to engage in the business of offering or providing services to the public that constitute the practice of professional geoscience or to do so without restrictions. 2000, c. 13, s. 26 (2).

Discipline committee

(3)  The discipline committee shall hear and determine the matter in accordance with the prescribed procedures. 2000, c. 13, s. 26 (3).

Powers of the committee

(4)  The discipline committee may do any of the following things upon making a finding of professional misconduct, negligence or incompetence:

1. Revoke the member’s registration or the certificate holder’s certificate of authorization.

2. Suspend the member’s registration or the certificate holder’s certificate of authorization for a specified period or until he, she or it takes specified steps relating to its practice of professional geoscience.

3. Vary or impose terms, conditions or restrictions on the member’s membership until the member has successfully completed specified studies or has obtained specified practical experience under the supervision of another member.

4. Vary or impose terms, conditions or restrictions on the certificate holder’s certificate of authorization until the certificate holder takes specified steps relating to its practice of professional geoscience.

5. Direct the member or certificate holder to return all or part of the money paid by a person to the member or certificate holder for his, her or its services relating to the practice of professional geoscience.

6. Reprimand the member or certificate holder.

7. Publish the name of the member or certificate holder. 2000, c. 13, s. 26 (4).

Effect of decision

(5)  A decision of the discipline committee authorized by subsection (4) takes effect immediately, unless the Divisional Court makes an order to the contrary in connection with an appeal of the decision. 2000, c. 13, s. 26 (5).

Appeal

(6)  A party to the proceeding may appeal the decision of the discipline committee to the Divisional Court. 2000, c. 13, s. 26 (6).

Association of Professional Geoscientists of Ontario

Association established

**27** (1)  A corporation without share capital is hereby established under the name Association of Professional Geoscientists of Ontario in English and Ordre des géoscientifiques professionnels de l’Ontario in French. 2000, c. 13, s. 27 (1).

Composition

(2)  The Association is composed of its members. 2000, c. 13, s. 27 (2).

Non-application of Acts

(3)  The Not-for-Profit Corporations Act, 2010 and the Corporations Information Act do not apply to the Association, except as specifically made applicable by this Act or the regulations. 2000, c. 13, s. 27 (3); 2017, c. 20, Sched. 8, s. 122 (1).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 122 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s122s1) - 19/10/2021

Objects

**28** (1)  The following are the objects of the Association:

1. To regulate the practice of professional geoscience.

2. To govern its members and certificate holders in accordance with this Act and the regulations and by-laws made under it.

3. To establish, maintain and develop standards of knowledge and skill among its members and certificate holders.

4. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional geoscience.

5. To establish, maintain and develop standards of professional ethics among its members and certificate holders.

6. To promote public awareness of the role of the Association.

7. To promote the mobility and transferability of membership in comparable associations in other jurisdictions.

8. To exercise such other powers as may be conferred, and to perform such other duties as may be imposed, under this or any other Act.

9. To undertake such other activities relating to the practice of professional geoscience as the council considers appropriate. 2000, c. 13, s. 28 (1).

Duty

(2)  In carrying out its objects, the Association shall serve and protect the public interest. 2000, c. 13, s. 28 (2).

Powers

**29** (1)  The Association has the capacity and the rights, powers and privileges of a natural person. 2000, c. 13, s. 29 (1).

Same

(2)  Without limiting the generality of subsection (1), the Association may,

(a) establish a joint practice board with any professional body it considers appropriate to assist it in developing and maintaining a professional relationship with that body;

(b) make reciprocal arrangements with other bodies governing professional geoscientists in other jurisdictions providing for,

(i) the recognition by the Association of the qualifications for practising professional geoscience in those jurisdictions as qualifications for practising in Ontario, and

(ii) the recognition by those bodies of the qualifications for practising professional geoscience in Ontario as qualifications for practising in those jurisdictions. 2000, c. 13, s. 29 (2).

Council

**30** (1)  The affairs of the Association shall be managed by its council. 2000, c. 13, s. 30 (1).

Composition of council

(2)  The council is composed of the number of individuals specified by by-law, not to exceed 20, and at least 25 per cent of the councillors shall not be members of the Association. 2000, c. 13, s. 30 (2).

Same

(3)  The president, vice-president and past-president of the Association are members of the council by virtue of their office. 2000, c. 13, s. 30 (3).

Same

(4)  Three councillors are to be appointed by the Lieutenant Governor in Council, and two of the appointees must be chosen from among the members of the Association. 2000, c. 13, s. 30 (4).

Same

(5)  The remaining councillors are to be chosen in accordance with the by-laws, and the by-laws may establish a system of regional representation. 2000, c. 13, s. 30 (5).

Eligibility

(6)  An individual’s eligibility to hold office as a councillor is determined with reference to the criteria set out in the by-laws. 2000, c. 13, s. 30 (6).

Term of office

(7)  Councillors hold office for the term specified in the by-laws. 2000, c. 13, s. 30 (7).

First council

(8)  Despite subsections (2) to (7), the Minister shall establish the first council and shall appoint such persons as councillors as the Minister considers appropriate. 2000, c. 13, s. 30 (8).

Same

(9)  The term of office of the councillors appointed to the first council is as determined by the Minister. 2000, c. 13, s. 30 (9).

Committees

**31** (1)  The council shall establish and maintain the following committees and may establish such other committees as it considers appropriate:

1. A registration committee.

2. A complaints committee.

3. A discipline committee. 2000, c. 13, s. 31 (1).

Panels

(2)  The council may authorize the registration committee, the complaints committee and the discipline committee to sit in panels for the purpose of exercising the committee’s powers and performing the committee’s duties under this Act, if any, and for any other purpose. 2000, c. 13, s. 31 (2).

Same

(3)  A decision of a panel of a committee constitutes the decision of the committee. 2000, c. 13, s. 31 (3).

Powers of first council

(4)  Until the first council establishes each of the committees required by subsection (1), the first council may exercise the powers and shall perform the duties of the applicable committee under this Act. 2000, c. 13, s. 31 (4).

Registrar

**32** (1)  The council shall appoint a Registrar from among the employees of the Association. 2000, c. 13, s. 32 (1).

Same

(2)  The Registrar shall exercise the powers and perform the duties assigned to him or her under this or any other Act. 2000, c. 13, s. 32 (2).

By-laws and fees

**33** The Council may make by-laws relating to the administrative and internal affairs of the Association and, without limiting the generality of the foregoing, may make by-laws establishing fees, specifying the amount of such fees, requiring members and persons applying to become members to pay such fees and exempting persons from paying fees. 2000, c. 13, s. 33.

Annual report

**34** (1)  Each year, the council shall give a report to the Minister containing such information as he or she requires. 2000, c. 13, s. 34 (1).

Same, first council

(2)  Despite subsection (1), the first council is not required to give the Minister an annual report, but shall give the Minister such information as he or she requests at such times as he or she specifies. 2000, c. 13, s. 34 (2).

Powers of the Minister

**35** (1)  The Minister may review the activities of the council and ask the council to undertake activities that, in his or her opinion, are necessary and advisable to carry out the intent of this Act. 2000, c. 13, s. 35 (1).

Same

(2)  The Minister may advise the council with respect to the implementation of this Act and the regulations and with respect to the methods that the council uses or proposes to use to enforce the regulations and to implement its policies. 2000, c. 13, s. 35 (2).

Confidentiality of information

**36** (1)  Every councillor, member of a committee established by the Association or employee of the Association shall keep confidential any information obtained in the course of his or her duties performed under this Act. 2000, c. 13, s. 36 (1).

Exception

(2)  An individual described in subsection (1) may disclose confidential information for the purposes of the administration and enforcement of this Act. 2000, c. 13, s. 36 (2).

Offence

(3)  An individual who knowingly fails to comply with subsection (1) is guilty of an offence and on conviction is liable,

(a) to a fine of not more than $15,000 for a first offence;

(b) to a fine of not more than $30,000 for a subsequent offence. 2000, c. 13, s. 36 (3).

Testimony in civil proceedings

**37** (1)  A councillor, member of a committee established by the Association or employee of the Association cannot be compelled to testify in a civil proceeding with respect to information obtained in the course of his or her duties performed under this Act. 2000, c. 13, s. 37 (1).

Exception

(2)  Subsection (1) does not apply with respect to a proceeding to enforce this Act. 2000, c. 13, s. 37 (2).

Immunity

**38** (1)  No action or other proceeding for damages shall be instituted against the Association, a councillor, member of a committee of the Association or employee or agent of the Association, including an investigator appointed under subsection 22 (1), for any act done in good faith in the performance or intended performance of a duty or in the exercise or intended exercise of a power under this or any other Act or for any alleged neglect or default in the performance or exercise in good faith of such a duty or power. 2000, c. 13, s. 38 (1).

Indemnification

(2)  The Association shall indemnify a person described in subsection (1) for all costs, charges and expenses sustained or incurred by him, her or it relating to an action or other proceeding described in subsection (1), but not for any costs, charges and expenses that are caused by the person’s own wilful neglect or default. 2000, c. 13, s. 38 (2).

General

Offence, false representation

**39** (1)  Every person who makes a representation, knowing it to be false, for the purpose of being registered as a member of the Association is guilty of an offence and on conviction is liable,

(a) to a fine of not more than $10,000 for a first offence;

(b) to a fine of not more than $20,000 for a subsequent offence. 2000, c. 13, s. 39 (1).

Same

(2)  Every person who makes a representation, knowing it to be false, for the purpose of having a certificate of authorization is guilty of an offence and on conviction is liable,

(a) to a fine of not more than $10,000 for a first offence;

(b) to a fine of not more than $20,000 for a subsequent offence. 2000, c. 13, s.  (2).

Public register

**40** (1)  The Registrar shall maintain a public register of information about members and certificate holders. 2000, c. 13, s. 40 (1).

Public access

(2)  Upon request, a member of the public may inspect the register at the head office of the Association during its normal business hours. 2000, c. 13, s. 40 (2).

Information

(3)  The register must contain the following information and may contain such other information as the Association considers appropriate:

1. The name and business address of members and of certificate holders.

2. The name and business address of applicants for membership and applicants for a certificate of authorization.

3. The name and business address of persons who are former members or former certificate holders and who ceased to be a member or certificate holder within the preceding six years.

4. Particulars of any terms, conditions and limitations on an individual’s membership and any variations made to them within the preceding six years.

5. Particulars of the certificate of authorization of a certificate holder, including any terms, conditions and limitations and any variations made to the certificate within the preceding six years.

6. Particulars of any suspension or revocation of a person’s membership or certificate.

7. The results of every disciplinary proceeding completed within the six preceding years in which,

i. a member or certificate holder was reprimanded,

ii. a member or certificate holder was required to pay a fine, or

iii. a person’s membership or certificate was revoked, suspended or had terms, conditions or limitations imposed on it.

8. Such other information as may be prescribed. 2000, c. 13, s. 40 (3).

Continuing disciplinary powers

**41** (1)  Even though an individual ceases to be a member of the Association, disciplinary proceedings may be initiated or continued under this Act with respect to his or her conduct while he or she was a member. 2000, c. 13, s. 41 (1).

Same, certificate holders

(2)  Even though a corporation, partnership or other entity ceases to be a certificate holder, disciplinary proceedings may be initiated or continued under this Act with respect to its conduct while it was a certificate holder. 2000, c. 13, s. 41 (2).

Same

(3)  For the purposes of subsections (1) and (2), the discipline committee may exercise its powers and perform its duties with respect to an individual who is no longer a member and a corporation, partnership or other entity that is no longer a certificate holder. 2000, c. 13, s. 41 (3).

Evidence

**42** (1)  A statement purporting to be certified by the Registrar as a statement of information from the records kept by the Registrar in the course of his or her duties is admissible in any proceeding as proof, in the absence of evidence to the contrary, of the information, without proof of the Registrar’s appointment or signature. 2000, c. 13, s. 42 (1).

Same

(2)  A copy of a document or record that is certified by an investigator appointed by the Association to be a true copy of it is admissible as evidence in any proceeding to the same extent as the original document or record and has the same evidentiary value as the original document or record. 2000, c. 13, s. 42 (2).

Regulations

**43** (1)  Subject to the approval of the Minister, the council may make regulations,

(a) respecting eligibility for membership, standards relating to the practice of the profession, including education requirements for members, and the discipline of members and certificate holders, including what constitutes professional misconduct;

(b) prescribing such things as this Act requires or permits to be prescribed or to be done by regulation;

(c) prescribing classes of individuals who are exempt from subsections 3 (1) and (2) (prohibitions re practice of professional geoscience), prescribing classes of membership and certificates of authorization and imposing terms, conditions and limitations on any class;

(d) setting out criteria for determining what constitutes qualifying work experience for the purposes of subsection 9 (2) (eligibility for membership);

(e) prescribing circumstances in which an individual is not eligible to be a member or a corporation, partnership or other entity is not eligible to hold a certificate of authorization;

(f) prescribing information to be included in the public register maintained by the Registrar;

(g) making any provision of the Not-for-Profit Corporations Act, 2010 and Corporations Information *Act* applicable to the Association, with such modifications as the Council considers necessary or advisable;

(h) prescribing any matter that is necessary for furthering the Association’s objects and is in the public interest. 2000, c. 13, s. 43 (1); 2017, c. 20, Sched. 8, s. 122 (2).

Same, Minister

(2)  The Minister, acting alone, may make any regulation that the council (subject to the Minister’s approval) has the authority to make under subsection (1). 2000, c. 13, s. 43 (2).

Same

(3)  A regulation made by the Minister under subsection (2) prevails over a regulation made under subsection (1), and may amend or revoke a regulation made under subsection (1). 2000, c. 13, s. 43 (3).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 122 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s122s2) - 19/10/2021

**44** Omitted (provides for coming into force of provisions of this Act). 2000, c. 13, s. 44.

**45** Omitted (enacts short title of this Act). 2000, c. 13, s. 45.

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[Back to top](#Top)